

RESOLUTION NO. 1

A RESOLUTION OF THE CITY OF MILL CREEK, WASHINGTON, ADOPTING RULES OF PROCEDURE FOR CONDUCT OF COUNCIL MEETINGS.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, that the Rules of Procedure attached hereto, identified as Exhibit A and incorporated in full by this reference are hereby adopted as the Rules of Procedure for all meetings of the City Council of the City of Mill Creek, Washington. The Rules of Procedure for the Conduct of Public Hearings, attached hereto and identified as Exhibit B, are hereby adopted as the Rules of Procedure for all public hearings before the City Council of the City of Mill Creek, Washington.

RESOLVED this 4th day of October, 1983.

APPROVED:

Sid Hansen  
MAYOR

ATTEST/AUTHENTICATED:

Michelle Schatz  
CITY CLERK

FILED WITH THE CITY CLERK: 10-4-83  
PASSED BY THE CITY COUNCIL: 10-4-83  
RESOLUTION NO. 1

EXHIBIT A

A. GENERAL RULES OF PROCEDURE.

1. Obtaining floor. Before a member can make a motion or address the body upon any question, it is necessary that he obtain the floor by being recognized by the chairman. If two or more members shall request the floor at the same time the chairman shall recognize the first member requesting recognition.

2. Second. When a member obtains the floor and makes a motion, that is in order, the chair should immediately inquire if the motion is seconded; if seconded the maker of the motion should then be regarded as having the refusal of the floor in preference to all other members.

3. Modification of motion. Before any subject is open to debate it is necessary, first, that a motion be made by a member who has the floor; second, that it be seconded; and third, that it be stated by the chairman. This does not prevent suggestions of alterations, before the question is stated by the chairman. The chairman may consult the members before stating the question to clarify the motion. The member who offers the motion, until it has been stated by the chairman, can modify his motion, or withdraw it entirely; after it is stated he can do neither, without the consent of the body (majority). For example, the mover may state, "With the con-

sent of the body I will modify my motion to state as follows, \* \* \*" If no one objects it shall be deemed that he has the consent of the body to modify his motion. When the mover modifies his motion, the one who seconds it can withdraw his second.

4. Stating the question. After a question has been stated by the chairman, it is in the possession of the body for debate; the mover cannot withdraw or modify it except by obtaining leave from the body as just described, or by moving an amendment.

5. Withdrawal or substitution of motion. When a question is before the body and the mover wishes to withdraw or modify it, or substitute a different one in its place, with consent of the body, the chairman shall grant permission; if any objection is made, it will be necessary to obtain leave to withdraw by a motion for that purpose. This motion cannot be debated or amended. When a motion is withdrawn, the effect is the same as if it had never been made.

6. Abstention from voting. Any member may abstain from voting on any question, provided, at the time of declaring his abstention he shall state the reason.

7. Standing to question procedures. These rules shall govern the parliamentary procedures of the members

and by the members only. Procedures may be questioned only by members of the body, and then only in accordance with these rules. The decision of the chair will be final and conclusive as to all, subject only to a motion by a member of the body, duly and timely made, in which case the ruling of the body shall be final and conclusive. Nothing in these rules will be construed to prevent the chairman or a member from requesting aid in the interpretation of these rules or other matters from the City staff or officials.

8. Precedence. Motions having precedence on those that may be made while another motion is pending.

9. To yield. Motions yield when they are pending and another matter can be considered while the yielding motion still pends.

10. Applied. Where a motion can have no subordinate motion applied to it, the fact is stated. For example, the motion to continue may not be applied to the motion to lay on the table.

11. Debate. Debate shall not take place until the chair has stated the question. Debate shall be limited to the immediately pending question, except that the main question is also open when the following motions are pending; postpone indefinitely, or reconsider a debatable question.

12. Putting the question. When the debate appears to have closed the chair will ask, "Are you ready for the question?" If no one asks for the floor he shall put the question to vote, making it clear what the question is.

13. Majority. A majority of those present shall constitute a majority of the body assuming a quorum is present. The chairman may vote as any other member and may make or second motions.

