

**CITY OF FEDERAL WAY**

**CITY COUNCIL**

**RULES OF PROCEDURE**

**ADOPTED  
JANUARY 21, 1992**

**Amended**

**March 17, 1992**

**May 19, 1992**

**July 21, 1992**

**December 15, 1992**

**April 20, 1993**

**January 18, 1994**

**June 7, 1994**

**September 21, 1994**

**December 6, 1994**

**November 16, 1999**

**February 19, 2002**

**February 19, 2003**

**April 6, 2004**

**March 7, 2006**

**May 15, 2007**

**September 18, 2007**

**March 3, 2009**

**February 16, 2010**

**November 23, 2010**

**December 7, 2010**

**February 1, 2011**

**March 1, 2011**

**February 7, 2012**

**November 3, 2015**

**March 15, 2016**

**March 7, 2017**

**March 5, 2019**

**February 18, 2020**

**January 4, 2022**

**March 15, 2022**

**OFFICE OF THE CITY CLERK**

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## **SECTION 1. AUTHORITY**

- 1.1** The Federal Way City Council hereby establishes the following Rules of Procedure (“Rules”) for the conduct of Council meetings, proceedings and business. These Rules will be in effect upon adoption by the Council and until such time as they are amended or new Rules are adopted.

## **SECTION 2. COUNCIL MEETINGS**

### **2.1 TYPES OF MEETINGS**

(a) Regular Meetings

Council's regular meetings will be held the first and third Tuesdays of each month in Council Chambers, City Hall with the exceptions outlined below

Regular meetings of Council will begin at 6:30 p.m., and will adjourn no later than 10:00 p.m. To continue past this time of adjournment, a majority of the Council must concur.

If any Tuesday on which a meeting is scheduled falls on a legal holiday or election night, the meeting will be held at 6:30 p.m. on the first business day following the holiday, or on another day designated by a majority vote of the Council.

In the month of August, one regular meeting of Council will be held on the second Tuesday of the month in lieu of meetings on the first and third Tuesdays.

Unless a majority of Council votes otherwise, the second regular meeting of Council in December (on the third Tuesday) will not be held.

(b) Special Meetings

A special meeting of Council is any Council meeting other than a regular meeting. Notice will be given at least 24 hours in advance of any special meeting specifying the time and place of the meeting and the business to be transacted. A Special Council meeting may be called by the Council President, the Mayor, or a majority of the Council Members.

(c) Study Sessions

Council study sessions will be held as needed as directed by the Council President, the Mayor, or by two (2) or more Council Members.

Study sessions will be informal meetings for the purpose of reviewing prospective programs, receiving progress reports on current programs or projects, or to consider a topic in greater detail than time might allow at a regular or special meeting.

No final action on a topic may be taken at a study session. Action on topics of study sessions will be taken at a regular or special meeting of Council.

(d) Emergency Meetings

An emergency meeting is a special meeting of Council called without 24-hour notice. An emergency meeting will be held only when immediate action of Council is necessary to avoid or mitigate injury to persons or property and when 24-hour notice of a special meeting is likely to increase the likelihood of such injury. Emergency meetings may be called by the Mayor or a majority of Council Members. The minutes will indicate the reason for the emergency meeting.

(e) Executive Session of Council

An executive session is that portion of a Council meeting that is closed to the public and attended by the Council, the Mayor and necessary staff members and/or consultants. Executive sessions may be held during Regular or Special Council meetings. Prior to entering an executive session, the chair of the meeting will publically state the legal basis for the executive session and the estimated time that the meeting will be closed to the public. Should the estimated time of the executive session be exceeded, a public announcement will be made that the executive session is being extended. State law limits the topics that may be discussed in executive sessions and include such topics as real property acquisition and sale, public bid contract performance, complaints against public officers and employees, public employment applications and public employee evaluation, elective office appointments and attorney-client discussions.

(f) Retreats

The annual retreat will be scheduled before March 1 of each year. Council may request that the Mayor schedule a mid-year retreat at its discretion.

## **2.2 ORDER OF REGULAR COUNCIL MEETING AGENDA**

(a) Call Meeting To Order

The Mayor calls the meeting to order. The Mayor will announce the attendance of Council Members and indicate any Council Member who is not in attendance and whether or not the Council Member's absence is excused. The Mayor may, with the concurrence of the Council, take agenda items out of order. Agenda items may be added pursuant to Rule 3.3 of these Rules.

(b) Pledge of Allegiance

Council Members or invited guests lead the flag salute.

(c) Mayor - Emerging Issues and Report

(d) Public Comment

Members of the audience may comment on items relating to any matter, except for topics prohibited by RCW 42.17A.555 (prohibiting the use of facilities of a public office to support or oppose a ballot measure or an election campaign for public office). Public comment sign-up sheets will be available at each regular council meeting for the use of those members of the public wishing to address the Council. Members of the public are encouraged to begin their comments by stating their name and explaining their connection to the City of Federal Way. Comments are limited to three (3) minutes, except the follow will be allowed five (5) minutes:

- a person whose property is the subject of a condemnation ordinance then pending before the City Council;
- a person speaking on behalf of a group of more than five (5) in attendance;
- a person speaking with written proof that more than five (5) other people have designated the speaker as spokesperson.

No speaker may convey or donate his or her time to another speaker.

The Mayor may allow public comment on individual agenda items at times during the meeting other than the regularly scheduled Public Comment period. These agenda items include, but are not limited to, ordinances, resolutions and Council Business issues. (See also Section 5, "Public Comment" of these Rules.)

(e) Proclamations and Presentations

- i. A Proclamation is defined as an official announcement made by either the City Council or the Mayor.

City Council Proclamations are defined as those non-controversial events that have a major citywide impact. City Council Proclamations will be publicly read at a City Council meeting and presented to a representative of the event during the Council meeting.

Mayor's Proclamations are defined as those non-controversial events which are requested by and for a special interest group within the City. Mayor's

Proclamations are signed by the Mayor and forwarded to a representative of the event.

Controversy is defined as a dispute, especially a lengthy and public one, between sides holding opposing views.

The Mayor, Council President, and Deputy Mayor will determine together if a Proclamation request is for a City Council Proclamation or a Mayor's Proclamation.

Council Members may request that a Council Proclamation be added to a regular meeting agenda by submitting a draft of the proposed text of the Proclamation to the Council President or Mayor prior to the agenda setting meeting outlined in Section 3 of these rules. Council Members who propose a Proclamation must identify a person to receive the proclamation no later than noon on the Thursday before the meeting where it is to be presented.

ii. Council Committee and Regional Committee Reports

iii. Deputy Mayor Report

iv. Council President Report

(f) Consent Agenda

Consent Agenda items have either been previously considered by a City Council Committee or are considered to be routine and non-controversial and may be approved by one motion. Any Council Member may remove an item from the Consent Agenda for separate discussion and action.

(g) Public Hearings

See Section 12 of these Rules for discussion of public hearing procedures.

(h) Council Business

Council Business items are those items other than items on the consent agenda, resolutions, and ordinances requiring Council action.

(i) Ordinances

i. First Reading.

Discussion and debate by the City Council may be held at this time. Council Members may request amendments to the ordinance or direct staff to further review the ordinance.

