

CITY OF MEDINA
CITY COUNCIL RULES & GUIDELINES



Adopted by the Medina City Council
February 10, 2020

MEDINA CITY COUNCIL RULES AND GUIDELINES

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Chapter 1

OVERVIEW AND INFORMATION SOURCES

1.1 Introduction

The *Medina City Council Rules & Guidelines* are intended to centralize information on common issues and procedures related to local government, the operation of the Medina City Council, and the roles and responsibilities of Medina City Councilmembers. These Guidelines are based on State statutes, City ordinances, court cases, parliamentary procedure guides, and other sources, but are not a substitute for those sources. All Councilmembers shall attend periodic training and refresher courses approved or endorsed by the City and other municipal entities. All Councilmembers are expected to follow these Guidelines and be bound by them unless excused by a vote of at least five members of the City Council.

1.2 Independent Municipal Resources

Many informational resources are available to Councilmembers, starting with City staff. Two principal organizational sources are MRSC and AWC:

1.2.1. Municipal Research & Services Center of Washington

The Municipal Research and Services Center (MRSC) is a private, non-profit organization based in Seattle, Washington. MRSC is funded by the state legislature, with a mission to promote excellence in Washington local government through professional consultation, research and information services. MRSC information and research services are available free of charge to elected officials and staff of Washington city and county governments. MRSC serves Washington local governments by providing: (1) Dependable advice from a multidisciplinary team of professional consultants; (2) A comprehensive Web site; (3) Access to thousands of sample documents; (4) Timely and informative print and electronic publications; and (5) Access to the largest local government library collection in the Northwest. MRSC is not dedicated to representing or supporting any particular city, however, and is not a substitute for the City's staff.

MRSC produces a number of useful guides and handbooks for Councilmembers which are used statewide, including the following:

- **Mayor & Councilmember's Handbook.** *Revised August 2019.* The Handbook provides an overview of the structure of municipal government in Washington and the role of the Councilmember in that structure. The primary focus is on Council meetings.
- **Local Government Policy-Making Process.** *Revised October 2017.* This publication describes the local government policy-making process, outlines effective roles for local officials, and provides practical tips to make the local policy-making process satisfying and productive.
- **Knowing the Territory - Basic Legal Guidelines for Washington City, County, and Special District Officials.** *Revised September 2019.* This provides a wealth of basic information about the nature, powers and duties of municipal officials; how to stay "out of trouble"; limitations, regulations, and admonitions

regarding the exercise of governmental powers; common conflicts of interest; the Open Public Meetings Act; the Appearance of Fairness Doctrine; and legislative immunities and protections.

1.2.2 The Association of Washington Cities

The Association of Washington Cities (AWC) is a longstanding private, nonprofit, non-partisan corporation that represents Washington's cities and towns collectively before the state legislature, executive branch and regulatory agencies. Membership is voluntary, but AWC consistently maintains 100% participation from Washington's 281 cities and towns. A 24-member Board of Directors oversees AWC' activities, which focus service work in five areas:

- Legislative representation
- Educational training
- Publications and resources
- Technical assistance in personnel and labor relations, energy, transportation, budgeting, planning, risk management and employee wellness
- Member programs such as municipal liability and property insurance, employee drug and alcohol testing, and employee benefits

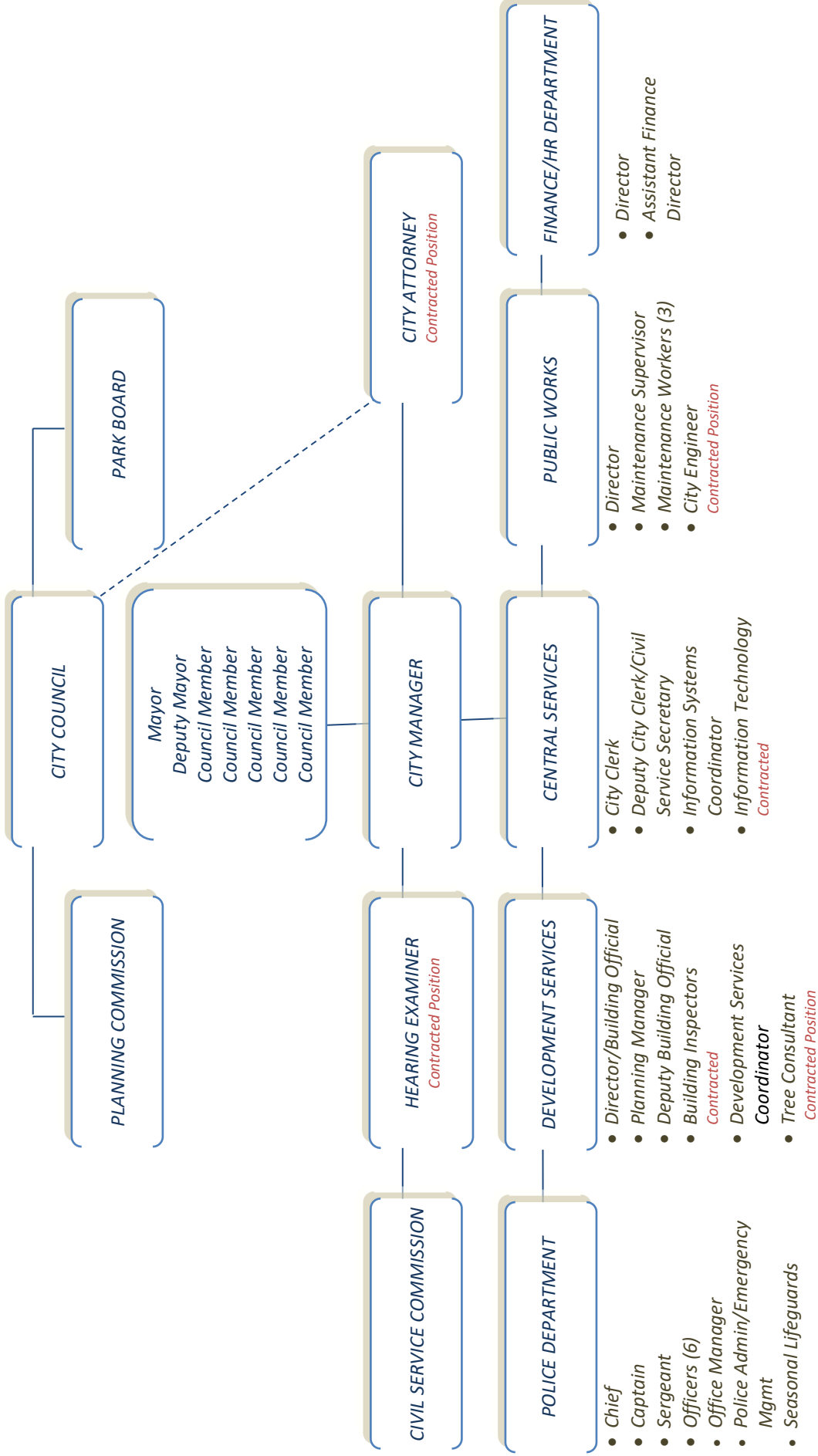
1.3 City Organizational Chart

An organizational chart of the City follows on the next page.