B. SPECIFIC RULES OF PROCEDURE. The following motions are permissible in considering any matter on the agenda, and unless otherwise specified shall rank in precedence and application as set forth numerically below.

1. UNDEBATABLE MOTIONS.

a. Question of order and appeal. A question of order takes precedence of the question giving rise to it, may be put when another member has the floor, needs no second, and must be decided by the chairman without debate. If a member objects he may appeal, which if seconded, will immediately be put to the body. An appeal is waived if not made immediately. On appeal the decision of the chair is sustained on a tie vote.

b. Suspension of rules. This motion may not be amended, nor another motion be applied for it,

nor a vote on it reconsidered. Rules of the body may not be suspended except for a definite and specific purpose and by a vote of one more than a majority present. Nothing else may be done under the suspension. It may not be renewed at the same meeting if once defeated. It shall be in order to change the order of the agenda. No rule can be suspended when the negative vote is as large as the minority protected by that rule.

c. To lay on the table. This motion may not be used for purposes of continuance of a matter which has been specially called for public hearing, which is done by a motion to continue. It may not be amended nor an affirmative vote on it be reconsidered.

If carried the subject tabled may not be considered again until the body votes to take it from the table, which motion is also undebatable.

The object of the motion is to postpone the subject in such a manner that it can be taken up at any time, either at the same or some future meeting. It may be used to suppress a question for that meeting, but not for a matter for which a public meeting has been specially set. The

effect of the motion is to place on the table everything that adheres to the subject, so that if an amendment be ordered to lie on the table, the subject which it is proposed to amend is also tabled. However, it may be limited to the particular pending matter and if so adopted the remaining matters shall still be before the body.

After demand for the previous question up to the time of taking final action under it, it is in order to move that the main question be laid on the table. Passage requires the vote of one more than a majority of the members present.

d. The previous question. This motion is not amendable and applies to any debatable question, but is not debatable itself. It requires the vote of one more than a majority of the members present for its adoption. When called, and seconded, the chair shall immediately put the question. If the motion fails to carry by a majority plus one of the members present, the debate will continue as if the motion had not been made. If adopted the chair shall immediately bring the body to vote upon the pending question.

If applied to an amendment to a pending

question it brings to a vote not only the motion to amend but also the question to be amended. However, the motion for the previous question may be limited to the pending amendment, and, if adopted, debate will be closed only to the motion to amend.

It shall be proper for a member to submit a motion and at the same time move the previous question thereon and thus cut-off debate on the motion. In this case the chair shall first put the motion for previous question to vote.

2. DEBATABLE MOTIONS.

a. Continue to a certain day. This motion yields to all undebatable motions, and take precedence of all other debatable motions, except that it may be amended by altering the time, and the previous question can be applied to it without affecting any other motions pending.

b. To commit or refer. This motion is to commit or refer a matter to a committee. It can be amended by altering the committee, or giving the committee instructions. The debate on the motion opens the debate on the main question it is proposed to commit.

c. To amend. This motion takes precedence



over nothing but the question to which it is proposed to amend and yields to all questions except to postpone indefinitely. It can be applied to all but undebatable questions, an amendment of an amendment, to postpone indefinitely or to reconsider. It can be amended itself, but an amendment of an amendment cannot be amended.

An amendment may be inconsistent with the one already adopted, or may be directly in conflict with the spirit of the original motion, but it must have a direct bearing upon the subject of that motion. A motion to amend by inserting new words once past, may not be the subject matter of a new amendment to change the same words. The proper motion is the motion to reconsider the vote by which the words were inserted.

A motion to amend may be made to "divide the question" into two or more questions as the mover specifies, so as to get a separate vote on any particular point or points.

d. To postpone indefinitely. This motion takes precedence of nothing except the question to which it is applied and yields to all motions except to amend. It cannot be amended, and opens

to debate the entire question which it is proposed to postpone.

Its effect is to entirely remove the question from the body for that session. The previous question, if ordered when this motion is pending, applies only to it without affecting the main question.

