

Bellingham City Council Rules of Procedure

Section 1. Introduction

The City Council rules of procedure adopted herein and those adopted by other ordinance, resolution, or motion, are adopted for the sole benefit of the members of the Bellingham City Council ("Council") to assist in the orderly conduct of Council business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the Council to adhere to these rules shall not result in any liability to the City of Bellingham ("City"), its officers, agents, or employees, nor shall failure to adhere to these rules result in invalidation of any Council act. Implicitly or by a majority vote of the membership, the Council may decide to waive temporarily any of the provisions herein. Council action taken in disregard or non-conformity with these rules shall be construed as an implicit waiver thereof. Only a sitting councilmember is entitled to enforce these rules.

Section 2. Parliamentary Rules of Order, Generally

The Council hereby adopts the Robert's Rules of Order Newly Revised, as in effect at any given time, ("Robert's Rules") for the conduct of all meetings of the Council and standing committee meetings, with the modifications and clarifications set forth herein.

As set forth in Article III, Section 3.02 of the Charter of the City of Bellingham ("Charter"), a majority of the entire Council shall constitute a quorum at all Council meetings. Council decisions shall require the affirmative vote of at least the majority of the Council membership.

The officers of the Council shall be the president, president pro tempore, and mayor pro tempore, elected annually according to the procedures in Section 4, below. The duties of secretary or clerk, such as recording of votes and actions taken, are assigned to a nonmember on the City staff as set forth in the Charter.

Section 3. Special Rules of Order

A. Meetings, Generally

In order to facilitate transparency, open deliberation, and full participation by all members of the Council, the following modifications and clarifications to Robert's Rules are hereby adopted:

1. The presiding officer of the Council has the same rights as all other members to vote on matters before the Council, to participate in deliberations, to make motions, and to second motions. As a matter of custom, the presiding officer may refrain from making motions and may choose to let other members speak before taking the floor.
2. Subject to the presiding officer's discretion, informal discussion may occur when no motion is pending. Such informal discussion shall be limited, subject to the discretion of the presiding officer.

3. It is preferable that all members of the Council be given the opportunity to speak before a member is given the floor more than once. Members are typically recognized in the order in which they make a request for the floor, subject to the presiding officer's discretion.
4. All voting is by counted votes, and the votes of each member are recorded. Voting is by voice, or by a show of hands, at the discretion of the presiding officer, with the exception of third and final vote on ordinances, which is voted by roll call.
5. A motion for reconsideration can be made only at the same meeting the vote to be reconsidered was taken or at the next succeeding regular Council meeting.
6. The consent agenda shall contain routine, non-controversial items that require Council action but need little or no Council deliberation. Agenda items removed from the consent agenda by the request of a member or staff will be considered after approval of the entire consent agenda. Any item that has a fiscal impact greater than \$250,000 shall not be placed on the consent agenda.

B. Standing Committee Operating Rules

1. Committees are recommending bodies to the full Council. Committees, except for committee of the whole, are comprised of three members and do not require a quorum to be present. The Council shall not delegate final legislative authority to a committee.
2. Motions in committee meetings, except for meetings of the committee of the whole, do not require a second.
3. Committee chairs will summarize the votes on recommendation(s) during the committee meeting prior to taking up the next agenda item.
4. When the president or a committee chair first introduces an agenda item to the full Council, it is preferable that the introduction be done in a neutral manner.
5. Committee chairs will report out to the full Council the recommendations of the committee, based on a majority vote of committee members, on matters under its consideration.
6. In the event of a conflict of interest or an excused absence, another Council member may sit in the member's place, including in place of the committee chair.
7. Committee chairs may choose the format for their meetings. If prior notice has been provided to the public, the committee chair has the option of asking for public input during the committee meeting.

8. Committee chairs have control over the agenda of their committees; provided, however, that all agenda items referred by the Council must be accepted.
9. Unless specific provision is made to place a matter before the committee of the whole and approved by the Legal Department, all matters requiring an affirmative vote by Council shall be voted upon by the Council during a regular or special meeting of the Council.

Section 4. Procedures for Large Public Audiences

Staff assigned to Council will maintain a memorandum, approved by the presiding officer, that describes the procedures to follow when large public audiences are expected for a specific council meeting. The memorandum will address such items such as overflow rooms, BTV broadcast arrangements, and extra staff needed to assist with the meeting.