CITY OF MEDINA

CITIZENS OF MEDINA

ORGANIZATIONAL CHART



Chapter 2

CITY COUNCIL RESPONSIBILITIES AND VALUES

2.1 Introduction to Council Service and Responsibilities

City Councilmembers not only legislate for the City and establish important and critical community policies, but serve as the "board" members of a public municipal corporation having an annual budget of several million dollars and extensive responsibility for maintaining and regulating the public health, safety and welfare. The Council acts collectively, and every Council action affects the public. Councils must exercise their authority in accordance with federal, state and local law, and each Councilmember must be mindful of their oath and charge to act for and on behalf of the City.

These Guidelines provide a summary of important aspects of City and Council activities, but it cannot incorporate all material and information necessary for undertaking the business of the Council or the role of Councilmember. The following list briefly summarizes some of the key principles of government, sources of City and Council authority to govern, and the procedures it must use in doing so.

2.2 Revised Code of Washington

The Revised Code of Washington (RCW) is the compilation of all permanent state laws now in force. The RCWs are enacted by the state legislature and signed by the Governor, or enacted via the initiative process. State laws contain many requirements affecting the operation of every city government and administration of meetings and activities of every city council throughout the state.

2.3 Open Public Meetings; Public Records

Two of the most important procedural laws the City and Council must follow at all times are the Open Public Meetings Act (OPMA; RCW 42.30) and Public Records Act (PRA; RCW 42.56). These two statutes are mentioned here and frequently throughout the Guidelines because of their pervasive importance.

2.4 Form of Medina Government; Separation of Powers

Medina is an optional code city under RCW Title 35A (Optional Municipal Code). As such, Medina is vested with the broadest powers of incorporated cities under the State constitution and the RCW. Medina uses a Council-Manager plan of government pursuant to RCW 35A.13, which separately assigns the City's legislative authority to an elected City Council and the City's the administrative authority to the City Manager. Under that system, the City Manager is appointed and removed by the Council, but the Council is prohibited from interfering with the City Manager's administrative duties. The City Manager thus functions as a chief executive officer, responsible for directing the daily operations of City government and all of its administrative actions, departments and functions.

2.5 Medina Municipal Code

The Medina Municipal Code (Code) is the repository for the local laws and regulations adopted by the Council, typically through ordinances and sometimes resolutions. Title 2 of the Code addresses the role of the Medina Council and describes its organization, its

meetings and responsibilities, and the appointment of the City Manager, City advisory boards and City commissions. The Code compiles the broad array of local laws adopted by the Council, including zoning and land use standards, health and safety issues, police and traffic regulations, building standards, and revenue and finance issues.

2.6 Medina Personnel Policy Manual

The City maintains a Personnel Policy Manual which covers many subjects pertinent to City employees. While they are not employees, Councilmembers shall follow applicable policies, provisions and requirements of the Manual including but not limited to travel on City business, overnight stays, and expense reimbursement for transportation, accommodations, meals, per diem limits, incidental expense limits, use of personal vehicles, and expense reporting.

2.7 Medina Annual Budget

The City's annual budget is the primary tool and road map for accomplishing the goals of the City. The annual budget is prepared and proposed by the City staff and then reviewed, altered as appropriate, and approved by the Council. It comprises one of the most important processes the City undertakes because it sets City priorities and policies, and establishes and allocates funding levels and tax revenues. All of that in turn provides the framework for the governmental and administrative operations of the City for the coming year.

2.8 Medina Comprehensive Plan; Coordinated Growth and Development

The authority for and requirements related to the City's comprehensive plan derive from the Washington Growth Management Act (GMA; codified primarily at RCW 36.70A). The GMA was enacted in 1990 in response to rapid population growth and concerns with suburban sprawl. It recognized the need for comprehensive and coordinated planning within and among adjacent jurisdictions, the need for environmental regulation to protect Washington's resources and quality of life, and related issues. Counties and cities planning under the GMA are required to adopt formal planning policies in their comprehensive plan that will then guide their respective land use and development activities. Nearly all western and some eastern Washington cities and counties are required to plan under the GMA.

The Medina Comprehensive Plan is the blueprint for the City's physical character, its future development and changes, and look and feel of the City. It is updated once annually and creates the conceptual starting point for the City's specific development regulations and procedures. The City's development regulations must be consistent with the City's comprehensive plan, which must in turn be consistent with the comprehensive plans of surrounding cities and King County.

2.9 Medina Comprehensive Emergency Management Plan

The City maintains a Comprehensive Emergency Management Plan (CEMP) that outlines actions to be taken during times of extreme emergency. When the Mayor is called upon to declare the emergency, the Police Chief then directs all disaster response activities per the CEMP. Because the Council may be called upon during an emergency to establish policies related to a specific incident, Councilmembers should become familiar with the CEMP.

2.10 Medina City Council Core Values

The Medina City Council annually adopts or reaffirms core values for its actions and the actions of its Councilmembers, as follows:

- The Council will listen to the community with a goal of achieving the community's interests and objectives.
- Councilmembers hold public trust and are fiduciaries of public funds. The Council will strive for sustainable policies that support City finances and goals, and the local economy.
- Councilmembers will be respectful at all times, and use their best efforts to collaborate with each other and seek consensus wherever possible.
- Councilmembers will exhibit respect for the professionalism and expertise of the City Manager and staff.
- Councilmembers will comply with open government laws, including the Public Records Act and Open Public Meetings Act, to promote transparency and maintain trust in government.
- Councilmembers will come to meetings prepared. Council meetings will be focused and expeditious, and the Council will strive to make decisions efficiently and with an eye toward finality.
- Councilmembers are community leaders. They will listen and act fairly, will strive to avoid conflicts of interest, and will set a good example by following City codes and policies.

