

KELSO CITY COUNCIL

Council Rules and Procedures

SECTION 1. GENERAL.

These rules constitute the official rules and procedures for the Kelso City Council. In all decisions arising from points of order which are not covered by these rules, the Council shall be governed by the most recently published edition of Robert's Rules of Order (newly revised), a copy of which is maintained in the office of the Kelso City Clerk. The City Attorney shall decide all questions of interpretations of these rules and other questions of a parliamentary nature which may arise at the Council meeting.

SECTION 2. ORGANIZATION.

- A. Swearing in of New Councilmembers. New Councilmembers shall be sworn in by the City Clerk or delegate. The swearing in will occur at the first meeting of the City Council held in January following certification of the election.
- B. Election of Mayor and Deputy Mayor. The motion to elect the Mayor and the Deputy Mayor will be placed on the Agenda of the first regular City Council meeting in January following certification of the election and the Mayor and Deputy Mayor will serve in office for a term as specified by city charter. During the election of Mayor and Deputy Mayor, the city clerk shall serve as Chair.

In the event the Mayor is unable to serve the remainder of the term, due to his or her removal from office, or his or her resignation as Mayor or from the City Council, or upon his or her death, the Deputy Mayor shall serve as Mayor for the remainder of that term and a new Deputy Mayor shall be elected.

In the event the Deputy Mayor is unable to serve the remainder of the term, a new Mayor shall be elected at the next regular meeting.

- 1. Nomination Procedure. No one Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Nominations do **not** require a second. The Chair will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nominations, the chair will ask again for further nominations and if there are none the Chair will declare the nominations closed. A motion to close the nominations is **not** necessary.
 - 2. Voting Procedure. After nominations have been closed, voting for Mayor takes place in the order nominations were made. Councilmembers will be asked for a raise of hands. As soon as one of the nominees receives a majority vote (four votes), then the Chair will declare the nominee elected. No votes will be taken on the remaining nominees. A tie vote results in a failed nomination. If none of the nominees receive a majority vote, the Chair will call for nominations again and repeat the process until a single candidate receives a majority vote before the Office of Deputy Mayor is opened for nominations.
- C. General Decorum.
- 1. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council, nor disrupt any member while speaking, nor refuse to obey the orders of the Council or the Mayor, except as otherwise provided in these Rules.

2. Council has further adopted a code of conduct set forth in Section 15 which contains additional standards of decorum that govern the conduct of councilmembers.
3. Any person making personal or slanderous remarks or who becomes disorderly while addressing the Council or while in the Council Chamber while the Council is in session, shall be asked to leave by the Presiding Officer. In addition, the Council may employ any procedures for the restoring of order as set out in RCW 42.30.050 or other law.

D. Confidentiality.

1. Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered to be exempt from disclosure under the Revised Code of Washington or under Public Disclosure Ordinance adopted by the Council.
2. If the Council, after Executive Session, has provided direction or consensus to City staff on proposed terms and conditions for any confidential or privileged issue, all contact with any other party shall be made by the designated City staff representative handling the issue. Councilmembers should consult with the City Manager and/or City Attorney prior to discussing such information with anyone other than other Councilmembers, the City Attorney or City staff designated by the City Manager. Any Councilmember having any contact or discussion with any person other than those listed above on any such confidential or privileged issue shall make full disclosure to the City Manager and Council in a timely manner.

E. Council Conduct – “No Surprise” Doctrine. Councilmembers should adhere to the “Doctrine of No Surprises” to conduct Council business with the most thorough information available during Council meetings. Any issue that is brought to the Council for action by a member of the Council that is not on the published agenda shall be added to the agenda for consideration only if approved by a majority of the whole Council. This doctrine shall not, however, prevent the City Manager from adding walk on items to a regular meeting when in the public interest.

1. Councilmembers should take adequate time for preparation prior to each Council meeting to review agenda materials, take notes, and visit sites as necessary.
2. The City Manager or staff should be contacted prior to each meeting for questions that arise or require additional research.
3. Inform the City Manager prior to each meeting if questions or requests for research have been asked of staff.
4. Notify the City Manager, the Mayor and fellow Councilmembers prior to a meeting if a member plans to request to add an item that is not currently on the agenda.