Section 5. Election of Officers, Appointment of Committees, and Ex-Officio Board Assignments.

- A. Election of officers and appointment of committees will occur annually at the first meeting of the new year, according to the following procedure.
 - 1 The president or president pro tempore of the previous year shall open the meeting and shall preside until the new president is elected.
 - 2 Nominations for the office of Council president for the year are accepted from any member. Nominations do not require a second, and members may nominate themselves. The number of nominations shall not exceed three.
 - 3 After nominations have been closed, a vote will be taken to choose one of the nominees. At the discretion of the Council, voting may be by voice vote or by ballot. If a tie results, the name with the least votes will be eliminated from the ballot, and the remaining two will be voted upon. The newly elected president will preside during the remainder of the meeting.
 - 4 The president is to serve for the year and cannot be removed from the office unless a majority plus one of all members of the Council cast a vote to remove the president from the position.
 - 5 Following election of the Council president, the Council shall follow the same procedure to elect Council president pro tempore and mayor pro tempore.
 - 6 The title, function, and membership of Council committees and liaison positions deemed necessary for the year will be moved by the Council and decided upon by a vote. Those committees approved by a majority vote will be established as Council standing committees for the year.

7 After determination of the committees deemed necessary, nominations for committee chairs and committee membership will be opened in a sequence determined by the president. Committee chairs will be nominated separately from committee members. Nominations do not require a second and members may nominate themselves. Following nominations, votes will be taken to determine any committee chairs or committee membership when nominations exceed positions. When voting for committee membership, each member may vote in the affirmative for as many nominees as there are positions. Those names receiving the most affirmative votes shall be designated as committee chair or committee members.

B. When a Council member is appointed as an ex-officio board member for a non-profit entity, that member shall not become an officer of the board during the ex-officio assignment. This prohibition shall not apply to Council members appointed as ex-officio board members for the Whatcom Transit Authority or other governmental entities.

Section 6. Signing Authority and Designation of Officers During Absences.

The line of succession for signing contracts and other administrative documents on behalf of the City when the Mayor is absent is as follows: Mayor Pro Tempore, Council President, and President Pro Tempore. The Council president is authorized to designate, in writing, a Council member to sign such documents on behalf of the City in the absence of the Mayor Pro Tempore, the Council President, and the President Pro Tempore. The designation shall be limited to the time period necessary to cover the absence.

Section 7. Written Record In Legislative Process.

Following a public hearing on a legislative matter pending before the Council, the written record will remain open until Council makes a final decision. In the event that circumstances warrant closing the written record prior to final decision as determined in the sole discretion of the Council, the Council may do so during any open meeting of the full Council. This procedure will not apply if there is a statute, code provision, or other legal mandate that precludes leaving the written record open.

Section 8. Guidelines for Public Comment, Public Hearings, and Public Participation.

The public comment period will be placed on the agenda immediately following any public hearings and special presentations, unless otherwise determined by majority approval of the council. The presiding officer is authorized to enforce the Guidelines for Public Comment Period, Public Hearings, and Public Participation attached hereto as Exhibit A ("Guidelines") to ensure orderly meetings and minimize disruptions. Options for enforcing the Guidelines include.

- A. Warning any person engaging in speech or behavior contrary to the guidelines to refrain from such speech or behavior;
- B. Directing such person to be orderly and silent following a warning on the record;

- C. Ordering a person who persists in disturbing or disrupting the meeting to leave the Council meeting following a warning on the record;
- D. Barring a person who persists in disturbing or disrupting the meeting from further audience before the Council during that meeting following a warning on the record,
- E. Taking a recess;
- F. When the meeting is interrupted by a group so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of individuals interrupting the meeting, the meeting may be adjourned and reconvened at another location selected by majority vote of the members under RCW42.30.050; and
- G. Setting other reasonable, viewpoint-neutral limits to public comment to prevent disruption of necessary Council business.

Section 9. Reading of Ordinances.