Public Comment in accordance with Rule 2.2(d) above will be accepted at First Reading of all Ordinances, unless there is a public hearing on the topic during the same meeting.

ii. Second Reading and Enactment.

Council Members approve the ordinance for enactment as an enforceable City law.

iii. Mayor's Action.

Upon successful passage of an ordinance, the Mayor may:

- A. Approve the ordinance as passed by Council and sign the ordinance; or,
- B. Veto the enacted ordinance by submitting written objections to the City Clerk and the City Council within ten (10) calendar days; or,
- C. Not sign the ordinance, which will then become valid after ten (10) calendar days have elapsed.

iv. Council Response to a Mayoral Veto.

- A. Upon receiving notice of a veto with written objections, the City Council may amend the agenda of the next City Council meeting to have the written objections read into the record during Council Business. The City Council may then take action at the City Council meeting or at the following City Council meeting. City Council may respond to a veto by:
  - I. Reconsidering and modifying the enacted ordinance to incorporate solutions to the Mayor's written objections; or
  - II. Override the Mayor's veto by a vote of five (5) Council Members (a majority plus one).
- B. If the Mayor does not sign an ordinance within ten (10) days of passage, the Council President will sign the ordinance.

v. Publication of the Ordinance

The City Clerk will publish the enacted ordinance title in the official newspaper, which will establish the effective date, after final action by the Mayor or the City Council.

(j) City Council Reports

Council Members may report on significant activities since the last meeting.

(k) Executive Session

Executive session may be held in accordance with Rule 2.1(e) above.

(l) Adjournment

With no further business to come before the Council, the Mayor adjourns the meeting.

### **2.3 MEETING MINUTES**

The City Clerk will keep an account of all proceedings of the Council in accordance with state and local law. These minutes will constitute the official record of the Council. With the exception of scrivener's errors, official City Council meeting minutes will not be revised without a majority vote of the Council at a regular meeting of Council.

### **2.4 COUNCIL MEMBER SEATING**

City Council Members and the Mayor will be seated at the dais in the following order (counting from left to right when facing the dais from the audience):

- (a) The Mayor and Council President will sit in chairs #4 and #5, respectively (the center seats at the dais); the Deputy Mayor will sit in chair #3.
- (b) The remaining Council Members will be seated consecutively from left to right when facing the dais from the audience with position #1 being in chair #1, position #2 being in chair #2, and so on.

## **SECTION 3. AGENDA PREPARATION**

**3.1** The City Clerk will prepare an agenda for each Council meeting specifying the time and place of the meeting and a list of each item to be considered by the Council.

**3.2** The agenda is subject to approval by the Council President, Deputy Mayor, and one Committee Chair. The assignment of the Committee Chair will be for one year. Should the designated Committee Chair decline the assignment, the assignment will fall to the next Chair in order. The Committee Chair tasked with assisting the Council President and Deputy Mayor in approving the agenda will be assigned in the following order:

- Finance/Economic Development/Regional Affairs Committee

- Land Use/Transportation Committee
- Parks/Recreation/Human Services & Public Safety Committee

**3.3** An item may be placed on a Council meeting agenda by:

- (a) A majority vote of the Council;
- (b) Council Consensus;
- (c) By any two (2) Council Members;
- (d) By the action of a Council Committee; or
- (e) By the Mayor

**3.4** The proposed agenda will be provided to all City Council Members no less than 48 hours prior to publication.

**3.5** The City Clerk will publish the final agenda no later than 5:00 p.m. on the Thursday prior to the Council meeting. The complete Council packet will be published no later than 5:00 p.m. on the Friday prior to the Council meeting.

**3.6** A majority of Council may vote to amend a regular meeting agenda after it has been published. Such amendments to the agenda must occur at the start of the public meeting. Any alteration of a special meeting agendas must be publicized at least 24-hours before the scheduled meeting.

**3.7** Legally required or publicly advertised Public Hearings will take precedence over other agenda items.

**3.8** All agenda packets and agenda items will be in the format provided by the City Clerk's Office.

## **SECTION 4. COUNCIL DISCUSSION**

**4.1** All Council discussion will be governed by Robert's Rules of Order, Newly Revised. Where there is a conflict between Robert's Rules of Order and these rules, these rules will control.

## **SECTION 5. PUBLIC COMMENT**

- 5.1** Persons addressing the Council, who have not been invited to present as part of the formal agenda, will be requested to step up to the podium, give their name for the record, and limit their remarks to three (3) minutes. A person speaking on behalf of a group of more than five (5) in attendance or written proof that more than five (5) designate as spokesperson may speak for five (5) minutes. No speaker may convey or donate his or her time to another speaker. All remarks will be addressed to the Council as a whole, and not to individuals such as City staff members, Council Members or the Mayor. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be corrected by the chair or removed from the meeting.
- 5.2** Written comments received prior to the start of the meeting will be accepted by the City Clerk. The City Clerk will forward the written comment to the City Council and upload them to the city website. Written comments should be succinct and should not take longer than 3 minutes to be read.
- 5.3** The Mayor has the authority to enforce these Rules, preserve order at all meetings of the Council, and to cause the removal of any person from any meeting for disorderly conduct. The Mayor may command assistance of any peace officer of the City to enforce all lawful orders of the Mayor to maintain order at any meeting.
- 5.4** Members of the public with complaints, concerns or questions, should be encouraged to refer the matter to the Mayor, or ask that the matter be placed on a future City Council meeting, or Council Committee agenda with the appropriate background information. Any member of the public who voices a concern or complaint at a City Council meeting that involves a potential violation of the City's Code of Ethics will be advised by the Council, the Mayor or City staff, of the existence of the City's Ethics Board, and of the procedures for requesting Ethics Board opinions or investigations from the Ethics Board.

## **SECTION 6. MOTIONS**

- 6.1** If a motion that requires a second does not receive a second, it dies. Examples of motions that do not need a second include: nominations, withdrawal of motion, agenda order, request for a roll call vote, and points of order.
- 6.2** A motion related to the passage of an ordinance, grant, or revocation of a franchise or license, or any resolution for the payment of money that receives a tie vote is deemed to have failed. Otherwise, the Mayor may vote to break a tie vote as outlined in RCW 35A.12.100.
- 6.3** Motions should be made clearly and concisely, outlining the proposed action to be taken. Arguments in support of the motion should not be included in the motion.

- 6.4** After a motion and second, the Mayor will state the names of the Council Members making the motion and second.
- 6.5** After a motion has been made and seconded, the Council may discuss their opinions on the issue prior to voting. Council may question staff to seek their opinions on the likely consequences of a proposed course of action. No further public comments may be heard while there is a motion and a second on the floor, unless allowed by the Mayor.
- 6.6** When the Council reaches consensus without a formal vote on a topic that does not require a formal vote, the Mayor will summarize the agreement at the conclusion of the discussion.
- 6.7** A motion may be withdrawn by the maker of the motion, at any time, without the consent of the Council.
- 6.8** A motion to table is used to set aside a pending motion to handle business that is more pressing. A motion to table may not interrupt the speaker that has the floor. It requires a second and a majority vote. It is not debatable, but it is proper (and often required for the member to briefly explain the reason for the motion). If the motion to table prevails, the motion and all pending amendments to the motion are set aside to be considered at a future time when it is “taken from the table.” A tabled motion may be taken from the table at any time during a regular meeting before it expires at the end of the next regular meeting. If an item is not taken from the table before the adjournment of the next regular session, the motion fails.
- 6.9** A motion to postpone to a certain time is the preferred method of postponing consideration of an issue to a future time. It is debatable as to the reason for the postponement but not to the merits of the main motion. It is amendable and may be reconsidered at the same meeting.
- 6.10** A motion to postpone indefinitely ends consideration of the main motion without taking a direct vote on the merits of the main motion. It is debatable as to the reason for the postponement as well as to the merits of the main motion. It is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote.
- 6.11** A motion to call for the question closes debate on the main motion and is undebatable. This motion requires a second and requires a two-thirds (2/3) majority to pass. Debate continues normally if the motion fails.
- 6.12** A motion to amend the motion is to insert or add, strike out, strike out and then insert, or substitute language in the motion it seeks to modify. Motion to amend requires a second and a majority vote.