F. City Clerk. The Clerk or an authorized Deputy Clerk shall attend all Council Meetings. If the Clerk and the Deputy Clerk are absent from any Council Meeting, the City Manager shall appoint a Clerk Pro Tempore for that meeting only.

SECTION 3. OFFICERS.

A. Presiding Officers. The Mayor, or in his or her absence, the Deputy Mayor, shall be the Presiding Officer of the Council. In the absence of both the Mayor and the Deputy Mayor, the Council shall appoint one of the members of the Council to act as a temporary Presiding Officer.

B. Presiding Officer's Duties. It shall be the duty of the Presiding Officer to:

1. Call the meeting to order
 2. Keep the meeting to its order of business
 3. Control discussion in an orderly manner
 - a. Every Councilmember who wishes an opportunity to speak must be recognized by the chair.
 - b. Permit audience participation at the appropriate times.
 - c. Require all speakers to speak to the question and to observe the rules of order.
 4. State each motion before it is discussed and before it is voted upon.
 5. Put motions to a vote and announce the outcome.
- C. Presiding Officer, Question or Order. The Presiding Officer shall decide all questions of order, subject to the right of appeal to the Council by any member.
- D. Request for Written Motions. Motions shall be reduced to writing when required by the Presiding Officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

SECTION 4. DUTIES AND PRIVILEGES OF COUNCILMEMBERS.

- A. Forms of Address. The Mayor shall be addressed as “Mayor (surname).” “Your Honor,” or Mr./Madam Mayor. Members of the Council shall be addressed according to their preference as “Councilmember (surname),” “Councilor (surname),” or Mr./Mrs./Miss/Ms. (surname).
- B. Seating Arrangement at Regular Meetings. The Mayor shall sit at the center of the Council, and the Deputy Mayor shall sit at the right hand of the Mayor. Other Councilmembers are to be assigned seating at random and rotated quarterly. If there is a dispute, seating shall be in position order.
- C. Conduct. Council has adopted a code of conduct set forth in Section 15 which contains additional duties and privileges that govern the conduct of councilmembers.

SECTION 5. CITY ADVISORY COMMITTEES

The City of Kelso’s Commissions, Committees, and Task Forces provide an invaluable service to the City. Their advice on a wide variety of subjects aids the Council in the decision-making process. Effective citizen participation is an invaluable tool for local government. All City Advisory Committees are advisory to the City Council and are not authorized to take independent action representing the City with other agencies or bodies.

- A. Establishment of Advisory Bodies. These advisory bodies will be established by City Resolution or Ordinance, if required by state statute. The enacting resolution will set forth the size of each advisory group, which will be related to its duties and responsibilities; the term of office of its members; a statement of its purpose and function; and time lines, if relevant to the scope of work. The Council may dissolve any advisory body that, in their opinion, has completed its working function or for any other reason.
- B. Appointments to Advisory Bodies. Vacancies may be advertised so that any interested citizen may submit an application. Applicants are urged to be citizens of the City of Kelso, but applications from residents living outside of the corporate boundaries may be considered if authorized by the resolution or ordinance establishing the advisory body.

Appointments to advisory bodies will be made by the City Council during a regularly scheduled meeting. Newly appointed members will receive a briefing by the Commission, Committee, or Task Force Chairperson and/or City staff regarding duties and responsibilities of the members of the advisory body. Appointees to advisory bodies may be removed prior to the expiration of their term of office by a majority vote of the City Council.

- C. Conduct of Business. The advisory body will normally adopt rules for transaction of business, and will determine the number of meetings necessary for the business needs of the advisory group, unless otherwise established in the enacting resolution or ordinance. All meetings are subject to the public meetings laws of the State of Washington and City Ordinance.

SECTION 6. COUNCIL COMMITTEES/APPOINTMENTS

Council committees are policy review and discussion arms of the City Council. Committees may study issues and develop recommendations for consideration by the City Council. Committees may not take binding action on behalf of the City.