2.11 New Councilmember Orientation

It is important for the members of the City Council to gain an understanding of the full range of services and programs provided by the City. As new members join the Council, the City Manager and City Clerk will host an orientation program that provides an opportunity for members to tour municipal facilities and meet with key staff within the first quarter of taking office. Another training opportunity for new members is the Association of Washington Cities-sponsored newly elected officials' orientation. At any time, if there are facilities or programs about which you would like more information, arrangements will be made to increase your awareness of these operations.

Chapter 3

COUNCILMEMBER ROLES AND DUTIES

3.1 Introduction

The City Council is the policy and law making body of the City. State law and local ordinances grant the powers and responsibilities of the Council. The Council may only act as a body and pursuant to consensus or majority vote of the applicable quorum requirements (colloquially "majority"). No Councilmember has any extraordinary powers beyond those of other Councilmembers. While the Mayor has some additional responsibilities such as developing the Council agenda and chairing meetings, when it comes to establishing policies, voting, and other matters all members are equal. It is also important to note that policy is established by at least a majority vote of the Council.

Although individual Councilmembers may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. Councilmembers should respect adopted Council policy. In turn, it is Staff's responsibility to ensure the policy of the Council is carried out.

The City Council is responsible for appointing one position within the City organization—the City Manager. The City Manager serves at the pleasure of the Council. The City Manager is responsible for all personnel within the City organization, including the city attorney, city engineer, and hearing examiner.

Except for the purpose of inquiry, the Council and its members must deal with the administrative personnel solely through the City Manager or the manager's designee in accordance with law. Neither the Council nor any Councilmember may give orders to any subordinate of the City Manager.

3.2 Duties of City Council

The following is a non-exclusive outline of City Council duties and responsibilities:

1. Establish Policy
 - a. Adopt goals and objectives
 - b. Establish priorities for public services
 - c. Approve/amend the operating and capital budgets
 - d. Approve contracts over \$50,000
 - e. Adopt resolutions
2. Enact Local Laws
 - a. Adopt ordinances
3. Supervise Appointed Officials
 - a. Appoint City Manager
 - b. Evaluate performance of City Manager
 - c. Establish advisory boards and commissions
 - d. Make appointments to advisory bodies
 - e. Provide direction to advisory bodies
4. Provide Public Leadership
 - a. Relate wishes of constituents to promote representative governance

- b. Mediate conflicting interests while building a consensus
- c. Call special elections as necessary
- d. Communicate the City's vision and goals to constituents
- e. Represent the City's interest at regional, county, state, and federal levels as authorized by Council

5. Decision-Making

- a. Study problems
- b. Review alternatives
- c. Determine best course of public policy

3.3 Selection and Role of Mayor

3.3.1 Selection of Mayor

Biennially at the first meeting of the new Council, the Councilmembers shall select a Mayor using the following procedure. The City Clerk shall preside over the election.

1. Any Councilmember may nominate him or herself or a fellow member. No second is required. Councilmembers may decline their nominations if desired. When all nominations have been received, the nomination period shall be closed.
2. Nominees and nominators may make a brief statement in support of their nominations before the City Clerk closes the nomination period.
3. If more than one nomination is received, the Clerk shall ask the Councilmembers one by one to express their votes. A nominee must receive a majority vote to be selected as Mayor.
4. If a roll call vote fails to garner a majority of votes for a single nominee, motions may be made, and seconded, to: (1) continue the vote to the next meeting, with the incumbent Mayor remaining until then; or (2) remove the nominee with the lowest number of votes and call for a re-vote; or (3) re-open the floor for additional nominations; or (4) continue voting until a single nominee receives a majority vote. In lieu of motions, the Council may reach a consensus on how to proceed.

3.3.2 Role of Mayor

The Mayor serves as the presiding officer and acts as chair at all meetings of the City Council. The Mayor may participate in all deliberations of the Council in the same manner as any other member and is expected to vote in all proceedings unless a conflict of interest exists. The Mayor has no veto power. The Mayor may not move an action, but may second a motion. Responsibility to act as the City Council's ceremonial representative at public events and functions has been assigned to the Mayor. The Mayor is vested with the authority to initiate and execute proclamations. The Mayor shall serve as a member of all Council standing committees.

3.4 Selection and Role of Deputy Mayor

3.4.1 Selection of Deputy Mayor

Biennially at the first meeting of the new Council, the Council shall decide by majority vote whether to select a Deputy Mayor, or whether to appoint a Councilmember to serve as mayor pro-tempore as the need arises. *See* RCW 35A. 13.035 ("Biennially at the first

meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor."). If the Council decides to appoint a deputy mayor, he or she shall be selected through the same process for electing the mayor.

3.4.2 Role of Deputy Mayor

The Deputy Mayor shall fulfill the Mayor's duties in the absence of the Mayor. In the absence of both the Mayor and Deputy Mayor, the Council shall appoint another Councilmember to fulfill the duties.

3.5 Advisory Boards and Commissions

3.5.1 Role of Advisory Boards and Commissions

The City Council is empowered to create advisory boards and commissions pursuant to the provisions of Title 35A RCW, or such advisory boards or commissions not specifically enumerated, as the Council deems necessary or advisable. In the exercise of this power, it is the desire of the Council to establish a consistent policy in its decision-making role to fairly and equitably evaluate those citizens of the community who demonstrate a desire to serve on such boards or commissions.

Boards, commissions, and citizen committees provide a great deal of assistance to the Council when formulating public policy and transforming policy decisions into action. The City currently has a standing Park Board and a Planning Commission. In addition, special purpose committees and task forces may be appointed by the Council to address issues of interest or to conduct background work on technical or politically sensitive issues. Special purpose committees and task forces will be dissolved upon completion of the intended task.

The Council may annually develop a work plan for the Council, a statement of the City Manager's objectives, and work plans for its standing boards and commissions. The Council may assist in coordinating implementation of such work plans.

Standing boards and commissions shall conduct regular meetings that are open to the public in accordance with the Open Public Meetings Act, RCW 42.30 ("OPMA"). Upon formation of any special purpose committee or task force, the Council shall determine, based upon the committee's structure and function and with advice from the City Attorney, whether such committee shall be subject to the OPMA.