Motions that cannot be amended include: Motion to adjourn, agenda order, lay on the table, roll call vote, point of order, reconsideration and take from the table. A motion to amend an amendment is not in order.

- 6.13** A pending motion to amend is voted on first, then the main motion as amended is voted on (if the amendment received an affirmative vote).
- 6.14** The motion maker, Mayor or City Clerk should repeat the motion prior to voting.
- 6.15** At the conclusion of any vote, the Mayor or City Clerk will announce the results of the vote.
- 6.16** When a question has been decided, any Council Member who voted in the majority may move for reconsideration. A motion for reconsideration of a vote made after the meeting has adjourned is out of order.
- 6.17** The City Attorney will decide all questions of interpretations of these Rules and other questions of a parliamentary nature that may arise at a Council meeting. (See Section 4 of these Rules.) All cases not provided for in these Rules will be governed by Robert's Rules of Order, Newly Revised. In the event of a conflict, these Rules will prevail.
- 6.18** Roll call votes will be taken during all televised Council meetings on non-unanimous votes, or if requested by a Council Member, or as required by law. The purpose of roll call votes is to assist the City Clerk in recording the vote and to communicate to the viewing public during televised City Council meetings the outcome of the vote. The official meeting minutes will always reflect roll call votes on each action item.
- 6.19** The Mayor's decision on a point of order may be appealed. If seconded, the appeal will be voted on by the Council. An appeal may not be amended, is not debatable when it relates to breaches of decorum, violations of the rules of speaking, the priority of business, or if the appeal is made while a previous question remains pending. An appeal is not in order when another appeal is pending.

## **SECTION 7. ORDINANCES**

- 7.1** All ordinances will be prepared or reviewed by the City Attorney. No ordinance will be prepared for presentation to the Council, unless requested by a majority of the Council, the Mayor, or the City Attorney.
- 7.2** Ordinances will be introduced and enacted by Council Bill Number. After enactment, the City Clerk will assign a permanent ordinance number.
- 7.3** The City Clerk or designee will read the title of the ordinance prior to voting.
- 7.4** Upon enactment of the ordinance, the City Clerk will obtain the signature of the City Attorney. After the City Attorney's signature, the City Clerk will obtain the signature of the Mayor. After the Mayor's signature, the City Clerk will sign the ordinance.

- 7.5** If the Mayor vetoes an ordinance with written objections to Council, the Council may vote on the disputed ordinance at the next City Council meeting. If a majority plus one of Council vote to approve the disputed ordinance, it becomes effective in accordance with the effective date in the ordinance. If a majority plus one of the Council does not approve the disputed ordinance, it fails.
- 7.6** Ordinances, or ordinance summaries, will be published in the official newspaper immediately following enactment.
- 7.7** Ordinances become effective thirty (30) days after the passage of the ordinance unless otherwise specified in the body of the ordinance.

## **SECTION 8. PRESIDING OFFICER**

- 8.1** The Presiding Officer at all meetings of the Council will be the Mayor, and in the absence of the Mayor, the Council President will act in that capacity. If both the Mayor and Council President are absent, the Deputy Mayor will preside. If the Mayor, Council President, and Deputy Mayor are absent the Council Members present will elect one of its members to serve as Presiding Officer until the return of the Mayor, Council President, or Deputy Mayor.
- 8.2** The Presiding Officer will:
- (a) Preserve order and decorum in the Council chambers;
    - i. Because the City Council seeks to maintain order at meetings and to create an environment where competing opinions can be expressed without fear or intimidation from those with opposing views, spontaneous exclamations of approval or disapproval of a particular speaker's comments to include clapping, booing, or other audible or visual displays of approval or disapproval will not be allowed. Applause are welcome in response to City Council accolades, awards, or other forms of City recognition of groups or persons.
  - (b) Observe and enforce these Rules;
  - (c) Decide all questions on order, in accordance with these Rules, subject to appeal by any Council Member;
  - (d) Recognize Council Members in the order in which they request the floor.
  - (e) The Presiding Officer, when a Council Member acts as Presiding Officer, that Council Member will be governed in all matters and issues by the same rules and restrictions as other Council Members.

## **SECTION 9. COUNCIL RELATIONS WITH CITY STAFF**

- 9.1** There will be mutual respect from both City staff and Council Members of their respective roles and responsibilities when, and if, expressing criticism in a public meeting.
- 9.2** City staff will acknowledge the Council as policy makers, and the Council Members will acknowledge City staff as administering the policies of the City.
- 9.3** All written requests for information from Council Members will be submitted by City staff, after approval of the Mayor, to all Council Members with a notation indicating which Council Member requested the information.
- 9.4** Council Members will not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits.
- 9.5** The Council will not attempt to directly control the operating rules and practices of any City department.
- 9.6** Mail that is addressed to the Council as a whole will be copied and circulated to all City Council Members by the City Clerk, as soon as practicable after it arrives.
- 9.7** The City Clerk will not open mail addressed to individual Council Members if it is marked personal and/or confidential.
- 9.8** No Council Member will direct the Mayor to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Council. New initiatives that implicate City policy will be directed to a Council Committee for consideration.
- 9.9** Individual Council Members may make direct requests for information to department directors. Requests that will create a change in work assignments or City staffing levels must be made through the Mayor.
- 9.10** Whenever practicable, Council Members will provide staff advance notice of any questions or concerns they have regarding an agenda item or topic of debate prior to asking those questions or expressing those concerns in a public meeting.

## **SECTION 10. COUNCIL MEETING STAFFING**

- 10.1** The Mayor will preside over all regular meetings of the Council unless excused. The Mayor may make recommendations to the Council. When the Mayor has an excused absence, the Council President will preside over the meeting.

- 10.2** The City Attorney will attend all meetings of the Council unless excused, and will, upon request, give an opinion, either written or oral, on legal questions. The City Attorney will act as the Council's parliamentarian. The Deputy or Assistant City Attorney will attend meetings when the City Attorney has been excused.
- 10.3** The City Clerk, or designee, will attend regular and special meetings of the Council, keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting.

## **SECTION 11. COUNCIL MEMBER ATTENDANCE AT MEETINGS**

### **11.1 EXCUSED ABSENCES**

Excused absences are defined as follows:

(a) Death of immediate family member

“Immediate Family” is defined as the Council Member’s parent, spouse or domestic partner, child, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparent, grandchild, aunt, uncle, or the step-relation equivalent to those listed.