The City Council may meet for study or special project purposes as a Committee of the Whole or may establish Council subcommittees with three or fewer members.

- A. Councilmembers may be assigned to serve on committees and as liaisons to outside agencies as described below. Assignments shall be as determined by the City Council in January of each year, or as the Council deems necessary: Council Committee of the Whole - (Seven Councilmembers)
- B. Subcommittees of the City Council - Ad hoc and informal working or study group (three or fewer Councilmembers)
- C. Councilmember appointments - to task teams or City advisory boards, commissions and committees (three or fewer Councilmembers)
- D. Liaison/Representative Appointments - to other advisory bodies or groups.

SECTION 7. MEETINGS

All Council Meetings shall comply with the requirements of the Open Meetings Act (Chapter 42.30 RCW). All Regular Meetings and Special Meetings of the Council shall be open to the public.

The City Manager, or his or her designee, shall attend all meetings of the City Council including Regular meetings, special meetings, and executive session, except if Council meets in Executive Session with the City Attorney on matters of potential conflict for the City Manager.

- A. Regular Meetings. The Council shall hold Regular Meetings on the first and third Tuesday of each month. The Regular Meeting will begin at 6:00 p.m., unless an Executive Session is scheduled at the beginning of the agenda.
- B. Special Meetings. Special Meetings may be held by the Council subject to notice requirements prescribed by State law. Special Meetings may be called by the Mayor, Deputy Mayor, or any three members of the City Council by notice delivered by regular or electronic mail to each member of the Council and to each local media outlet which has requested notice at least twenty-four hours before the time specified for the proposed meeting. The notice of such Special Meetings shall state the subjects to be considered, and no subject other than those specified in the notice shall be considered.
- C. Executive Sessions. The Council may hold Executive Sessions from which the public may be excluded, for those purposes set forth in RCW 42.30.110. Before convening an Executive Session, the Presiding Officer shall announce the purpose of the Session and the anticipated time when

the Session will be concluded. Should the Session require more time, a public announcement shall be made that the Session is being extended. No formal action or decision of the Council may be taken in Executive Session. The purpose of the executive session shall be entered into the official minutes of the meeting.

- D. Emergency Meetings. If at any time there is a need for expedited action by the City Council to meet an emergency situation, the Mayor, or in the absence of the Mayor, the Deputy Mayor or any three members of Council, may call an emergency meeting at a place and time as necessary, and the noticing requirements of Title 42 RCW, or City ordinance or rule, may be waived.
- E. Adjournment. Regular and Special Council Meetings shall adjourn no later than 9:00 p.m. The adjournment times established hereunder may be extended to a later time certain upon approval of a motion by a majority of the Council. During regular and special meetings, any Councilmember may call for a "Point of Order" at 8:30 p.m. to review agenda priorities.
- F. Meeting Place. Council Meetings will be a time and place as Council directs. Regular and/or Special meetings shall generally be held within the boundaries of the City. The Council will not take final action on items during meetings held outside the boundaries of the City.
- G. Public Notice. The City shall comply with the provisions of RCW 35A.12.160.
- H. Remote Attendance.
 - 1. Declaration of Emergency. In the event of a declaration of emergency by a local, state or federal government or agency where the City cannot hold a meeting with members of the Council or the public in attendance in person with reasonable safety because of the emergency, the City Council may hold any meetings remotely without a physical location or may limit the physical attendance of some or all of the members of the public so long as the requirements of this Subsection 7(H) are met. During the remote meeting under the emergency declaration, any council member may attend and vote by telephone or by other electronic means that allows real-time verbal communication without being in the same location
 - 2. Other Remote Attendance. In limited instances, the City would benefit by a Councilmember's participation by means of remote communication. Remote attendance is for the benefit of the City and not for the benefit of an individual member. The Council recognizes the benefits of fullest practicable attendance and participation by its members. Attendance from remote locations is intended to be an alternative and relatively infrequently used method for participation by Councilmembers. Councilmembers may attend and vote by telephone or by other electronic means that allows real-time verbal communication without being in the same location so long as the requirements of this Subsection 7(H) are met:
 - 3. Requirements for Remote meetings:
 - a. In the absence of an emergency declaration as provided in 7.H.a., a majority of the City Council must consent to a council member's remote participation and such consent shall not be unreasonably withheld.
 - b. In the absence of an emergency declaration as provided in 7. H.a., there must be a physical location for the meeting where members of the public can physically attend.
 - c. During any remote meeting, no action except for an executive session may be taken unless the public has the option to listen to the proceedings by either attendance at the physical location, or telephonically, or by using a readily available alternative in real time that does not require any additional cost for participation.