It cannot be applied to a matter that has been specially set for public hearing. A negative vote on it cannot be reconsidered.

e. Principal question. The main or principal question is a motion to bring before the body for its consideration any particular subject. No principal motion can be made when any other motion is before the body. It takes precedence over nothing and yields to all.

#### C. MISCELLANEOUS MOTIONS.

1. To rescind. This motion cannot be made for a matter that has been voted upon for which a matter has been specially called for public hearing. However, for other matters to which it is appropriately addressed, as where it is too late to reconsider the vote, the motion is the course to pursue to rescind an objectionable policy, order or motion; it is debatable.

2. To reconsider. This motion is not in order after the body has voted upon the principal question which is

the subject matter of a specially called public hearing unless made immediately after thereon and before any member of the public has left the public hearing. It is otherwise in order at any time, even when another member has the floor, but not after that session has adjourned.

It must be made by a member who voted with the prevailing side. It can be applied to the vote of every other question, except as noted above, and except to suspend the rules and an affirmative vote to lay on the table or to take from the table.

The motion may not be amended. Whether or not it is debatable depends upon whether the question to be reconsidered is debatable or undebatable. It may be laid on the table, in which case, the reconsideration, like any other question, can be taken from the table.

3. Roll call. Any member may demand a roll call vote any time before or after any question is put. The demand needs no second and the chairman must ask for a roll call vote on demand. It is not debatable and may be applied to any question. It is waived if after the vote it is not immediately made and prior to the next matter being considered.

SUGGESTED FORMS

1. UNDEBATABLE MOTIONS

a. Question of order.

Member: "I raise a point of order."

Chair: "State your point of order."

Member: States his point of order

Chair: Ruling by the chairman, who may give reasons.

Member: "I appeal from the decision of the chair."

Chair: (If seconded) "Shall the decision of the chair stand as the decision of the body?"

b. Suspension of rules (majority plus one)

Member: "I move to suspend the rules requiring..."

c. To lay on table (majority plus one)

Member: "I move to lay the question (stating it) on the table."

Member: "I move to take the question (stating it) from the table."

d. Previous question (majority plus one)

Member: "I call (demand or move) for the previous question."

Chair: (If seconded) "Shall the main question be now put?"

Member: "I call for the previous question on the amendment."

Chair: (If seconded) "Shall the question be now  
put on the amendment?"

2. DEBATABLE MOTIONS

a. Continue to a certain day (majority)

Member: "I move to continue the question of (stating  
it) to the next regular [or recessed] meeting  
of (date).

NOTE: (1) Zoning matters must be decided and re-  
ported by the planning commission within 90  
days of the application.

(2) Plats and subdivisions must be approved,  
disapproved or returned to applicant for mod-  
ification or correction within 60 days from  
date of filing, unless applicant files written  
consent for longer period in which to act.

b. To commit or refer (majority)

Member: "I move to refer the subject to a committee."

c. To amend (majority)

Member: "I move to amend the motion to 'add', or  
'insert', to 'strike', to 'strike out \_\_\_\_\_  
and insert \_\_\_\_\_', to 'divide the question'  
(into two or more questions), etc."

d. To postpone indefinitely (majority)

Member: "I move to postpone the question indefinitely."

e. Principal question (majority)

Member: "I move that...

[CP,ZO,R] "...we recommend by resolution to the city council that CP-123 be approved, denied, etc., for the following reasons: \_\_\_\_\_, \_\_\_\_\_."

[P,S] "...we find that P-123 makes appropriate provision for public dedication and improvements and that the public use and interest will be served by its approval, and that we approve the same subject to the listed engineering requirements (and dedications within 90 days)."

3. MISCELLANEOUS MOTIONS.

a. To rescind (majority)

Member: "I move to rescind that motion, policy, etc."

b. To reconsider (majority)

Member: "Having voted on the prevailing side, I move that we reconsider the vote on the motion to (stating it) and have such motion entered on the record."

c. Roll call (any member)

Member: "I demand a roll call vote." No second needed.

Chairman: "The secretary will please call the roll."