(b) Illness

Illness of a Council Member or of an immediate family member, as defined above, requiring the member to personally attend and care for the immediate family member provided that the illness does not necessitate an absence longer than six (6) months.

(c) Three nonconsecutive absences

Three (3) nonconsecutive absences per calendar year provided that prior notice is given to as referenced in Rule 11.3.

(d) Absences for Council Business

A Council Member who is absent because of other commitments representing Council or because of circumstances beyond the Council Member’s control, such as due to traffic, weather, or an accident.

### **11.2 VACANCY OF OFFICE**

A Council position shall become vacant if the councilmember fails to attend three (3) consecutive regular meetings of the council without being excused by the council. (RCW 35A.12.060)

**11.3** Council Members will inform the Mayor, the Council President, or City Clerk if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting. The minutes will show the Council Member as having an excused absence.

#### **11.4 ATTENDANCE FROM A REMOTE LOCATION**

- (a) Purpose. The City Council recognizes the benefits of the fullest practicable attendance and participation by its Members and by the Mayor and hereby allows attendance from a remote location of regular, special, and committee meetings of Council through the use of electronic two-way communication methods such as speakerphones or internet communication platforms. Attendance from a remote location is not permitted for executive sessions.
- (b) Effect. Votes cast by the Council Member attending remotely will have the same effect as votes cast by members physically present at the meeting. The Presiding Officer must be physically present at the meeting.
- (c) Intent. Attendance from a remote location is intended to be an alternative and relatively infrequently-used method for participation at meetings by Members of the Council.
- (d) Limit. Only three Council Members may attend any City Council meeting by remote communication. Council Members intending to participate in a meeting from a remote location should let the City Clerk know as soon as possible of their intention. The City Clerk will confirm that one of the three remote connections is still available for that specific meeting.  
  
Only two Council Members may attend any Council Committee meeting by remote connection. Council Members intending to participate in a meeting from a remote location should let the staff assigned to support the Committee know as soon as possible of their intention to attend remotely. Staff will confirm that one of the two remote connections is still available for that specific meeting.
- (e) System Requirement. All communication to and from the remote location must be clearly heard by all others in attendance.
- (f) Protocol. In any meeting involving remote attendance, at the beginning of meeting the Presiding Officer will inform all present that a particular Member of the Council or Mayor is attending remotely via electronic means and confirm that all participants can hear each other clearly. This confirmation will be recorded in the meeting minutes.

If the Council Member or Mayor who is attending from a remote location will not be participating through the entire meeting, the presiding officer will announce through what portion attendance by remote location will occur.

If remote communication is irreparably broken or significantly degraded during the meeting; the presiding officer will confirm the loss of the connection and close the remote attendance. The Presiding Officer will at this time state if quorum for the meeting has been affected by the loss of the connection.

## **SECTION 12. PUBLIC HEARINGS**

### **12.1 TYPES**

There are two types of public hearings: legislative and quasi-judicial. The Mayor will state the public hearing procedures before each public hearing. Members of the public may comment on public hearing items.

### **12.2 LEGISLATIVE PUBLIC HEARINGS**

The purpose of a legislative public hearing is to obtain public input on legislative decisions on matters of policy such as comprehensive land use plan or the biennial budget.

### **12.3 QUASI-JUDICIAL PUBLIC HEARINGS**

The purpose of a quasi-judicial public hearing is to decide the rights of specific parties and include, certain land use matters such as site-specific rezones, preliminary plats, and variances. The City Council's decision on a quasi-judicial matter must be based upon and supported by the "record" in the matter. The record consists of all testimony or comment presented at the hearing and all documents and exhibits that have been submitted as part of the public comment process. In quasi-judicial hearings, Council Members will comply with all applicable laws including the appearance of fairness doctrine (Chapter 42.36 RCW).

**APPEARANCE OF FAIRNESS.** The Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but is meant to avoid an appearance of conflict of interest to the average person. This may involve the Council Member or a Council Member's business associate, or immediate family. It could involve *ex parte* (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents and/or opponents before or after the hearing, business dealings of the Council Member's employer with the proponents and/or opponents, announced predispositions, and the like. Prior to any quasi-judicial hearing, each Council Member should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If so, no matter how remote, the Council Member should disclose the facts to the Mayor who will seek the opinion of the City Attorney, which will be communicated to the Council Member and the Mayor.

## **SECTION 13. MEDIA ATTENDANCE AT COUNCIL MEETINGS**

- 13.1** All public meetings of the City Council, Council Committees, and Council advisory bodies are open to the media. Media representatives may freely make audio or video recordings of Council Meetings, provided that it does not interfere with the orderly conduct of the meeting. Seating space will be provided for the media at public meetings.

## **SECTION 14. COUNCIL REPRESENTATION AND SOCIAL MEDIA USE**

- 14.1** All public communications should model the same professional behavior expected during Council meetings or community meetings, and reflect favorably on the speaking Council Member, the City Council as a whole, and the City.

If a Council Member appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Council Member will state the majority position of the Council, if known, on such issue. Personal opinions and comments that differ from the Council majority may be expressed if the Council Member clearly states that the views expressed do not represent those of the City Council or the City of Federal Way.

- 14.2** Council Members need to have other Council Members' permission before representing to media, another governmental agency, a community organization or to any third party: (1) another Council Member's view or position; or (2) the majority of Council's view or position.

### **14.3 SOCIAL MEDIA**

Social media posts such as blogs, Facebook, and Twitter may be used by Council Members to communicate with the public, provided the following guidelines are used:

- (a) To comply with the Public Records Act (PRA), Council Members will follow those archiving procedures outlined in Rule 17.3 Social Media Records.
- (b) Social media will not be used to conduct City Council business other than to informally communicate. Public notices, items of legal or fiscal significance that have not been released to the public, and discussion of quasi-judicial matters may not be included in Council Member social media posts.
- (c) Responses to social media posts will be limited by the provision of the Open Public Meetings Act so as not to constitute an open public meeting if a quorum of the City Council was to participate.

- (d) In order to demonstrate openness and willingness to listen to the entire community, Council Member posts on social media sites should be made through a public-facing page or by marking individual posts available to the public as a whole.
- (e) Disclaimers, per Rule 14.4 are used.
- (f) If a Council Member makes a factual error in a public communication, they should correct the error as soon as possible. Blog posts may be corrected by amending a previous post with a note that a correction was made.

Council Members are encouraged to maintain social media sites with settings that can restrict a user's ability to comment in order to avoid inadvertent discussion that may violate the Open Public Meetings Act.

#### **14.4 SOCIAL MEDIA DISCLAIMERS**

Social media postings will include, or reference a link to, disclaimers that state:

- (a) The views expressed represent the views of the author and may not reflect the views of the Federal Way City Council or official City policy.
- (b) Responses to the communication by other Council Members may be limited by the provision of the Open Public Meetings Act under which a policy discussion must be held in an open public meeting if a quorum of the City Council participates.
- (c) Comments posted in response to a Council Member-initiated communication may be subject to public disclosure under the Washington State Public Records Act.

### **SECTION 15. CONFIDENTIALITY**

**15.1** Council Members will keep confidential all written materials and verbal information, including but not limited to the topic(s) and/or the substance, provided to them during executive sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Council Members outside of executive sessions when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington (RCW 42.23.070(3)).