- d. In the absence of an emergency declaration, any remote regular meetings must provide the opportunity for public comment; provided however, that even in the event of an emergency declaration, the City shall provide an opportunity for public comment where feasible.
- e. Any technical prohibitions or difficulties that prevent all parties present at the Council meeting from adequately hearing and speaking to each other shall be addressed immediately; The meeting should be recessed or paused until technical issues are resolved.
- f. The Councilmember participating telephonically or via other electronic means bears any costs of such participation but may use the communications equipment owned by the city at City Hall without charge.
- g. During any meeting that a Councilmember is attending via remote communication, the Mayor or presiding officer shall state for the record that a particular Councilmember is attending via remote communication and the reasons for such attendance.
- h. Councilmembers appearing via remote communication will participate and vote during the meeting as if they were physically present at the meeting. The Councilmember's vote must be audibly provided so that any participant may hear their vote. The Presiding Officer will confirm the vote. Councilmembers will have the opportunity to correct their vote immediately following the Presiding Officer's announcement. To obtain the floor, the councilmember shall address the chair and state his or her name.
- i. Councilmembers appearing by remote communication shall comply with all OPMA regulations and the City Council Rules and Procedures as if they were physically present at the meeting.
- j. Each councilmember is responsible for his or her audio and internet connections; no action shall be invalidated on the grounds that the loss of, or poor quality of, a councilmember's individual connection prevented participation in the meeting.
- k. In the case of executive sessions, the Council may permit participation from remote location(s) only when the Council on a case-by-case basis considers such participation to be necessary and the Council is confident in the security of such remote communications.

SECTION 8. COUNCIL ORDER OF BUSINESS.

A. Order of Business for Regular Meetings. The order of business for each Regular Meeting shall be as follows:

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Agenda
- 4. Approval of Minutes of Previous Meeting
- 5. Proclamations
- 6. Commendations/Presentations
- 7. Citizens' business
- 8. Public Hearing
- 9. Consent agenda and Auditing of Accounts
- 10. Council Business/Action Items
- 11. Report of City Manager
- 12. Council Comments/Council Committee Reports

- 13. Executive Session (as necessary)
- 14. Adjournment

- B. Council Agenda. When necessary, the Mayor or other Councilmember, with the consent of the Council, may change the order of business. All ordinances or resolutions must be on the agenda to be voted upon; a motion to suspend the rules would be necessary in order to vote on an ordinance or resolution not on the agenda.

SECTION 9. CONDUCT OF BUSINESS

- A. Motions. Business is brought before the council by motions, which constitute a formal procedure for taking actions. To make a motion, a member must first be recognized by the presiding officer. After the member has made a motion (and after the motion is seconded if required) the chair must then restate it or rule it out of order, then call for discussion.
- B. Debate. As required by Robert’s Rules of Order, a member may speak twice on each motion. Each time a Councilmember is recognized, the Councilmember may speak to the motion for no longer than five minutes. No Councilmember may speak a third time to a motion without the consent of the Council.
- C. Staff Input. During regular or special meetings of the Council, the presiding officer will call for a staff report on business items as the agenda is considered and before a motion is entertained by the presiding officer. Once a motion is pending, debate is limited to Councilmembers; additional staff input will be limited to providing clarification on issues if requested by a Councilmember.
- D. Reconsideration. A motion to reconsider is in order during the meeting after a motion has been acted upon either at the same meeting or at the next regular or special meeting of the Council. It must be made by a member who voted on the prevailing side, i.e., if a motion fails to pass, reconsideration must be moved by one who voted against the motion. It is debatable and requires a majority vote.