A reading of an ordinance or resolution at a Council meeting shall be deemed complete by reading a brief synopsis of the measure, by reading the subject of the measure, or by reading the title of the measure. The reading of legislation in full shall not be required except as required by Article III, Section 3.04 of the Charter. Any revisions to legislation not included in the Council packet shall be read in full prior to adoption of the revisions. As required in Article III Section 3.04 of the Charter, the title of every ordinance and resolution shall be read in full at a Council meeting before a third and final vote is taken thereon. If any revisions other than formatting or correction of clerical errors are made to an ordinance between inclusion in the packet for the second reading and inclusion in the packet for the final reading, the committee of the whole shall review the changes prior to final consideration.

Section 10. Rule Conflicts.

These rules are intended to update and replace prior special operating and procedural rules which have been adopted by Council and which relate to the matters addressed herein. In the event of any conflict or inconsistency between applicable rules, the order of precedence to determine the governing rule shall be: (1) the Charter, (2) City Ordinances, (3) the modification and clarifications set forth herein; (4) any rule or procedure adopted by council resolution prior to adoption of these modifications and clarifications; and (5) Robert's Rules of Order.

Section 11. Open Public Meetings Requirements.

Meetings of the Council, including committee meetings, shall meet the requirements of the State of Washington Open Meetings Act (RCW42.30).

Section 12. Code of Conduct - Conflict of Interest.

This Code of Conduct applies to all elected officials engaged in the selection, award or administration of contracts related to the agencies with projects listed in the H.U.D. Annual

Action Plan. No elected official of the City of Bellingham shall participate in the selection, award or administration of such a contract, if a conflict of interest, real or apparent, would be involved. Further, no elected official shall solicit or accept gratuities, favors or anything of monetary value from contractors or applicants related to the selection, award or administration of such a contract.

Such a conflict would arise when:

- the elected official;
- any member of his/her immediate family;
- his/her partner; or
- an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.

With regard to federal funds, the above rules apply during the tenure of the elected official and for one year thereafter. To the extent permitted by federal, state or local laws or regulations, violation of these standards may cause corrective action to be taken against the member.

Section 13. Procedure for Filling City Council Vacancies.

A Council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of a Councilmember. Per section 2.06 of the City of Bellingham Charter, a vacancy shall be filled for the remainder of the unexpired term, if any, at the next municipal general election. By a majority vote, the Council shall appoint a qualified applicant to fill the vacancy until a person is elected in the next municipal general election. Applicants shall be a registered voter of the City of Bellingham and a resident of the City for one year. Applicants shall not hold any other office or employment with in the City government. The Council has 30 days to appoint for the vacancy. If the Council is unable to agree upon a person to be appointed, the Mayor shall make the appointment from among the persons nominated by the members of the Council.

Appointment Process

1. Upon declaration of a vacancy, the Council President shall direct Council staff to begin the appointment process.
2. The Council President will work with Council staff and the City Attorney's Office to develop the appointment schedule to include application, application opening and deadline, meeting schedule and nomination process. The meeting scheduled for the applicants to present their qualifications to City Council may be a regularly scheduled City Council meeting or a special City Council meeting. All information and materials will be available on the City Council's website.
3. The Council President will announce appointment schedule at the next regularly scheduled Council meeting. The appointment schedule must be adopted by the majority of City Councilmembers.

4. Upon adoption of the appointment process, the City Council Office shall publish the required public notice(s) for the meeting scheduled where applicants will present to the City Council.
5. The City Council Office shall prepare an application form which requests appropriate information for City Council consideration of the applicants. Applications will be available at the City Council Office, emailed to ccmail@cob.org or on the City's official website.
6. The City Council Office shall prepare and submit a display advertisement to the City's official newspaper, which announces the vacancy consistent with the requirements necessary to hold the vacated public office.
7. Upon closing of acceptance of applications, the City Council Office will verify all applicants meet the minimum requirements of the Charter, as well as copy and distribute qualified applicants to the Mayor and City Councilmembers in the form of a meeting packet.
8. The City Council Office shall notify qualified applicants of the location, date and time he/she will present to the City Council and when the appointment will take place.