**15.2** If the Council, in executive session, has provided direction or consensus to City staff on proposed terms and conditions for any type of issue, all contact with the other party should be done by the designated City staff representative handling the issue. Council Members should obtain the permission of the majority of Council prior to discussing the information with anyone other than other Council Members, the Mayor, the City Attorney or City staff designated by the Mayor. Any Council Member having any contact or discussion with a third party related to a confidential communication will make full disclosure to the City Council in a timely manner.

- 15.3** If a Council Member believes a topic or discussion in executive session is improper, the Council Member may refuse to participate and leave the executive session and say nothing outside of the executive session.

## **SECTION 16. COUNCIL TRAVEL AND EXPENSES**

### **16.1 PURPOSE AND ADMINISTRATION**

The objectives of this policy are to provide elected officials who incur authorized travel, subsistence, registration, and related expenses while on city business, reasonable and timely mechanisms for the reimbursement and/or the advancement of such necessary funds, as well to provide guidelines governing what types of expenses are reimbursable to the Council Member.

Claimants have the responsibility for becoming knowledgeable about authorized expenditures and the documentation requirements. Care must be taken to avoid unnecessary or excessive expenditures and those not directly and reasonably related to the conduct of City business.

### **16.2 DOCUMENTATION**

Except for per diem allowances, no claim for reimbursement will be paid unless it is accompanied by a vendor's receipt. Such receipts should show the date, a description of the purchase, vendor identification and amount paid.

### **16.3 CLAIMS**

Claims for reimbursement will contain the following:

- (a) The name of the person who consumed the goods or used the service for which reimbursement is requested, whether it be for meals, lodging, transportation or any other purpose; and
- (b) A description of the event, occasion or circumstances related to the claim and the public policy or public purpose served.

### **16.4 MEALS**

Meal costs must be incurred directly by the claimant; direct billing to the City by a restaurant is prohibited except by way of an authorized City credit card.

Payment for table service at a restaurant, commonly referred to as a tip, not to exceed 15% of the restaurant price of the meal, is reimbursable as a reasonable and necessary cost for such service.

#### **16.5 PER DIEM SCHEDULE OF REIMBURSABLE MEAL COSTS**

The reasonable cost of necessary meals while conducting City business is authorized for reimbursement.

All City officials claiming reimbursement for meals consumed while on City business will be entitled to reimbursement not to exceed the per diem rate as established by the Mayor and modified from time to time.

Notwithstanding the per diem rate, actual meal costs may be claimed when they are part of a regularly scheduled business event such as a training seminar, professional meeting, or other business meeting.

If the costs of meals for persons other than the claimant are included, unless otherwise approved by the Mayor or designee, those persons must be entitled to meal reimbursement in their own right and they will be listed by name and title in claim documentation.

#### **16.6 NON-REIBURSABLE MEAL COSTS**

Non-reimbursable meal costs include, but are not limited to:

- (a) Alcohol.
- (b) Expenses of a spouse or other persons not authorized to receive reimbursement under this policy.

#### **16.7 TRAVEL**

Reimbursement for reasonable costs of business travel is authorized.

#### **16.8 CITY VEHICLE**

Out-of-the-area costs of vehicle operation such as gas, oil, tires, and necessary repairs are authorized.

#### **16.9 PERSONAL VEHICLE**

Expenses will be reimbursed for travel within a 300-mile radius of the City at such rate per mile as will be established from time to time by the Mayor, but not to exceed the then current maximum rate allowed by the United States Internal Revenue Service for reimbursement of such expenses for purposes of business travel expense deductions. Trips beyond this limit will be reimbursed at the lower of: (1) the established rate per mile; or (2) the lowest

available airfare obtainable by the City plus mileage reimbursement at the then current City rate, based upon the estimated distance between the airport and the destination. Incidental travel costs such as parking, ferry or bridge tolls are reimbursable as they would be if a City vehicle was provided.

#### **16.10 RENTAL VEHICLE**

The cost of vehicle rental is considered an exception to this policy and must be approved by the Council President or designee in writing. Council Members will accept optional additional insurance coverage offered by the rental agency as part of the rental agreement.

#### **16.11 AIR TRAVEL**

Arrangement for air travel on City-related business will be arranged as outlined below:

- (a) Whenever feasible, air travel arrangements should be made at least 5 weeks in advance of the departure date.
- (b) The authorized procurer will arrange for air travel based on the lowest available airfare for a regularly scheduled flight that reasonably accommodates the time of travel requested, and the destination as specified.
- (c) The authorized procurer will purchase the tickets at the time the rate is quoted and the Council Member will be advised of the arrangements for acquiring the tickets.
- (d) If personal travel is combined with business-related travel, the traveling Council Member will be responsible for paying the increase in airfare necessary to accommodate the personal part of the flight. The City will pay the lowest available airfare for the round trip between the Seattle/Tacoma airport and the business-related destination. Such payment for personal travel will accompany the City's payment to the vendor for the tickets whenever feasible.
- (e) If changes in travel plans occur that are the result of City business requirements, (i.e. delays in departure, cancellations, extended stays, or revised itinerary) any associated costs will be paid by the City. However, all increase in cost of travel due to changes for personal convenience will be borne by the Council Member.
- (f) Officials who obtain airline tickets on their own will be reimbursed based on the lower of: (1) Actual out-of-pocket cost paid for the airline tickets or alternate means of transportation (substantiated by a receipt); or (2) the lowest airfare available for their time of travel, unless an exception is granted in writing by the Council President or designee. In this case, the official must pay the cost of the travel and seek reimbursement along with all other travel expenses. Direct billing of airfare to the City is allowed only if ordered by the City staff, as may be authorized by the Council President.

## **16.12 FIRST CLASS AIR TRAVEL**

First class air travel is not authorized.

## **16.13 OTHER TRAVEL EXPENSES**

Miscellaneous travel costs such as bus, taxi, bridge or other tolls, parking, ferry, porter, bellman and the like (not including any maid service) are authorized by a listing of same as provided by the reimbursement form. Payment of a reasonable amount for porter service, bellman service and the like is considered to be a necessary payment for such service and, therefore, reimbursable.

## **16.14 VENDOR'S RECEIPT**

A vendor's receipt will be required only when the single item cost exceeds \$10.00.

Local parking, ferry and bridge tolls may be reimbursed through the petty cash system, subject to the Petty Cash Guidelines.

## **16.15 OUT-OF-STATE OR OVERNIGHT TRAVEL**

To be eligible for any City reimbursement for out-of-state and/or overnight travel expense, the one-way travel distance must be greater than 50 miles from the City or home.

## **16.16 ACCOMMODATIONS**

Reasonable hotel/motel accommodations for officials are acceptable and will be reimbursed at the single room rate. A vendor's receipt for this category is required for all claims. Direct billing of hotel/motel charges is not allowed unless by way of an authorized City credit card.