3.5.2 Appointments, Qualifications, and Terms of Service

Persons wishing to be considered for appointment or reappointment to the Park Board or Planning Commission shall submit to the City Clerk's office an application on a form provided by that office. It is the policy of the City Council that each applicant be evaluated on an objective basis utilizing the following criteria:

1. Residency: Members shall be residents of the City of Medina.
2. Sectional Composition: Consideration should be given toward maintaining an equitable balance of community representation on all boards and commissions. Multiple members from the same family or

household will not be appointed to a single board or commission in order to avoid the reality or appearance of improper conflict, influence or favor.

3. Occupation: A broad mix of occupational backgrounds on all boards and commissions will be attempted as appointments are considered.
4. Knowledge of Municipal and Planning Process: When ranking equally qualified applicants, consideration shall be given to background experience and knowledge of the municipal process as appropriate to the position in reaching a decision.
5. Contributive Potential: Consideration will be given to the potential contribution that each applicant may make if appointed to a board or commission. Criteria to guide this evaluation may include:
 - a. Ability to communicate effectively
 - b. Desire to perform public service
 - c. Ability to express ideas, concepts, or philosophies
 - d. Desire to participate in decision-making process
6. Leadership Potential: Since each appointee may be called upon to serve as a chair, consideration will be given to each applicant's leadership abilities, including:
 - a. Past or present leadership experience (current employment, special interests, etc.)
 - b. Past or present participation in community services
 - c. Expressed interest in a leadership role

No person shall be appointed to serve as a member of more than one board or commission at the same time. Persons serving on a board or commission who have requested appointment to another board or commission position may be appointed to such position if they, concurrent with the appointment, resign from the board or commission position they are then holding.

3.5.3 Appointment Process

The following process shall govern the appointment of persons to advisory boards and commissions.

1. The Mayor, together with two other Councilmembers designated by the Mayor, shall constitute a personnel committee to perform the interviews and recommendations for appointments to the Planning Commission and Park Board. The personnel committee shall interview the applicants, although the committee may make recommendations after reviewing applications and without conducting interviews. Upon completing its review, the personnel committee shall make a recommendation of appointment (or no appointment) to the Council.
2. After the personnel committee has forwarded its recommendation to the Council, the Council will be given copies of all applications and will have at least ten days to review and evaluate the applicants and committee's recommendation prior to the meeting at which the Council will be asked to make an appointment or confirm a recommendation.

3. The City Clerk will promptly notify each applicant and the chair of the affected board or commission of the Council's decision made at step 2 above.

3.5.4 Councilmember Roles and Relationship with Advisory Bodies

Councilmembers, in their capacity as private citizens, should refrain from providing comment or testimony in matters pending before an advisory board that will receive, or could potentially receive, future review or other action before the Council. Where a Councilmember believes they may wish to provide such comment or testimony, the following shall apply:

1. The Councilmember shall timely advise the City Manager of their desire to provide comment or testimony so the Manager may obtain input and advice from the City Attorney and transmit that to the Councilmember before any comment or testimony is provided.
2. If comment or testimony is not prohibited by law, the Councilmember will declare in the submitted comment and/or at the outset of any testimony upon the record that the Councilmember is present and acting in his or her private capacity as an interested citizen, and not on behalf or at the request of the City Council.
3. The Councilmember shall refrain from stating or implying that the Councilmember's position or opinion is or may be that of the City Council.
4. The Councilmember shall refrain from directing City Staff or the advisory body to take any action on behalf of the Councilmember or his/her comment or testimony.
5. In addition to these Guidelines, the Councilmember shall observe all rules of procedure and protocol that apply to any other private citizen making such comment or testimony to the advisory board.

3.6 City Council Committees

Council committees are policy review and discussion arms of the Council, made up of no more than three Council members, that discuss issues and develop recommendations for consideration by the full Council. Committees may be ad hoc or standing.

The City Manager or Council by majority vote or consensus may send items to committees for review on an as-needed basis. Committees shall meet as needed to carry out their purpose. Committee meetings shall be open to the public as required by the Open Public Meetings Act (OPMA).

Membership on each Council committee shall include the Mayor. The Mayor shall make appointments to each committee after asking each Councilmember's preference and taking those preferences into account.

Committees may be formed on any topic, and currently include Personnel and Finance committees. Committees are intended to be flexible and may be dissolved and reconstituted by the full Council depending on the needs of the City. A committee may be dissolved upon motion and approval by a majority of Council. Committee topics and structures should be determined in January of each biennium, but may be addressed more frequently.

Chapter 4

CITY COUNCIL MEETINGS AND RULES

The City Council's collective policy and law-making powers are put into action at Council meetings. Council meetings are where the Council conducts its business and are governed by the Council. The transparent conduct of City business is required and regulated by statute and provides the opportunity for citizens to be present and to be heard, and for City officials, Staff and Council guests to be available to the Council, press and public. These attributes comprise the essential components of the democratic nature of local government in Washington.

4.1 Regular Council Meetings

"Regular meetings" are scheduled in the Medina Code for the second and fourth Monday of each month at 6:30 p.m. in the City Hall Council chambers, 501 Evergreen Point Road, Medina. When these days are designated as a legal holiday, the Council meeting will be held the next business day or on an alternative day selected by the Council. As a general rule, at regular meetings the Council can consider and take action on any topic regardless of whether it is posted in the meeting agenda.

All Council meetings shall be conducted in accordance with the Open Public Meetings Act, RCW 42.30 (OPMA) and these Guidelines. Council meetings are recorded and minutes produced by the City Clerk for Council approval.

4.2 Special Council Meetings

"Special meetings" may be called by the Mayor or by a majority of the Councilmembers pursuant to the OPMA and require posting and distributing a meeting notice and agenda at least 24 hours in advance of the meeting time. The notice and agenda must be distributed by the City to a pre-existing list of recipients (which includes news media and others requesting receipt of such notices). Other requirements for special meetings are set forth in the OPMA.

4.3 Council Study Sessions

The Council may meet informally in a "study session" during any regular or special meeting. The study session is the forum used by Council to review forthcoming programs of the City, to receive progress reports on current issues, to engage in extended discussion of pending topics, and/or to receive and comment on extensive or detailed information from the City Manager and others. Discussions are generally informal and need not follow a particular format. Final action may be taken in accordance with the OPMA.