Meeting Process

1. Applicants will present their qualifications at noticed Council meeting.
2. The order of the presentations will be alphabetical.
3. Applicants will be given 3 minutes to address the Council.
4. Upon completion of the candidate presentations, Councilmembers may convene into Executive Session to discuss the qualifications of the applicants. However, all presentations, nominations, and votes taken by the Council shall be in open public session.
5. The Council President will call a short recess for Councilmembers to individually identify their top candidates. The number of individuals to be identified will be determined by the Council President.
6. The Council President will reconvene the Council meeting and Councilmembers will report out their selected top applicants to the City Clerk through roll call.
7. The City Clerk will record the top selections of each Councilmember and display them on the Council projector.

8. The Council President will call for discussion.
9. Upon close of discussion, nominations and voting will take place.

Nomination Process

1. The Council President shall ask for nominations from Councilmembers for the purpose of creating a group of candidates for further consideration. Nominations do not require a second.
2. The nomination period will be closed by motion and vote. There is no limit on Councilmember nominations.
3. The Council President may allow Councilmembers opportunity for discussion on such matters as criteria for selection and qualifications of the nominated group of candidates.
4. City Council will use ranked-choice voting (RCV) to help identify the top candidate for filling a City Council vacancy. Under RCV, City Council members will rank the nominated candidates in order of preference. The City Clerk will then do a roll call where each Council member will announce his/her ranking of the nominated candidates, and the City Clerk shall tally the results.
5. If a candidate wins a majority of first-preference votes, he or she is declared the top candidate. If no candidate wins a majority of first-preference votes, the candidate with the fewest first-preference votes is eliminated. First-preference votes cast for the failed candidate are eliminated, lifting the second-preference choices indicated on those ballots. The City Clerk conducts a new tally to determine whether any candidate has won a majority of the adjusted votes. The process is repeated until a candidate wins an outright majority.
6. Once a candidate wins an outright majority of votes under RCV, City Council must then appoint the top candidate to fill the vacancy by a majority vote. If the top candidate does not receive a majority vote, City Council may adjourn to executive session to further discuss the qualifications of the candidates before repeating the RCV process in open session until a top candidate receives a majority vote by City Council to fill the vacancy.
7. The City Clerk shall declare the nominee receiving the majority vote as the new Councilmember who shall be sworn into office at the earliest opportunity or no later than the next regularly scheduled City Council meeting.

8. If, after 30 days following the effective date of the vacancy, the City Council cannot agree on an appointee, the Mayor shall select from those candidates nominated by members of the City Council [per City of Bellingham Charter Chapter 2.06](#).

Section 14. Procedures for Remote Attendance at Meetings

From time to time, it is not possible for a Councilmember to attend a City Council meeting. In limited instances, the City would benefit by a Councilmember's participation by means of remote communication. Remote attendance is for the benefit of the City of Bellingham and not for the benefit of an individual Councilmember. The Council recognizes the benefits of fullest practicable attendance and participation by its members. Attendance from remote locations is intended to be an alternative and relatively infrequently used method for participation by Councilmembers. Remote attendance may occur as follows:

- a) The Council President may approve a Councilmember's appearance at a Council meeting via remote communication when action on a measure to be voted on cannot be delayed but rather requires immediate action or remedy and one or more of the following circumstances exists:
 - i. An emergency exists, such as a natural disaster or pandemic
 - ii. A vote of the Council of the whole is required for action
 - iii. A unanimous vote of the whole Council is required for passage
- b) In no event shall the Council President approve a Councilmember's remote attendance unless satisfactory equipment is available. Satisfactory equipment shall mean any telephone or other device equipped with a speaker function capable of broadcasting the Councilmember's voice clearly and sufficiently enough to be heard by those in attendance at the meeting. The Councilmember participating remotely must be able to hear the entire proceedings including all participants, and all participants at the meeting must be able hear the Councilmember appearing by telephone or other electronic means.
- c) During any meeting that a Councilmember is attending via remote communication, the Council President or presiding officer shall state for the record that a particular Councilmember is attending via remote communication and the reasons for such attendance. This information shall be reflected in the meeting minutes.
- d) Councilmembers appearing via remote communication may participate and vote during the meeting as if they were physically present at the meeting. A roll call vote shall occur.
- e) Councilmembers appearing by remote communication shall comply with all rules and procedures as if they were physically present at the meeting.
- f) In the case of executive sessions, the Council may permit participation from remote location(s) only when the Council on a case-by-case basis considers such participation to be necessary and the Council is confident in the security of such remote communications.