## **16.17 INCIDENTAL EXPENSES**

Includes all reasonable and necessary incidental expenses and includes, but is not limited to, the following:

- (a) Allowable Incidental Expenses:
  - Laundry expenses if away from home four (4) or more calendar days
  - Baggage checking
  - Business telephone and postage expenses. Personal telephone calls home, if away from home for more than a 24-hour duration, are considered a business telephone expense

- (b) Non-allowable Incidental Expenses:
- Personal entertainment
  - Theft, loss or damage to personal property
  - Expenses of a spouse, family or other persons not authorized to receive reimbursement under this policy
  - Barber or beauty parlor services
  - Airline and other trip insurance
  - Personal postage, reading material, telephone calls
  - Personal toiletry articles

#### **16.18 NON-TRAVEL FOOD AND BEVERAGE REIMBURSEMENT POLICY**

Reimbursable expenses are subject to the following:

- (a) Meals consumed by the City official during meetings and other functions that conduct official City business or serve to benefit the City are reimbursable to the official.
- (b) Generally, the City will not incur costs for refreshments, and other related items, for meetings or functions held in the normal course of business or that are attended solely by City officials. However, such meetings or functions wherein a municipal function, public purpose, or City program is served or furthered, and wherein the City Council has expressly approved the meeting as such, the City may incur such costs directly or as a reimbursement to employees who have incurred such costs on behalf of the City.
- (c) Refreshments purchased solely for personal entertainment are not a legitimate City expense.

#### **16.19 CEREMONIES AND CELEBRATIONS**

- (a) Reasonable expenses, including food and beverage, associated with commemorating a dedication or an unveiling; special awards and recognitions of employees or quasi-employees; meetings or ceremonies with or involving officials from other governmental entities, including sister cities are recognized as serving a public purpose are legitimate City expenditures.

- (b) Private celebrations rather than public celebrations are not generally considered as serving a public purpose. Refreshment, food and beverage related costs would therefore not be recognized as legitimate City expense.
- (c) Support of a local "event" or celebration may not take the form of a gratuitous contribution of public funds to a private person, committee or organization. Expenditure of public funds on a publicly sponsored event requires the existence of a recognizable public purpose that relates to the City's existence, proper authorization from the legislative authority for such public sponsorship, and a reasonable relationship between the amount of the City's expenditure and the "public" nature of the event. Council members may use City funds to purchase seats at charity or civic events when attendance at the event will benefit the City and when such expenditures are within the budget established by Council for that purpose.

#### **16.20 MEAL REIMBURSEMENT FOR NON-CITY OFFICIALS**

Council Member claims for the reimbursement of meal costs for non-city employees and non-city officials will be documented and approved by the Mayor or designee. The documentation must identify:

- (a) The names of the individual or individuals being hosted;
- (b) Their official title or capacity as it related to City business;
- (c) The nature of the topic or topics discussed, nature of the occasion, what public purpose or public policy was served; and
- (d) How this activity was an appropriate way to carry out that purpose or policy.

#### **16.21 CLAIMS AND APPROVAL PROCEDURE**

All claims will be submitted for reimbursement using the form provided by the City Finance Department. Travel and subsistence expenses except for incidental and minor costs will not be paid from any petty cash fund, unless complies with the petty cash policy adopted by the City.

**16.22** Approvals required by this policy will be obtained by Council Members from the Council President or designee.

**16.23** Claims may include the reimbursable costs of other City officials who would be entitled in their own right to claim business expenses.

**16.24** Claims of Council Members must be approved by the Mayor or his/her designee for reimbursement.

**16.25** Exceptions to the expense rules for unusual circumstances may be approved at a regular City Council meeting by a majority vote of the Council Members present at the meeting.

**16.26** In preparation of the City's budget, Council Member travel and training expenses will be anticipated and included in budget appropriations to reflect the planned Council attendance at annual conferences of municipal officials, such as the National League of Cities or Association of Washington Cities.

Meetings, conventions or training programs that require expenditure of funds to be reimbursed or paid on behalf of Council Members that are allocated in the budget must be approved by the Council President or designee.

Meetings, conventions or training programs that require expenditure of funds to be reimbursed or paid on behalf of Council Members that are not anticipated and not allocated in the budget must be approved by the Council President in consultation with the Mayor.

#### **16.27 REPORT**

A report, oral and/or written as appropriate, will be made to the Council at a regularly scheduled Council meeting as soon as practical, following said conference, seminar or training, in order that the full Council may benefit from the training experience received by the Council Member who attended. A record of such reports will be maintained by the City Clerk.

The Mayor will make an annual State of the City report, orally or in writing, to be available to the public during the first quarter of each year.

The Mayor will provide an executive summary following each City Council retreat which will be made available to the public.

### **SECTION 17. PUBLIC RECORDS**

**17.1** Public records created or received by any Council Member will be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Act, Chapter 42.56 RCW. Public records that are duplicates of those received by, or in the possession of the City, are not required to be transferred to the City. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the City Attorney.

**17.2** All messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record.

All electronic communications, whether concurrent or serial, must be considered in light of the Open Public Meetings Act. No Council Member will communicate electronically to more than two other Council Members in the same correspondence. This does not apply to

communications limited to the purpose of calling special and emergency meetings. If the intended purpose of the electronic communication is to have a discussion that should be held in an open meeting, the electronic discussion should not occur. Further, the use of electronic communication to form a collective decision of the Council violates the Open Public Meetings Act.

### **17.3 SOCIAL MEDIA RECORDS**

Council members who use social media platforms or forums that are supported by the City's archiving software are required to enroll the account with the social media archiver. Council Members who make posts to unsupported platforms must screenshot their posts and public responses to their posts and e-mail them to the Council Member's City e-mail account as an interim archiving method.

Comments posted in response to a Council Member initiated communication may be subject to public disclosure under the Public Records Act and must be archived.

## **SECTION 18. COUNCIL PRESIDENT AND DEPUTY MAYOR SELECTION PROCESS**

- 18.1** The Council President and Deputy Mayor will be nominated and elected from the ranks of the sitting Council Members.
- 18.2** The Council President shall exercise the authority of "deputy mayor" or "mayor pro tempore" described in RCW 35A.12.065. The Council President will be elected for a two (2) year term at the first Regular City Council meeting in January by a majority vote consistent with RCW 35A.12.065. The City Council may rescind the vote of the Council President by a simple majority. If a vacancy occurs, the Council will elect a Council President to fill the unexpired term.
- 18.3** The Deputy Mayor will function as an internal council officer as outlined in these Rules of Procedure or as delegated by the Council President. The Deputy Mayor will be elected for a two (2) year term at the first Regular City Council meeting in January.
- 18.4** The Mayor or designee will conduct the election for the Council President and the Deputy Mayor. (See Appendix "A" to these Rules.)

## **SECTION 19. CITY ADVISORY BODIES**

- 19.1** Federal Way's commissions, committees and task forces ("advisory bodies") provide an invaluable service to the City. Their advice on a wide variety of subjects aids Council Members in the decision-making process. Effective public participation is an invaluable tool for local government.