1. UNDEBATABLE	a. Question of Order - Appeal			*		**	*	
	b. Suspension of Rules				*	*	*	*
	c. Lay on Table				*	*		
	d. Previous Question					*		
	2. DEBATABLE							
a. Continue to Certain Day			*		*			
b. Commit or Refer			*		*			*
c. Amend				*	*			*
d. Postpone Indefinitely		*			*		N.V.	*
e. Principle Question			*		*			*
3. MISCELLANEOUS								
a. Rescind			*		*			*
b. Reconsider		*			*			*
c. Roll Call		*			*			*
	Main question open for debate							
	Need not be seconded		*					
	Majority			*				
	Majority plus one				*			
	Cannot be amended					*		
	Cannot be reconsidered						*	
	Cannot be made on specially set hearings							*

EXHIBIT B

RULES OF PROCEDURE FOR THE CONDUCT OF  
PUBLIC HEARINGS

The format for public hearings conducted by the City Council should be as follows:

1. A request to have the City Attorney or staff member read or otherwise paraphrase the scope of the particular hearing (the purpose of the hearing) and advise the Council of the applicable criteria that they must consider in the course of their review. The purpose of this is to advise the Council before they receive all of the input and testimony as to what items they should be looking at and paying the most attention to during the course of the ensuing hearing.

2. The hearing should be commenced with a staff report to the City Council together with the staff's recommendation.

3. The Council should direct any questions they have at that time to the staff.

4. The hearing should be open to permit the applicant to make a presentation to the body hearing the matter.

5. Questions from the body should be directed to the applicant.

6. The hearing should be opened to the audience as a whole preferably a sign up list should have been circulated. If a sign up list has been circulated you then have an indication of the number of persons desiring to speak which may be weighed against the amount of time available that evening for the public hearing. The City of Bothell utilizes a method of allocating a



stated amount of time to the hearing and giving each person who has signed up an equal amount of time to speak. Frequently, persons who have signed up waive their opportunity to speak which leaves time to be further allocated to those who wish additional time. If the time allocated for the hearing is exhausted the hearing can then be continued to another date if such is necessary. The sign up list also provides a backup list for the Clerk who is having to take the minutes for the name and address of the speaker. In addition, it provides an orderly process for the calling of speakers. It also assures that each person is given an opportunity to speak before those who have already spoken are given an additional opportunity to speak.

7. Each person speaking whether it be the applicant or a member of the audience should be required to come to the podium that is tied into the recording machine and before giving their position should, for the record, state their full name and their residence address. At the time all of the names on the list have been called and have either waived the opportunity to speak or have spoken you may then ask if there are any other persons who desire to speak that have not yet had the opportunity to speak and who had not signed on the list. If there are any then those persons should be allocated the same amount of time if there is such time remaining.

8. When all who desire to speak have had an opportunity to speak then, in the event there is hearing time remaining, and in the event there are those who have already spoken that have

something additional in the way of input then additional time may be allocated to them.

9. If at the conclusion of the time allocated for the hearing there are still persons desiring to speak that have additional input and information then the hearing time may either be extended or may be continued to a date certain in the future.

10. As photographs, maps, slides, letters, invoices, memorandums, petitions or any other documents of any nature are presented to the Council in connection with the hearing each one should be identified at the time it is presented and an exhibit number assigned to it. The Clerk should maintain an exhibit number list and ascribe the exhibit number on the face of the particular exhibit and note the date of submission on it.

11. Councilmembers should in every instance first be recognized by the Chairman before asking questions or providing other input. The purpose of this is for the Chair to specifically recognize the Councilmember about to speak by name so that the record accurately reflects who is speaking at the time.

12. Each person who speaks a second time or who responds to a question should come to the podium on each occasion and again re-identify themselves by the giving of their name. The giving of the address the second time is not necessary.

13. Any questions that any Councilmember has of any member of the audience or of the applicant should be addressed to those person or persons prior to the closing of the hearing. Once the hearing is closed no additional testimony may be taken

and the Council will be limited to questions of clarification to the staff only.