SECTION 10. PUBLIC TESTIMONY

- A. Public Comment

During Regular or Special Meetings of the Council, public comments will be invited during the Public Comment portion of the agenda. The public is also invited to provide written comment on any non-quasi-judicial or legislative matter. It is encouraged that such written comments be filed with the clerk by 1:00 p.m. of the Wednesday preceding the Regular Meeting. If written comments are given at the meeting, the presenter should provide eleven copies for the Council and staff.

In addition, public oral testimony may be taken on other non-quasi-judicial or legislative matters as they arise during the course of the meeting agenda. However, once a motion is pending, debate is limited to Councilmembers and no further public comment will be taken, unless a Councilmember requests further testimony.

Public comments shall be limited to no more than three minutes per person. The Presiding Officer may, with consent of the Council, further limit individual comment length and total comment time allocated to a topic.

- B. Identification of Speakers. Persons testifying should identify themselves for the record as to name, address and organization. At a minimum speakers should disclose the jurisdiction of their residence or organization.

- C. Instructions for Speakers. An instruction notice and signup sheet will be provided at the entrance to the Council chambers. Persons testifying should address their comments to the City Council, not the audience.
- D. Addressing Council Outside of a Public Hearing or Public Comments. No person shall be allowed to address the Council while it is in session without the recognition of the Presiding Officer.
- E. Response to Public Comments. Council should not respond during the public comment period, except the Mayor as provided herein. The Mayor, City Manager or City staff as requested by the City Manager may provide brief factual information if appropriate. The Comment period is not a debate and speakers can be directed to the appropriate staff for further discussion after the meeting.

SECTION 11. CONSENT AGENDA.

- A. The City Manager, in consultation with the Presiding Officer, shall place matters on the Consent agenda which: (a) have been previously discussed or policies set by the Council, or (b) based on the information delivered to members of the Council, by the administration, can be reviewed by a Councilmember without further explanation, or (c) are so routine or technical in nature that passage is likely.
- B. The motion to adopt the Consent agenda shall be non-debatable and have the effect of moving to adopt all items on the Consent agenda. Since adoption of any item on the Consent agenda implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for deliberation at the current or future Council Meeting.

SECTION 12. PUBLIC HEARINGS.

The Public Hearing is a formal opportunity for citizens to give their views for consideration in the legislative or policy-decision-making process. In addition, public hearings are required on quasi-judicial actions which determine the legal rights, duties, or privileges of specific parties. The following rules shall be observed during public hearings:

- A. Legislative/Information Gathering Public Hearing;
 - 1. Open Public Hearing – The Mayor will open the public hearing.
 - 2. Staff Presentation – For an initial presentation of background information from a City Department, a City Board, Commission, or Committee, or an organization such as the Fire District, the Library District, or the School District, no more than twenty (20) minutes will be allowed, unless otherwise authorized by the Presiding Officer.
 - 3. Citizen Comments – Comments will be limited to three minutes from individuals or from persons speaking as a representative of an organization, club, or group. The Presiding Officer may allow additional time for receipt of written testimony, when needed.
 - 4. Staff Comments – Additional staff comments may be requested by Council following citizen comments.
 - 5. Close Public Hearing – At the conclusion of Citizen or Staff Comments, the Presiding Officer will close the public hearing.
 - 6. Council Deliberation.
 - 7. Council Action.

8. Timekeeper. The City Clerk shall be the timekeeper.

B. Quasi-Judicial Public Hearings:

Public oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure. If a quasi-judicial hearing is on the agenda, the public will be informed by the City Attorney as to what state law permits as to public comments. In addition, quasi-judicial hearings will be conducted in conformance to procedures outlined in other City ordinances.

SECTION 13. AGENDA PREPARATION.

