

MEMORANDUM

To: Mayor and Council
From: Ted Gathe, City Attorney
Date: 07/14/11
RE: City Council Meeting Procedure – Conduct

“The council shall determine its own rules and order of business, and may establish rules for the conduct of council meetings and the maintenance of order.”

RCW 35A.12.120

At last Monday’s workshop, you asked that I provide examples of how other cities address the issue of courtesy, respect and decorum at council meetings. Attached below are a number of examples, most of which are located in each city’s council meeting procedure policy rather than in an ethics policy. Note that several cities provide for consequences and sanctions of councilmembers for violation of the policies or guidelines. See specifically the cities of Bremerton, Pt. Townsend and Tacoma.

Councilmember Hansen is correct in his observation that City Charter Section 2.05 is also applicable to the conduct of councilmembers during council meetings. As I noted at the workshop, however, the sanction of expulsion from a meeting is severe and would require significant misbehavior.

It is certainly possible to add a sanctions provision to the council meeting policy similar to the approach taken by these other cities.

Bothell City Council Protocol Manual

9.06 Interruptions

Once recognized, a Council Member should not be interrupted while speaking, except to make a point of order or personal privilege. If a Council Member is called to order while speaking, the individual shall cease speaking until the question order is determined.

Upon being recognized by the presiding officer, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.

9.07 Discussion Limit

A Council Member should not speak more than once on a particular subject until every other Council Member has had the opportunity to speak. Council Members are encouraged to discuss items during the decision-making process.

Bremerton City Council Rules of Procedure

Rule 6 - Debates

1. Interruption: No member, including the Council President, shall interrupt or argue with any other member while such member has the floor.

2. Courtesy: All speakers, including Council members, during comments, discussion or debate of any issue, shall address their comments to the Council President with courtesy and proper deportment. Comments shall not contain personalities, derogatory remarks or insinuations toward any member of the Council, Staff and Public, but shall be confined to facts that are germane and relevant to the issue.

3. Transgression: Upon transgression of these rules, the Council President shall call such person to order, in which case that person shall be silent except to continue in order. If the Council President transgresses these rules, or fails to call a transgressor to order, any other member of the Council may, under a point of order, call the transgressor to order.

Edgewood City Council Rules of Procedure

Section 9.1 There will be mutual respect from both City Staff and Councilmembers of their respective roles and responsibilities when, and if, expressing criticism in a public meeting.

Mukilteo City Council Rules of Procedure

Rule 3. Remarks and Debates

A. Courtesy. All meeting participants should be focused on the meeting agenda. Councilmembers should use personal electronic devices and computers only in support of the agenda at hand, or council-related business. Councilmembers expect professional and courtesy behavior from each other. Side-discussions or notes between councilmembers during a meeting are discouraged. All speakers, including members of the Council, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and deportment and shall not engage in contemptuous or disorderly behavior, or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, the Mayor, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the presiding officer, to the question or matter under discussion.

B. Interruption. No member of the Council shall interrupt or argue with any other member while such member has the floor.

Port Townsend City Council Rules of Procedure

Section 10 Decorum and Debate

When a measure is presented for consideration to the Council, the Chair of the Council shall recognize the appropriate individual to present the matter. When two or more members wish to speak, the Chair of the Council shall name the member who is to speak first. No member of the Council shall interrupt another while speaking except to make a point of order or privilege.

No Council Member shall be permitted to indulge in personalities, use language personally offensive, or use language tending to hold a member of the Council up to contempt.

If a member is speaking or otherwise transgressing the Rules of the Council, the Chair of the Council shall or any Council Member may call him/her to order, in which case he/she shall immediately be quiet unless permitted to explain. The Council shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he/she shall be at liberty to proceed, but not otherwise. A Council Member transgressing this Rule shall be liable to censure or other such punishment as the Council may deem proper.

Poulsbo City Council Rules of Procedure

10.1 Respect

The citizens have elected each of us and by displaying respect and courtesy to our fellow Councilmembers, we honor the citizens' choice. We pledge that we will accord each councilmember, the Mayor and staff the respect which their positions accord. We will extend this same respect to members of the public and to others who testify before us, recognizing that those individuals have a duty to conduct themselves in a reasonable manner.

10.2 Listen

We will listen to each other, to the staff and to the public. We will listen with an open mind. We will allow each speaker an equal opportunity to be heard within the time limits established by the Chair, so long as that individual adheres to our standards of conduct.

Spokane City Council Rules of Procedure

Rule 1.2 Duty of Mutual Respect

It is the constant duty of each Council member to maintain respect for each other, the City staff and the public. Likewise, the Council shall require corresponding respectful behavior from all persons who attend a meeting.

City of Spokane Valley Governance Coordination Manual

Article 2 - Duties and Privileges of Members

2.01 **Respect and Decorum.** It is the duty of the Mayor and Councilmembers to maintain dignity and respect for their offices, City staff and the public. While the Council is in session, the Councilmembers shall preserve order and decorum and a member shall

neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, nor disrupt or disparage any member while speaking. Councilmembers and the public shall comply with the directives of the Chair.

Any person making disruptive, disparaging or impertinent remarks or unreasonably disturbing the business of the Council, either while addressing the Council or attending its proceedings, shall be asked to leave, or be removed from the meeting. Continued disruptions may result in a recess or adjournment as set forth in section 3.04 below.

City of Spokane Valley Resolution No. 07-019: Amended General Policy Resolution of Core Beliefs

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

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

Tacoma City Council Rules of Procedure

Rule 3(c) Courtesy

All speakers, including members of the Council, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and deportment and shall not engage in contemptuous or disorderly behavior, or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the presiding officer, to the question or matter under discussion.

Transgression. The Council has power under state law to impose punishment on its members, short of removal of office, for violation of state law or Council rules.

If a member of the Council shall transgress these rules, the presiding officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. If the presiding officer shall transgress these rules or fail to call such member to order, any other member of the Council may, under a point of order, call the presiding officer or such other member to order, in which case the presiding officer or such member, as the case may be, shall be silent except to explain or continue in order. Additional consequences may include a verbal admonition, written reprimand, censure, expulsion from the meeting at which the conduct is occurring, removal of the Council

member from the Council committee chair positions or committee memberships, or removal of intergovernmental duties. Expulsion for such behavior in the Council's presence shall require the affirmative vote of a majority of the Council, specifying in the order of expulsion the cause thereof.