4.4 Council Executive Sessions

An executive session of the Council may be called at any time as provided in the OPMA. At the call of the Mayor or with a majority vote, the Council may convene in executive session to privately discuss and consider matters of confidential concern to the City. Matters discussed and documents reviewed in executive sessions may not be divulged by any Councilmember to any other person without prior authorization of a majority of the

Council. The purposes for which an executive session may be held are specified in the OPMA (at RCW 42.30.110) and include the following typical reasons:

- Discussion with legal counsel of pending or potential litigation or agency policies and enforcement actions
- Property acquisition/disposition when public knowledge of the discussion could harm the City's bargaining position
- Matters affecting national security
- Performance review of publicly bid contracts when public knowledge of the discussion could lead to a likelihood of increased price
- Review of complaints or charges against a public officer or employee
- Review of qualifications and performance of employees and certain applicants
- Evaluation of qualifications of candidates for appointment to an elective office

Before convening in executive session, the Mayor shall publicly announce the purpose for the executive session by citation to the OPMA, and the anticipated time when the executive session will be concluded. The Mayor shall indicate whether Council action is likely to be taken (or not) after the executive session. An executive session may be extended to a stated later time by announcement of the Mayor. At the conclusion of an executive session, if it is the last item of business on the Council's agenda, the Council shall reconvene to regular session, take action if appropriate, and adjourn its meeting.

4.5 Public Notice of Council Meetings and Hearings

Cities are charged by statute with establishing and following procedures for notifying the public of upcoming Council meetings, hearings and agendas. The City Clerk is responsible for publishing and posting all notices and agendas required by law and these Guidelines.

4.5.1 Notice of Council Meetings and Agendas. The public shall be notified of the preliminary agenda for each regular City Council meeting by posting a copy of the agenda at City Hall and on the City's official website at least 24 hours in advance of the meeting. Earlier notice is typically given by the Clerk.

4.5.2 Notice of Council Hearings. Except where a specific means of notifying the public of a hearing is provided by law or ordinance, public hearings before the City Council or the City's boards and commissions shall be noticed through one publication on the City's website and in its official newspaper notice, at least ten days before the hearing date, and shall contain the time, place, date, subject, and body before whom the hearing is to be held. RCW 35.22.288.

4.6 Council Meeting Agendas

The City Manager shall have primary responsibility for placing items on the Council agenda. The City Manager, Mayor and often the Deputy Mayor will review the agenda prior to each regular meeting. Items of City business may be added by request of two or more Councilmembers. So that staff have time to prepare and Councilmembers are not prejudiced by addition of last-minute agenda items, Councilmembers must notify the City Manager of desired agenda items at least seven calendar days in advance of the meeting.

The Council shall use a consent agenda for routine items not requiring in-depth discussion. A Councilmember may make a motion to remove an item from the consent agenda for full consideration by the Council.

Councilmembers shall review the agenda and packet in advance of the meeting, and address any questions to Staff ahead of time if possible to facilitate productive and efficient meetings.

4.7 Council Meeting Rules for Councilmembers

- Councilmembers shall act in a courteous, professional and respectful manner toward each other, the staff and the public.
- Councilmembers shall have reviewed the agenda materials and be prepared to substantively address all items on the Council agenda in a reasonable manner.
- Councilmembers shall use their best efforts to maintain a balanced and open perspective, and a sense of humor, in conducting Council and public business.
- Councilmembers shall avoid surprising one another or Staff with relevant issues or questions that could be researched, evaluated, and individually discussed before the meeting.
- Councilmembers will respect and abide the majority vote of the Council and speak with one voice on such topic going forward. Councilmembers should not work to undermine the decision of the Council. Councilmembers shall move forward expeditiously with Council decisions without rehashing previously discussed information or engaging in conversation with the public during the business meeting.
- Councilmembers shall use their City-provided electronic device to view the agenda packet and perform and complete the Council's business. See Guidelines at Chapter 6. Councilmembers may use personal or other electronic devices with advance notice and permission of the Mayor. In the event a change of device during a meeting is necessitated by, for example, a dead battery, the Councilmember will contemporaneously advise the Mayor thereof.
- Councilmembers shall not be repetitive in arguments or discussion or personally attack other members who may have contrary views.

4.8 Council Meeting Rules for Public Participants

4.8.1 Written Communications

All persons may address the Council by written communications, including via e-mail. Written communications timely received by the City pertaining to items for which a public hearing has been scheduled will be made a part of the public record by the City Clerk who shall read the comment aloud and submit the communication into the record.

4.8.2 Verbal Communications.

Council meetings are recorded. Each person addressing the Council at a regular or special meeting (if allowed) will do so from the podium and will speak in an audible tone of voice. Public comments shall be allowed only during the designated comment period(s) of Council meetings and public hearings. Speakers shall comply with the following rules:

1. Prior to making comments the speaker shall fill out the Clerk's comment card, and first give his/her name and address before starting comments.
2. Comments shall relate to matters of Council action and City business.
3. Comments shall be limited to three minutes unless a greater length of time is requested and approved by the Mayor.
4. All comments shall be addressed to the Council as a body and not to any member thereof. No comments shall be directed to Staff without the Mayor's permission.
5. Speakers may be asked to keep their remarks courteous and respectful. Speakers shall not engage in conduct that unreasonably disrupts the meeting, nor make comments for commercial or other purposes unrelated to the Council's business.
6. Councilmembers shall not engage in debate or conversations with speakers or each other during the comment period or otherwise, but may ask clarifying questions when recognized by the Mayor. Public comments or questions requiring a Staff response shall typically be referred to the City Manager for follow-up.

4.9 Council Meeting Recordings

The City Clerk shall make and keep audio recordings of all meetings of the City Council, except those meetings or portions thereof conducted in executive session. Recordings and related records of all Council meetings shall be retained by the City in accordance with the Washington State Records Retention Schedule, the Public Records Act, and other applicable statutes.

Chapter 5

CITY COUNCIL MEETING PROCEDURES

5.1 Parliamentary Procedure

Unless otherwise addressed by these Guidelines, Council meetings shall be conducted in accordance with traditional rules of parliamentary procedure, for which Roberts Rules of Order (RRO) will be consulted when necessary. Parliamentary rules are intended to assist the Council in conducting business in an orderly manner, but strict adherence to parliamentary procedure shall not be required. Councilmembers are encouraged to work through discussions by consensus wherever possible. In the event that the procedure for considering a matter is unclear or in dispute after referencing RRO, the following procedure shall be employed: (a) a motion shall be made proposing a course of action; (b) a second shall be required; (c) thereafter, each Councilmember shall be afforded the opportunity for discussion; and (d) the Mayor shall call for a vote. The Council shall be bound by the results of the vote.