- A. The Clerk will prepare a preliminary agenda for each Council Meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council.
- B. An item for a Regular Council meeting may be placed on the preliminary agenda by any of the following methods:
 - 1. A majority vote of the Council;
 - 2. Council consensus;
 - 3. By any two Councilmembers, in writing or with phone confirmation to the City Manager, with signatures by fax or electronic mail allowed for confirmation of support, no later than 12:00 (noon) four business days prior to the meeting. The names of the requesting Councilmembers shall be set forth on the agenda;
 - 4. By the City Manager;
 - 5. By a Council Committee;
- C. Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.

SECTION 14. Public Records.

- A. Emails, Text Messages, Social Media, and Other Electronic Records. Under the RCW 42.56 an email, text message, or an entry on a website, blog, twitter, or a social media internet site is a "writing", and it is likewise a "public record" if it contains *"information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."* Additional regulations have been adopted which further elaborate on the legal duty of a city to store and archive not only public records of traditional hard-copy kinds but also electronic public records. (See Chapter 434-662 of the Washington Administrative Code (WAC).
- B. In recognition of the legal duty and desire to maintain open and transparent government, and to support the City's duty to accessibly store and archive electronic public records, it is the policy of the City Council that in the case of each public record, Council members shall conform to the following practices:
 - 1. Policies on Email Platforms.
 - a. Councilmembers will not use any private, public, or proprietary email service other than the City's email system for the sending or receiving emails that meet the definition of public record. Council members shall take all reasonable steps to ensure that each email

- that is a public record sent or received by him or her is sent or received on the City-maintained email system utilizing the individual's email address kelso.gov.
- b. If a Councilmember receives an email that is a public record at an email address other than an address provided by the City, the Councilmember shall promptly forward that email to the Councilmember's email address at kelso.gov, and advise the email sender that any and all emails pertaining to City matters are to be sent to the Councilmember at the City-provided email address;
2. Policies on Text Messages. Council members shall promptly forward any text message that is a public record to the member's email address at kelso.gov; or in the alternative take a screen shot of the text message and promptly forward the screen shot to the member's email address at kelso.gov;
 3. Policies on Electronic Communications and Compliance With Open Public Meetings Law.
 1. Any electronic communication sent by a Councilmember that is a public record as defined above shall not be sent or copied to more than two other Councilmembers. Councilmembers shall not engage in any discussion of City business through email, social media, blog comments, or any other electronic forum or medium with more than two other Councilmembers.
 2. Any Council member who receives an electronic communication that is a public record that has been received by two other Councilmembers shall not forward the communication to any other Councilmember.
 4. Policies on The Use of Personal Accounts and Devices to Conduct City Government
 1. The City shall provide an ipad to any Council member who desires a City-issued device for use in conducting City government.
 2. In the alternative, a Councilmember may use a personal device to conduct City government, provided that the Councilmember complies with all the policies stated in these rules and adopted City Policies.
 3. Any Councilmember who uses any personal email account or personal electronic device (such as a computer, mobile phone, or tablet) to create or receive information relating to the conduct of City government, or the performance of any function of City government, shall use best efforts to save all such public records in a labeled, designated folder or other location in the account or on the device.
 4. The Councilmember shall, upon request of the City Clerk, and in any event prior to leaving office as a Council member, transfer all public records from his or her personal account or device to the City. The Councilmember shall not delete any public records from any account or device until all such public records have been transferred to the City. Once the transfer has been completed, and so long as there is no pending request relating to the public records, the Councilmember may delete the transferred records from the account or device.
 5. If a Councilmember chooses to use a personal account or device to conduct City government, the Councilmember consents to the City or its agent searching the account or device to locate and copy all public records, subject to reasonable safeguards to protect

the privacy of information that is not a public record, if a court finds that a search is necessary.

Section 15 COUNCIL CODE OF CONDUCT AND ENFORCEMENT

- A. **Policy.** It is the policy of the City of Kelso to uphold, promote, and demand the highest standards of ethics from all of its elected and appointed officials. Accordingly, all members of the City Council, members of all appointed boards, commissions, committees, consultants and professional service providers are expected to maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants; and never use their City position or powers for personal gain. The aforementioned are expected to use sound judgement and exhibit a high degree of personal integrity. This involves sincere respect for the rights and feelings of others in Council and members of the general public. It involves avoiding any behavior that might be harmful to your, fellow councilmembers, City staff, members of the public and or the City.