- g) Remote attendance shall not be allowed during any quasi-judicial, legislative or appeal hearing, although such attendance may be allowed for the remainder of the meeting.

Section 15. Mobile Phone Use

- a) A member of the Bellingham City Council may use City-issued electronic communications devices to read and take notes on the agenda for any current Council meeting and to access documents electronically that are pertinent to the business of the meeting.
- b) All current ("live") electronic communication between Council Members and any party relating to City business shall be prohibited during a Council meeting.
- c) Use of electronic communications devices for non-emergency personal communication is prohibited during the duration of a City Council meeting. Members may monitor communications devices during the meeting regarding a family or work emergency. Members who wish to communicate regarding a family or business emergency during meetings shall do so outside the Council Chambers or other meeting room during recesses, or the member may excuse him or herself to conduct such communication.

Section 16. Absences

- a. Excused Absences
- b. Members of City Council may be excused from a meeting by notifying the Council President prior to the meeting and providing the reason for the inability to attend. The Council President shall excuse the absence if it is for: (a) the death of a family member, (b) family or personal illness, (c) inclement weather, (d) accident, (e) scheduled vacation, (f) family or personal emergency, (g) City related business, or (h) unusual or unforeseen circumstances. Following or prior to roll call, the Council President shall inform the Council of the member's absence and whether it is excused.
- c. Leave of Absence
- d. City Councilmembers who want to miss more than two consecutive meetings should request a leave of absence from the full City Council. The City Council shall vote to approve the leave of absence if it is for: (a) a serious health or physical condition, (b) birth, adoption, or foster placement of a new child, or (c), some unusual and unforeseen circumstances that warrant approval of the leave.

- e. Appointment of a pro-tem Councilmember
- f. If a City Councilmember's excused leave of absence will exceed 90 days in duration, City Council may vote to select a pro-tem Councilmember to fill in for the Councilmember on leave. City Council shall follow the procedure for filling City Council vacancies in Section 13 of the City Council Rules of Procedure to select the pro-tem Councilmember.

EXHIBIT A - GUIDELINES FOR PUBLIC COMMENT PERIOD, PUBLIC HEARINGS, AND PUBLIC PARTICIPATION

1. The presiding officer has discretion in enforcing these guidelines for the orderly and civil conduct of City Council meetings. The guidelines below apply to both the public comment period and legislative public hearings before Council unless noted otherwise.
 2. Public comment period is provided at the discretion of the City Council.
 3. Sign-up sheets for speaking during the public comment period and public hearings will be available 30 minutes before the start of the meeting. People may not sign up on behalf of others.
 4. For the public comment period, each speaker is allowed three minutes, unless time is extended by the presiding officer. The public comment period may be limited to 15 minutes. A time limit may be imposed for individual testimony at a public hearing.
 5. Meeting attendees cannot "donate" their speaking time to another person.
 6. Speakers are not permitted to comment during the public comment period on topics that come up later as a public hearing item. Comments made during the public comment period are not considered part of the official record of any public hearing.
 7. All remarks should be addressed to the Council as a whole, rather than to individual Council members or to the public.
 8. Speakers shall refrain from comment or behavior that involves:
 - a. Disorderly speech or action; name-calling or personal attacks; obscene or indecent remarks; profanity; and derogatory comments on personalities;
 - b. Advertising or promoting the sale of products, services, or private enterprise,
 - c. Promoting any contest or lottery; and

- d. Promoting candidates for public office or promoting or opposing upcoming ballot measures. No person may hold or place a banner or sign in the Council Chamber in a way that endangers others or obstructs the free flow of pedestrians or the view of others attending a Council or Committee meeting.
9. Any person who engages in speech or action as described in Section 8.a when such speech or action disrupts, disturbs or otherwise impedes the orderly conduct of any Council meeting may, at the discretion of the presiding officer, be barred from further audience before the Council during that meeting.
10. Any person who engages in speech or action as described in Sections 8.b-d may, at the discretion of the presiding officer, be barred from further audience before the Council during that meeting.
11. In addition to the limits specified above, the presiding officer may set other reasonable, viewpoint neutral limits, to prevent disruption of Council business.