- 19.2** Council advisory bodies originate from different sources. Some are established by ordinance while others are established by motion of the City Council. It is at the discretion of the Council as to whether or not any advisory body should be established by ordinance.
- 19.3** Federal Way advisory bodies bring together public viewpoints that might not otherwise be heard. Persons of wide-ranging interests who want to participate in public service but not compete for public office can be involved in governmental commissions, committees, and task forces. Traditionally, these bodies have also served as a training ground or stepping stone for qualified persons who are interested in seeking public office.
- 19.4** As Federal Way advisory bodies have been formed since incorporation, the adoption of uniform rules of procedure is necessary to assure maximum productivity. The following policies govern the City's advisory groups; some of these advisory groups may have more specific guidelines set forth by ordinance, resolution, the Federal Way Revised Code, or at times by state law.
- 19.5** Every advisory body, when it is formed, will have a specific statement of purpose and function, which will be re-examined periodically by the City Council to determine its effectiveness. This statement of purpose is made available to all members when they are appointed.
- 19.6** The size of each advisory group is determined by the City Council according to its duties and responsibilities. Another determination to be made prior to formation is the cost of staffing a proposed advisory body.
- 19.7** The Council may dissolve any advisory body that, in their opinion, has completed its working function or for any other reason.
- 19.8** Members and alternate members of all advisory bodies are appointed by majority vote of the Council Members.
- 19.9** Council will interview new applicants at a special council meeting. Any Council Member who attended the public interview session will be eligible to vote on the recommendation to be made to the full Council. The full City Council will vote on the appointments to the Advisory Bodies at a regularly scheduled Council meeting, unless the appointment is made under Rule 19.12.

**19.10** Vacancies on Commissions will be filled as follows:

(a) Filling Vacancies at End of Term

To fill a vacancy created by the expiration of a term, City staff will advertise the open position to the public. The person currently serving in the position may reapply for the same

position. All applicants, including the incumbent, will be interviewed pursuant to the process outlined in Rule 19.9.

(b) Filling Vacancies Mid-Term

When an advisory position becomes vacant mid-term, the City Council may appoint an alternate who is already serving on that same board or commission to fill the mid-term vacancy. Alternates who were previously interviewed within 12 months of the vacancy being created do not need to be interviewed again prior to appointment as a voting member.

- 19.11** Council Members will raise any concerns about any recommendation prior to the City Council meeting that is scheduled for the approval of the appointment.
- 19.12** Vacancies will be advertised not more than three times so that any interested member of the public may submit an application. Council Members are encouraged to solicit applications from qualified members of the public. In the event there are an insufficient number of applications to fill the vacancies, the Council President or Deputy Mayor will solicit new appointments and notify the City Clerk. The City Clerk will notify Council Members of the proposed appointment(s). Any Council Member may contact the City Clerk to request the interview process as set forth in Rule 19.9. If no Council Member requests the interview process, the Council President will appoint said new applicants and announce the appointment at a regular City Council meeting. Applicants must be residents of the City of Federal Way if required by the Federal Way Revised Code or if required by the City Council. Applications will be available from the Office of the City Clerk.
- 19.13** Lengths of terms vary from one advisory body to another, but in all cases overlapping terms are intended. On special work task forces, where a specific project is the purpose, there need not be terms of office.
- 19.14** Newly appointed members will attend an orientation no later than ninety (90) days after appointment. The orientation will include a presentation by the City Attorney, or designee, to address applicable laws, including the Federal Way Ethics Code, and receive a briefing by the commission, committee or task force chairperson, the Council Committee Chair and/or City staff. The briefing will include the duties and responsibilities of the members of the advisory body. Each newly-appointed member will receive an information packet that will include a commission, committee or task force membership list, responsible City staff member, statement of purpose for the advisory body which may include an ordinance, resolution, bylaws, or annual work program and a copy of the City of Federal Way Ethics Code.
- 19.15** All advisory bodies will be responsible for adopting their operating policies consistent with the establishing resolution or ordinance.
- 19.16** All meetings of advisory bodies are open to the public in accordance with the public meeting laws of the State of Washington, which requires a minimum 24-hour advance notice. No advisory committee will schedule a meeting earlier than 7:00 a.m.

- 19.17** The number of meetings related to business needs of the advisory group may be set by the individual body, unless set forth in a resolution or ordinance. Notice of all meetings, including date, time, place and principal subjects to be discussed will be published in accordance with state public meetings laws and City policy.
- 19.18** The advisory body chairperson will be responsible for coordinating the meeting agendas with the appropriate City support staff.
- 19.19** Minutes will be kept by City support staff of all meetings in accordance with the public meeting laws of the State.
- 19.20** Excessive absenteeism, excluding illness or required travel, is cause for the removal of an advisory body member. Three (3) consecutive absences will be considered resignation from the body unless prior to the third absence, the member has requested, and been granted, an excused absence. The advisory body granting the excused absence will determine the validity of the request.
- 19.21** Members may resign at any time their personal circumstances change to prevent effective service.
- Members may be removed, from any advisory body, prior to the expiration of their term of office, by a majority vote of the City Council.
- 19.22** A quorum for conducting business is a simple majority of the membership of the advisory body.
- 19.23** At the first meeting of each calendar year, or upon appointment, all members of advisory bodies will provide a written list of all memberships on boards and employment to the Chair and to Staff. The list will include the members and immediate family (spouse/partner and dependent children). It is the responsibility of the member to update the list when changes occur. The purpose of the list is to avoid any instance of conflict of interest. No member of an advisory body will use their official position for financial gain or personal advantage.
- 19.24** Lobbying efforts by any advisory bodies on legislative, or political, matters should first be checked for consistency with existing City policy by contacting the Mayor's office. In the event a position is taken that differs from that of the City's policy, an advisory body acting as an official body of the City of Federal Way, cannot represent that position before another body, i.e., the State Legislature or the King County Council. An individual member is free to voice a position, oral or written, on any issue as long as it is made clear that he or she is not speaking as a representative of the City of Federal Way, or as a member of his or her advisory body. Members of advisory bodies speaking to another body to voice their personal beliefs on a topic should not cite their position as a member of a City of Federal Way advisory body.

- 19.25** Members of advisory bodies are encouraged to attend City Council meetings to keep current on Council actions.
- 19.26** The City Council may transmit referrals for information or action through the staff to the applicable Council Committee Chair to the advisory groups. These advisory groups may transmit findings, reports, etc., to the City Council through staff or the applicable Council Committee Chair.
- 19.27** While the City staff's role is one of assisting the commission, committee or task force, the City staff members are not employees of that body. The City staff members are directly responsible to his or her Department Director and the Mayor.
- 19.28** Annually, each advisory body will develop a work program for the City Council's consideration and approval. The City Council may amend the advisory body's work program.

## **SECTION 20. COUNCIL COMMITTEES**

**20.1** Council committees are the policy review and discussion arms of the Council. Committees study issues and develop recommendations for consideration by the Council. Committees may not take binding action on behalf of the City unless a quorum of the City Council is present, the Council Committee has been advertised as a Special Meeting of the Whole City Council and, by majority vote, the City Council has directed that such action occur at the Council Committee.

Council Committee structure will be as determined by the City Council in January of each year. The committees are as follows:

- Finance/Economic Development/Regional Affairs Committee
- Land Use/Transportation Committee
- Lodging Tax Advisory Committee
- Parks/Recreation/Human Services & Public Safety Committee

**20.2** Committees will establish regular meeting schedules as determined by the Chair of the Committee in consultation with the Committee members and the Mayor

**20.3** Each committee will have staff support assigned by the Mayor. Staff will work with the committee chairs to set agendas, provide support materials and prepare reports.