- B. **Prohibited Conduct.** *Type of behavior and conduct that is considered inappropriate includes, but is not limited to the following:*

* Violating non-discrimination and/or sexual harassment policies.

* Consuming intoxicating substances at regular scheduled Council meetings, board/commission meetings, or any meeting at which alcoholic beverages are not being served and it is reasonable to conclude the member of council is conducting city business.

*Arriving at regular scheduled council meetings or board and commission meetings after consuming intoxicating substances not prescribed to you by a licensed health care provider.

*Political Campaigning at public meetings while acting in your official capacity

* General disruptive behavior towards the public or other council members that doesn't arise to the level of a law violation including, but not limited to, swearing, using obscene gestures, or general, continual interruptions

* Disclosure of confidential documents or information that doesn't arise to violations specified in State law or our City Charter.

* Discourteous treatment of the public during meetings.

The above items are intended to be examples of the high standards that are expected of Kelso City Council Members. They are meant to be examples only, and are not intended to be a complete list of all possible infractions.

C. Corrective Action for Councilmembers

1. **First Offense:** by majority vote of the Council, it be determined that an elected official violated one or more sections of this code of conduct, a public Declaration of Admonishment shall be read and entered into the record of a public Council meeting.
2. **Second Offense–** Should there be a subsequent violation of the Code of Conduct either following the issuance of either a Declaration of Admonishment, or if the violation is deemed

to be of such severity, the Council shall, by a majority vote, remove the offending elected official from his/her intergovernmental, liaison, and committee assignments and publish notice of such action with the media of record. The Council shall also determine the duration of such removal.

3. Third Offense – Should, by majority vote of the Council, it be determined that there have been additional violations of the Code of Conduct subsequent to the issuance of the Declaration of Admonishment and removal from intergovernmental liaison assignments, or if the ethical lapse is determined to be of such magnitude, the Council shall issue, via a formal Resolution, a Public Censure.
4. Fourth Offense - Should there be a subsequent violation of the code of conduct either following the issuance of either a Declaration of Admonishment, the passage of a formal Resolution of Public Censure, or the removal of the offending elected official from his/her intergovernmental and liaison assignments, or if the violation is deemed to be of such severity, the Council shall, by a majority vote plus one vote, issue a formal vote of no confidence against the council member.
5. Note: The invocation of one of these remedies shall not preclude the application of other or all of the remedies as listed in this section. These remedies shall not be exhaustive in that certain ethical issues might be subject to prosecution or other legal action pursuant to Washington State law. In these instances, the matter may be referred to the County Prosecuting Attorney for review and further legal action.

D. Complaint Process

1. Complaints regarding ethics are intended to be an internal Council process and are not intended to supplant other legal means of redress. Actions taken to address ethics complaints shall only be initiated by other City elected officials and shall not be commenced by other parties or on the behalf of other parties by an elected City official.
2. Any elected official who believes that a violation exists as prohibited in this Code of Conduct may make a complaint which shall be a written formal signed complaint to the mayor, who shall cause same to be referred to the City Attorney for review and recommendation. This City Attorney review and recommendation shall be forwarded to the Mayor, with a copy to the complainant and then distributed to all members of council. In the event the complaint is about the Mayor, the written complaint shall be forwarded to the City Manager for review by the City Attorney. If further discussion is warranted pending the review by the City Attorney, the City Attorney can recommend an executive session to address the personnel *issues*.

SECTION 16. EFFECT/WAIVER OF RULES.

It is the intent of the City Council that council procedures be periodically reviewed as needed, but no less than every two years. Accordingly, Council procedures shall be considered in the month of January of every even-numbered year, and may be considered at any other time that Council shall choose to review them.

These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Council act. The City Council may, by a two-thirds vote of those members

present and voting, determine to temporarily waive any of the provisions herein. A two-thirds vote is five of seven votes, four of six votes, four of five votes, and three of four votes.