The Mayor or a Councilmember may ask the City Attorney for clarification or guidance on matters of parliamentary procedure. The City Manager, City Clerk, and City Attorney shall have the ability to raise points of order as necessary to clarify the record or a point of contention, or assist the Council in avoiding improper or legally deficient action.

5.2 Council Meeting Decorum and Order

The Mayor shall preserve decorum and decide all questions of order, subject to appeal to the full Council. During Council meetings, Councilmembers shall preserve order and decorum, shall not delay or interrupt the proceedings nor refuse to obey the legitimate directives of the Mayor or the requirements of this Guidelines and the rules of protocol. Any person making personal, impertinent, or slanderous remarks and/or who creates an unreasonable disruption while addressing the Council shall be directed to cease by the Mayor. If unreasonably disruptive conduct continues, the person shall be removed from the meeting by the City's Police Department.

5.3 Order of Discussion

The Mayor should follow the prepared agenda as much as possible. A Councilmember may propose by motion that the order of agenda items be rearranged for necessity or convenience.

5.4 Discussion Limits

Councilmembers are encouraged to discuss items during the decision-making process and before taking action. A Councilmember should not speak more than once on a particular subject until every other Councilmember has had the opportunity to speak.

5.5 Ordinances, Resolutions and Motions

Ordinances, resolutions and motions are the general mechanisms used by the Council to take action. Motions are the most common form of Council action and must be made and seconded before discussion. They are approved by a majority vote and should be handled

generally as provided in RRO. Ordinances are the most formal of Council actions and used to adopt local laws, regulations, substantive policies, budgets, taxes, etc. Ordinances are prepared by the Staff in advance and are presented to Council for consideration and possible action. They may be introduced in the form of a motion and a second but must in every case be adopted via motion. Resolutions are the next most formal Council action and used to document Council actions and decisions that do not comprise the subject matter of an ordinance and are not required to be in ordinance form. Resolutions are handled using the same procedure as ordinances.

5.6 Council Voting and Conflicts

Each Councilmember shall vote on all motions and questions put to the Council unless an actual or potential conflict of interest under state law, appearance of fairness or otherwise requires recusal of the Councilmember. See Guidelines at Chapter 7. In such event, the Councilmember shall so advise the Mayor and Council when the matter giving rise to the actual or potential conflict is called on the agenda, thus enabling the Councilmember and Council to consider the issue and take the appropriate action.

Council vote tallies and procedures are as follows:

5.6.1 Affirmative and negative votes will be cast in an audible and clear voice when called by the Mayor, unless the City has installed and is using an electronic voting board, in which case each Councilmember shall cast and record their vote electronically and the Mayor shall announce the vote total.

5.6.2 A Councilmember may abstain from voting on a motion or question, but shall advise the Mayor thereof and state the reason when declaring her/his abstention. Abstentions shall not be counted for or against any question or motion, and a majority of the affirmative or negative votes cast shall be determined by ignoring abstentions, unless RRO or State law requires a different calculation of the majority.

5.6.3 A tie vote results in the question or motion having failed. The Mayor should explain the effect of the tie vote to the audience.

5.6.4 Reconsideration of a Council decision may be obtained by a majority vote of the Council upon a new motion made by a Councilmember voting on the prevailing side of the previous vote on the matter. Such motion shall be brought no later than the next regular Council meeting after which the previous vote was taken. If the vote to reconsider is approved, the previous matter is thereupon reopened for Council discussion and further action.

5.7 Attendance at Council Meetings Required

It is important that Councilmembers personally attend all Council meetings. A Councilmember may forfeit their office by failing to attend three consecutive Council meetings without being excused by the Council. To be excused the Councilmember shall advise the Mayor and City Manager prior to the meeting and state the reason for their unavailability. During roll call at the meeting the Mayor shall inform the Council of the absence and reason therefor. The Mayor may call for a nondebatable motion or seek Council consensus on granting or denial of the absence. See RCW 35A.13.020 and 35A.12.060.

5.8 Remote Participation at Council Meetings

Councilmembers may periodically be unable to personally attend a Council meeting for reasons such as accidents, illness, emergencies, unforeseen urgent out-of-town business or similar circumstances. In such infrequent event, Councilmembers may participate in and vote during all or part of a regular or special Council meeting using electronic means when all of the following conditions are met:

A. At least four Councilmembers are present in person at the meeting to establish a quorum.

B. The majority of the entire Council membership consents to remote participation, which consent shall not be unreasonably withheld.

C. All persons participating in the meeting, including the public and the remote Councilmember(s), are able to talk and hear each other simultaneously so that they are full participants in the meeting, and such connection is periodically confirmed during the meeting by the Mayor and remote Councilmember.

D. Electronic connection devices such as speaker phones, computer video and speakers, video connections, and/or other transmission options and devices are available and fully functioning; and, if confidentially is required for the subject matter of any part of the meeting (such as an executive session), the transmission medium is a verifiable secure link.

E. The remote Councilmember(s) shall bear the cost of the electronic equipment, connections and transmission except for equipment and connections currently available at City Hall.

Chapter 6

COUNCILMEMBER ACTIONS AND LEGAL DUTIES

6.1 Importance of Open Public Meetings

The City and Council shall comply with the Open Public Meetings Act at RCW 42.30 (OPMA). Councilmembers shall be mindful of OPMA laws when communicating with each other by any means outside of a Council meeting. The OPMA mandates that four or more Councilmembers may not discuss any item of City business outside an open public meeting, including by phone calls or electronic means such as email, texting and social media. Councilmembers are discouraged from sending communications concerning City or Council business to fellow members as this tends to provoke electronic discussion that could violate the OPMA. Councilmembers are instead encouraged to place items on the meeting agenda for discussion, and to individually discuss matters with Staff or one-on-one.

6.2 Representatives of City Act in Accordance with City Policies

It is a duty of Councilmembers, the Mayor and City Staff who represent the City to advocate positions that are consistent with the Council's adopted or approved policies, projects, and plans.

Should a circumstance occur in which a Councilmember or Staff member is in a position of leadership in a professional association, they shall make it clear as to which entity (the City or the professional association) s/he is representing.

Councilmembers should not be the point of contact with the media on matters of City business. It is preferable for the City Manager or his/her designee to handle media inquiries on matters of City business.

When making official comments on City businesses, Councilmembers shall state the majority position of the Council, if known, on an issue. Personal opinions and comments that differ from the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the Council's position. Before presenting the views of another Councilmember, the Councilmember must obtain consent from that member.