**20.4** Summaries of each meeting will be prepared by staff and distributed to the Mayor and Council Members.

- 20.5** The Mayor or Council President may send issues directly to committees for their review in lieu of being referred to committee by the entire Council.
- 20.6** Committee appointments (chairs and members) will be made by the Council President in consultation with the Deputy Mayor. The Council President will consider the interests and requests of individual Council Members in making committee assignments.
- 20.7** Membership of each committee will consist of three (3) Council Members. Council Members are expected to attend a majority of each respective committee meetings for each calendar year.
- 20.8** The Council President or Deputy Mayor may serve as an ex officio (voting) member of a committee when a quorum of committee members is not available. If, during a meeting when the Council President or Deputy Mayor is serving as an ex officio member, a quorum of committee members appears at the meeting, the Council President or Deputy Mayor will no longer serve as an ex officio member unless there is a pending matter before the committee that the Council President or Deputy Mayor has participated in discussions for and is prepared to vote on.
- 20.9** The Council President in consultation with the Deputy Mayor will make committee assignments each January, with members serving two (2) year terms. Council will ratify the Council President’s committee assignments at a Regular City Council meeting. The Council President has the discretion to appoint or remove Committee members at any time, subject to ratification by the Council.

## **SECTION 21. FILLING CITY COUNCIL & MAYOR VACANCIES**

### **21.1 PURPOSE**

The purpose of this section is to provide guidance to the City Council when a Federal Way Council Member or Mayor position becomes vacant before the expiration of the official's elected term of office. Pursuant to state law, a person appointed to fill a vacancy serves the remainder of the unexpired term.

### **21.2 REFERENCES**

RCW 42.30.110(h) - Executive Session Allowed to Consider Qualifications of a Candidate for Appointment to Elective Office.

RCW 42.30.060 - Prohibition on Secret Ballots.

RCW 42.12 - Vacant Position.

### **21.3 APPOINTMENT PROCESS**

- (a) A Council position or Mayor position becomes vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written resignation, or death of a Council Member or Mayor. The Council Member or Mayor who is vacating his or her position cannot participate in the appointment process.
- (b) The Mayor will direct staff to begin the Council Member appointment process and establish an interview and appointment schedule, so that the position is filled at the earliest opportunity. The City Council will direct staff to begin the Mayoral appointment process and establish an interview and appointment schedule, so that the position is filled at the earliest opportunity.
- (c) The City Clerk's Office will prepare and submit a display advertisement to the City's official newspaper, with courtesy copies to all other local media outlets, which announces the vacancy and lists the following with the prerequisites to holding public office: (1) be a registered voter of the City of Federal Way; and (2) have a one (1) year residency in the City of Federal Way. This display advertisement will be published once each week for two (2) consecutive weeks. This display advertisement will contain other information, including but not limited to, time to be served in the vacant position, election information, salary information, duties of the position, deadline for submitting applications, interview and appointment schedules, and other information that the City Council deems appropriate.
- (d) The City Clerk's Office will prepare an application form that requests appropriate information for City Council consideration of the applicants. Applications will be available at City of Federal Way offices, King County libraries located in Federal Way, the Federal Way Chamber of Commerce office, the Federal Way School District administration office and other locations that the City Council deems appropriate. Copies of the display advertisement will be provided to current members of City of Federal Way commissions, committees, task forces and other City-sponsored advisory groups.
- (e) Applications received by the deadline will be copied and circulated by the City Clerk's Office to the Mayor and City Council. Application packets may also contain additional information received such as endorsements, letters of reference, and other pertinent materials.
- (f) The City Clerk's Office will schedule interview times for the applicants during a regular or special meeting of Council.

- (g) The City Clerk's Office will notify applicants of the location, date and time of City Council interviews.
- (h) Prior to the date and time of the interview meeting, the Mayor or Council President will accept one interview question from each Council Member.

#### **21.4 INTERVIEW MEETING**

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

- (a) The applicant will present his or her credentials to the City Council. (10 minutes)
- (b) The City Council will ask the predetermined set of questions, which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions, and will have two (2) minutes to answer each question. (14 minutes)
- (c) An informal question and answer period in which Council Members may ask and receive answers to miscellaneous questions. (10 minutes)
- (d) The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk.
- (e) The Council may reduce the 30-minute interview time if the number of applicants exceeds six (6) candidates, or alternatively, the Council may elect not to interview all of the applicants if the number exceeds six (6) candidates. The decision as to which applicants to interview will be based on the information contained in the application forms.

#### **21.5 VOTING**

Upon completion of the interviews, Council Members may discuss the qualifications of the applicants in an executive session. However, all interviews, deliberations, nominations and votes taken by the Council will be in open public session.

- (a) The Mayor will ask for nominations from the Council Members for the purpose of creating a group of candidates to consider. No second is needed.
- (b) Nominations are closed by a motion, second and majority vote of the Council.
- (c) Council Members may deliberate such matters as criteria for selection and the nominated group of candidates.
- (d) The Mayor will poll Council Members to ascertain that Council Members are prepared to vote.
- (e) The City Clerk will proceed with a roll-call vote.

- (f) Elections will continue until a nominee receives a majority vote of the remaining Council Members.
- (g) At any time during the election process, the City Council may postpone elections until a date certain or regular meeting if a majority vote has not been received.
- (h) Upon a majority vote, City Council may go into executive session to further discuss the applicant's qualifications.
- (i) The Mayor will declare the nominee receiving the majority vote as the new Council Member. The appointed Council Member will be sworn into office by the City Clerk at the earliest opportunity and no later than the next regularly scheduled City Council meeting.
- (j) If the City Council does not fill a vacancy within 90 days of the declared vacancy, state law delegates appointment powers to King County.

## **SECTION 22. MISCELLANEOUS**

- 22.1 When Council Members register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council will designate the voting delegate(s) and alternate voting delegate(s) during a public meeting, by a majority vote; when possible, said selection of voting delegate(s) will be done on a rotating basis for the purpose of allowing all Council Members the opportunity to be an official voting delegate.
- 22.2 Use of city-owned equipment to update personal social media sites or e-mail accounts is subject to Employee Guideline Section 9.7 (Office Equipment Use Guidelines and Procedures), which allows for incidental use of city equipment for personal needs, provided the activity does not cause the City to incur additional cost or liability or pose additional risk to security, privacy or conflict with another City policy. Use of city-owned equipment or e-mail accounts for campaign purposes is prohibited by RCW 42.17A.555

## **SECTION 23. SUSPENSION AND AMENDMENT OF RULES**

- 23.1 Any provision of these rules not governed by state law or ordinance, may be temporarily suspended by a majority vote of the Council.
- 23.2 These rules may be amended, or new rules adopted, by a majority vote of the Council.

**APPENDIX “A”**  
**COUNCIL PRESIDENT AND DEPUTY MAYOR ELECTION PROCESS**

- (1) Any Council Member may nominate a candidate; no second is needed.
- (2) Nominations are closed by a motion, second and 2/3 vote of Council.
- (3) If only one (1) nomination is made, it is appropriate to make a motion and obtain a second to instruct the City Clerk to cast a unanimous ballot for that nomination. Approval is by majority vote of Council Members present.
- (4) If more than one (1) nomination is made, an open election is conducted by roll call vote.
- (5) To be elected, the nominee needs a majority vote of the Council.
- (6) Elections will continue until a Council President and Deputy Mayor are elected by a majority vote of the Council.
- (7) The Mayor will declare the nominee receiving the majority vote.