14. Councilmembers should avoid whispered conversation between themselves during the course of the hearing. These conversations are semi-intelligible on the tape recording and may jeopardize the record since there then is obviously evidence or part of the record that cannot be ascertained as to what was said should the case be on review. When the public has completed their input the applicant or appellant or their designated representative should be given a brief opportunity for rebuttal. Upon conclusion of the rebuttal if there are no more questions for any member of the audience or the applicant the hearing should be closed.

15. It should also be noted that proponents or opponents do have a right of examination of persons who have given testimony at the hearing. However, these questions should in every instance be directed through the Chairman of the meeting and not directly to the person whose response is being elicited. For example, the person would request that the Chairman ask person X for an answer to a given question. The Chairman would direct that person to come to the podium, identify himself and give a response. At the conclusion of that response any additional questions from that person or other persons should be handled in the same manner. That is one question at a time, each question always channeled through the Chairman to the person whose response is being elicited.

16. At the conclusion of the hearing the Council should

commence their deliberations. Obviously it is preferable that the deliberations be completed on the night of the hearing. This, however, is not mandatory and the Council's deliberations may be continued to a date certain in the future. Continuance should be avoided at all costs if it can be.

17. During the course of deliberation and discussion the pros and cons of the project or appeal should be thoroughly and completely discussed particularly as they relate to the criteria to be applied in the particular matter.

18. Any motion for action should as fully and completely as possible include a statement of conclusion or factual findings that are forming the basis for the motion. For example, Mr. Chairman after a review of the file and having heard the testimony from the hearing and having visited the site or otherwise being familiar with the particular site I find that the proposed whatever satisfies the criteria or does not satisfy the criteria for the following reasons (list them 1, 2, 3, 4, 5, etc.). It would not hurt to actually draft these out in advance of making any motion. At the conclusion of this statement of findings and conclusions then the person should say "for the foregoing reason(s) I move that the application or appeal be approved, denied or modified in whatever respect it should be so modified." Assuming the motion is seconded discussion should then ensue. The Chairman may call upon each member to state their reasons for or against the particular motion. At the conclusion of that the Chairman should then call for a vote upon the motion.

19. At the conclusion of the taking of the vote and the announcement of the decision the Chairman should at that time advise the audience on the record what the appropriate appeal process is. This can be done either by the Chairman himself or by the Chairman directing such an inquiry to the City Attorney or other staff member.

MILL CREEK DISTRIBUTION SCHEDULE

ORDINANCE NO. \_\_\_\_\_ ( ) First Reading  
RESOLUTION OF INTENTION NO. \_\_\_\_\_  
RESOLUTION NO. 1 ( ) First Reading  
SUBJECT MATTER Review rules of procedure

CONFORM AS TO DATES & SIGNATURES:

- ( ) Filed with the City Clerk 10/4/83
- ( ) Passed by the City Council 10/4/83
- ( ) Signed by the Mayor 10/4/83
- ( ) Signature of City Clerk \_\_\_\_\_
- ~~( ) Posting Date(s) \_\_\_\_\_ and \_\_\_\_\_~~
- ( ) Effective Date \_\_\_\_\_

DISTRIBUTE CONFORMED COPIES AS FOLLOWS:

- ~~( ) The Everett Herald or \_\_\_\_\_~~
- ( / ) Ordinance or Resolution Book
- ( ) Zoning, comprehensive plan, comprehensive street plan book
- ( ) 3 copies to Association of Washington Cities (35A.39.010)
- ( / ) Attorney
- ( ) Building Inspector
- ( ) City Clerk/Treasurer
- ( ) City Council
- ( ) City Engineer
- ( ) City Manager
- ( ) Fire District 7 and 11
- ( ) Police Department
- ( ) \_\_\_\_\_
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CERTIFIED COPIES:

- ( ) \_\_\_\_\_
- ( ) \_\_\_\_\_
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- ( ) \_\_\_\_\_

ALL EXHIBITS OR OTHER ATTACHMENTS ARE AFFIXED TO THE ABOVE DOCUMENT AND TO THE COPY TO BE PUBLISHED IF PUBLICATION IS REQUIRED.

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DATE