In the occasion a Councilmember is expressing their personal interest or that of another organization, the identity of the interest being expressed shall be made clear during the speaking of such comments.

6.3 City Council Communications and Records

All elected officials, officers and employees shall comply with the Public Records Act, RCW 42.56 (PRA), and the Open Public Meetings Act, RCW 42.30 (OPMA). To help ensure that City business communications submitted to, from, and by Councilmembers and City Staff complies with these acts, the following is emphasized:

6.3.1 Communications Generally. All "writings" in whatever form, including letters, memoranda, text messages, emails, photographs, videos, social media

postings, and recordings, the subject of which relates to the conduct of government or the performance of any governmental function, are public records. Public records must be retained by the City, including the City Council, and disclosed upon request. It is unlawful to destroy or conceal a public record while a request for it is pending.

To enable the City to fulfill its core function of retaining and providing public records upon request, each Councilmember shall be responsible for the following:

1. Forward all requests for records or documents they receive from the public to the City Clerk for follow-up.
2. Avoid using personal email accounts, and never use text messaging, to discuss, send, receive, create, or store public records. Councilmembers should perform City business using their City-issued personal devices. See Guidelines at Chapter 4.
3. Promptly transfer all received or created materials meeting the definition of a "writing" or "public record" including emails, texts and social media postings from personal devices or accounts to a City-owned account, device, or server.
4. In the event of a public records request, cooperate with directions from City Staff to access and search personal accounts and electronic devices, provide all responsive public records and writings that may be contained thereon, and execute a *Nissen* declaration provided by City Staff evidencing such facts.
5. Refrain from deleting any public records and writings from personal accounts and devices, and transfer them promptly to the City upon request.
6. Prior to completion of their term of office or other separation from office, return all City equipment and devices, and transfer all public records and writings from personal accounts and electronic devices, to the City and execute a *Nissen* declaration provided by City Staff evidencing such facts.

6.3.2 Communications from Non-City Sources. Letters, memoranda, emails, materials and all other communications received by the City which are addressed to a Councilmember or the Council as a body will be provided to all Councilmembers, and a copy retained according to the Records Retention Schedule and PRA.

6.3.3 Transitory Hardcopy Records. Hardcopy records that have no retention value, such as drafts, reminders, telephone messages, informal notes, and duplicate records may be deleted when no longer needed, provided that Councilmembers shall first confer with the City Clerk to ascertain that the particular records have no retention value and may be deleted and, if requested, provide copies of such records before deletion.

6.3.4 Transitory Electronic Communications

A. Informal messages with no retention value and that do not relate to City business or the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record and may be deleted once their administrative purpose is served.

B. All other messages that relate to City business or the functional responsibility of the recipient or sender as a public official constitute a public record and shall be treated as such. All public records are subject to retention, public inspection and copying.

C. Email, text or other electronic communications that are intended to be shared among four or more Councilmembers and which deal with City business, whether directly or indirectly, and whether concurrently or serially, shall presumptively comprise public records and shall be treated as such. If the intended purpose of the email is to have a discussion that should be held at an open meeting, the electronic discussion should not occur. Further, the use of e-mail communication to form a collective decision of the Council is prohibited.

D. Email should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other confidential City business because of the ease of transmission and dissemination. Deleted email is not necessarily removed from the user's system. Emails between Councilmembers, and between Councilmembers and Staff, shall not be transmitted to the public or news media unless either an affirmative decision to do so is authorized by the Council or City Manager, or in response to a qualifying public records disclosure request that has been filed with the City Clerk.

6.4 Social Media Policy

Members of City Council and City boards and commissions are subject to the City's Social Media Policy which is located in City's Personnel Manual. All postings made by members of City Council and City boards and commissions, in their official capacity, are subject to disclosure under the Public Records Act.

Chapter 7

COUNCILMEMBER CONFLICTS OF INTEREST

7.1 Conflicts of Interest

Conflicts of interest in a Councilmember's performance of their duties may arise for and from many reasons and situations. There are many statutes concerning conflicts of interest as well as common law judicial decisions and rules concerning such conflicts. In general, Councilmembers should avoid conflicts of interest whenever possible, and if they arise (or a Councilmember thinks they may arise), the Councilmember should advise the City Manager who can confer with the City Attorney as needed. "Recusal" by a Councilmember from the specific matter giving rise to the conflict is the most frequent remedy, which can then prevent legal issues from tainting Council decisions.

The Washington State Code of Ethics for Municipal Officers, RCW 42.23 (Ethics Code), is a primary source of regulations concerning conflicts of interest. The Ethics Code is intended to ensure that the judgment of public officers is not compromised or affected by inappropriate conflicts of interest, and that confidential matters are appropriately safeguarded. The Ethics Code has provisions that prohibit:

- Using one's official position to obtain a special privileges or exemptions.
- Receiving compensation or gifts for the officer's services.
- Accepting employment or engaging in activities that could require or induce an officer to disclose confidential information.
- Disclosing confidential information or using such information for the officer's personal benefit.
- Being beneficially interested in a contract with the City.

The Ethics Code is applied on a case-by-case basis and is dependent on the facts of the situation. The consequences of violating the Ethics Code can be severe and include: (i) a determination that an action taken by the Council is void; (ii) financial penalties to the City or Councilmember; (iii) consequences assessed by the Council, including censure; and (iv) forfeiture of office through recall.

The Ethics Code is generally not intended to preclude Councilmembers from voting on legislation with City-wide impact, such as area-wide land use regulations; police power and public health, safety and welfare issues; and budget and taxation ordinances; but the legal boundaries of those topics can be ambiguous. In regard to financial conflicts, a Councilmember might be found only to have a "remote interest" in a contract or other arrangement, such that the Council may still act on a contract so long as the interested Councilmember abstains from the discussion and vote (i.e., recusal).

Councilmembers are encouraged to consider whether public perception and trust would be best served by disclosure of individual interests or relationships that are related or relevant to a policy or legislative matter under consideration. To understand the effect of the Ethics Code and its applicability to any particular situation, Councilmembers should contact the City Manager and City Attorney as questions arise.

7.2 Appearance of Fairness

The Appearance of Fairness Doctrine, RCW 42.36, was enacted to ensure that public officers hearing and deciding quasi-judicial matters¹ meet basic elements of procedural and substantive fairness. This Doctrine provides that government decision-makers shall conduct quasi-judicial hearings in a way that is fair and unbiased in both appearance and in fact. In other words, such hearings must not only be procedurally fair, but also appear to be conducted by impartial decision makers.

The Council rarely acts in its quasi-judicial capacity, but Councilmembers should be aware of the issues raised in those situations:

A. Prior to a quasi-judicial hearing before the City Council, the City Attorney will read the responsibilities and obligations of Councilmembers and ask them to make any disclosures regarding their ability to be impartial decisions makers in order that they may avoid, at the outset, any violation of the Appearance of Fairness Doctrine.

B. Councilmembers may be challenged on their disclosure or lack thereof, but the challenge must be raised as soon as the basis for disqualification is made known or reasonably should have been made known.

C. The Mayor shall have sole authority to request that a Councilmember excuse him/herself on the basis of an appearance of fairness violation. However, if two or more Councilmembers believe that an appearance of fairness violation exists, such individuals may move to request that a Councilmember excuse or recuse themselves on the basis of an appearance of fairness violation. In arriving at these decisions, the Mayor or other Councilmembers shall give due regard to the opinion of the City Attorney.

D. Notwithstanding the request of the Mayor or other Councilmembers, the potentially offending Councilmember may decide to participate in the affected proceeding, but such participation may render the Council's action null and void and give rise to legal claims.

¹ A quasi-judicial matter is one where the Council acts in the manner of court to decide specific rights, duties, and responsibilities between specific parties.

Chapter 8

INTERACTION BETWEEN CITY STAFF & COUNCILMEMBERS

8.1 Overview

City Council policy is implemented through dedicated and professional Staff. Therefore, it is critical that the relationship between Council and Staff be well understood so policies and programs may be implemented successfully. To support effective relationships, roles and applicable law must be clearly recognized.

8.2 City Manager

A. The employment relationship between the City Council and City Manager honors the fact that the City Manager is the chief executive of the City. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the City Manager.

B. The City Council will evaluate the City Manager on an annual basis to ensure that both the City Council and City Manager are in agreement about performance and goals based upon mutual trust and common objectives. The City Manager's performance shall be evaluated, at a minimum, in the following areas: leadership, teamwork, job knowledge, attitude, accountability, communication, problem-solving skills, quality of service, safety/risk-taking, implementation and administration of adopted Council policy.

8.3 Council Rules for Interacting with City Staff

A. Councilmember contact with Staff, inclusive of the City Manager, will be during regular business hours, except in the case of an emergency. The City Council is to work through the City Manager when dealing with administrative services of the City. In no manner, either directly or indirectly, shall a Councilmember attempt to influence personnel matters that are under the direction of the City Manager.

B. Councilmembers may ask the City Manager for up to one hour of research on a City related issue as long as the cumulative effect does not take Staff away from accomplishing their core duties in a timely manner. In the event that more than one hour of staff time is required, a request for additional time may be brought to the full Council for consideration.

C. Councilmembers shall not publicly criticize Staff. If there are concerns with Staff performance, they should be discussed with the City Manager privately. If members of the public complain about Staff conduct or actions directly to a Councilmember, the Councilmember shall refer the matter to the City Manager for review.

D. Information generated by Staff at the request of a Councilmember shall be shared with all Councilmembers.

E. Councilmembers shall focus on policy and legislative matters and not administrative matters. Councilmembers shall not attempt to coerce or influence Staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications, the granting of City licenses or permits, the interpretation or implementation of Council policy, or in any other matter involving the administration of City business.

F. Staff shall bring grant opportunities that would require material matching dollars, or materially impact City policy, to the Council for authorization prior to application for such grant. Councilmembers are encouraged to bring any grant opportunities they discover to the attention of Staff so they may be properly handled.

8.4 City Attorney

Pursuant to recommendation of the City Manager, the City Council shall make provision for obtaining legal counsel for the City, either by appointment of a City Attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services. At present, the City Attorney is a contracted position appointed by the City Manager with the contract confirmed by the Council.

The City Attorney represents the City as a corporate entity and in doing so is the legal advisor for and provides legal advice to the City, the Council, the City's committees, commissions and boards, the City Manager, and City officers and employees with respect to legal questions involving an official duty or any legal matter pertaining to the affairs of the City. However, the City Attorney does not represent individual Councilmembers or City employees or Staff in their individual or personal capacities.

Chapter 9

CONSEQUENCES OF VIOLATING RULES

9.1 Consequences of Violation

The Council expects and trusts that all Councilmembers elected to this important office will act with integrity, honesty, and in accordance with the Oath of Office and these Guidelines. Nevertheless, the Council adopts the following consequences for violations of the Guidelines. This process should only be used for serious violations such as deliberate or knowing breaches of confidentiality; violations of the Code of Ethics; repeated overstepping of authority; abuse of office or disregard for conflicts of interest; dishonesty; or refusal to follow open government protocols and requirements. Less serious violations should be addressed with reminders and requests for compliance.

9.2 Process for Censure

Step 1: Notice and opportunity to cure

A Councilmember suspected of violating the Guidelines shall be provided notice and an opportunity to remedy the alleged violation prior to the implementation of any further consequence. As a first step, two Councilmembers familiar with the facts shall confer with the City Manager and City Attorney about the matter, and may then discuss the violation directly with the suspect Councilmember. Councilmembers shall not use email to discuss the substance of any suspected violations.

Step 2: Council meeting discussion

If Step 1 does not remedy the alleged violation, an executive session shall be called pursuant to RCW 42.30.110(1)(f) to consider and evaluate the complaint. All Councilmembers (including the suspect Councilmember), the City Manager, and the City Attorney shall receive advance written notice of the general nature of the complaint and the date, time and place of an executive session called to discuss the complaint. If the suspect Councilmember requests that the discussion be held in a public meeting or that a public hearing be scheduled in lieu of an executive session, the request shall be honored.

Step 3: Censure motion

If Step 2 fails to resolve the alleged violation, a motion may be made and seconded at a regular Council meeting to censure the Councilmember. The proposed motion shall identify the suspect Councilmember and specific violation alleged. The censure motion may be made no sooner than thirty (30) days after the completion of Step 2, and the suspect Councilmember must receive advance written notice that such motion will be proposed. If the proposed motion is seconded, the suspect Councilmember shall make a statement or decline the opportunity to do so at that time. At the conclusion of Council discussion, the suspect Councilmember shall be officially censured upon an affirmative vote of at least five members of the Council.