

RESOLUTION GR 294

ESTABLISHING RULES OF PROCEDURE FOR THE CONDUCT OF BUSINESS AT COUNCIL, BOARD AND COMMISSION MEETINGS

WHEREAS, a comprehensive procedure for Town Council, Planning Commission and Board meetings provide the most expedient means of conducting business; and

WHEREAS, the Town Council has studied and reviewed these procedures and determined that periodic review and updates to these procedures are appropriate; and

WHEREAS, the Town Council wishes to adopt policies and guidelines related to communications via technology platforms such as email accounts, texting or instant-messaging, and social media sites for communicating both inside and outside of meetings;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF DARRINGTON
TOWN COUNCIL AS FOLLOWS:**

The following Rules of Procedure for the conduct of Council, Planning and Board members and meetings is hereby adopted, which shall read as follows:

- I. **General:** These rules constitute the official rules for the conduct of business by the Town of Darrington, Planning Commission and Town of Darrington Boards. In any instance where these rules do not address an issue or point of order, the Town Council, Planning Commission and Town of Darrington Boards shall be guided by Robert's Rules of Order Newly Revised. In cases where a point of order or procedure cannot be resolved through consensus, Robert's Rules will be followed prescriptively.
- II. **Organization:**
 - A. **Swearing-in of New Council/Board Members.** Newly elected or appointed members shall be sworn in at the first meeting the new member attends. In the case of an appointment to fill a vacancy, the member shall be sworn in at the same meeting as the appointment or the next regular meeting, at the option of the new member.

- B. Election of Chair and Vice Chair. The Planning Commission and Town of Darrington Boards will elect a Chair and a Vice Chair by a majority of the voting members in January of each year. The Chair and Vice Chair will serve for a period of one year. Provided, however, if the Chair and/or Vice Chair are willing to continue to serve in such capacity, they may be elected to a second consecutive one-year term. In the temporary absence of the Chair, the Vice Chair will perform the duties and responsibilities of the Chair. The Chair serves as the presiding officer at all Board meetings.
- C. Quorum. At all meetings, a majority (3 of 5 member) 3 shall constitute a quorum for the transaction of business, but a lesser number may call to order, recess, or adjourn
- D. Attendance and Excused Absences.
1. Council/Board Members. Members accumulating two consecutive absences from regular meetings of the Council/Board, or four in a calendar year from regular meetings of the Council/Board, may be contacted for consultation by the Mayor.

In the event of three consecutive absences or six absences in a calendar year, a motion may be moved in the Council/Board for the discharge of such member from the Council/Board.

Acceptable reasons for excusing absences include: death of a family member, family or personal illness, inclement weather, accident, scheduled vacations, and other "unusual or unforeseen circumstances."

The Mayor/Chair shall inform the Council/Board of the member's absence; state the reason for such absence; and inquire if there is a motion to discharge the member. This motion shall be non-debatable.

Upon passage of such motion by a majority of members present, the absent member shall be considered discharged, and the Council/Board will make an appropriate notation in the minutes.

The Council/Board will issue a notice about appointment of a new Council/Board member.
 2. Telephonic Appearance. Council/Board members may appear at a Council/Board meeting via telephone under limited circumstances.
 - a. A Council/Board member may appear and attend a Council/Board meeting telephonically not more than three times per calendar year. In extraordinary circumstances, whenever reasonably possible, the Council/Board member will provide at least 24 hours' notice of intent to appear telephonically. A Council/Board member attending telephonically shall have full authority to participate in discussion and may vote on any matter that comes before the Council/Board. In the event the Mayor/Chair must attend telephonically, he/she may do so, but the conduct of

the Council/Board meeting shall be transferred to the Mayor Pro-Tem, Vice Chair or such other member who is in attendance in person. Telephonic attendance by Council/Board members may also be authorized where it is necessary to achieve a quorum of five members. Participation telephonically shall also include any reasonable means of electronic communication by a device where the voices of all persons on each end of the call can be heard with clarity.

- b. In no event shall the Council Board Chair or Vice Chair approve a Council/Board member's telephonic appearance unless satisfactory equipment is available. Satisfactory equipment shall mean any telephone or other electronic device equipped with a speakerphone function capable of broadcasting the Council/Board member's voice clearly and sufficiently enough to be heard by those in attendance at the meeting. The telephone or other device must allow the Board member to ask and answer questions as posed from time to time.
- c. During any meeting that a Council/Board member is attending via telephone, the Council or Board Chair or Vice Chair shall state for the record that a particular Council/Board member is attending via telephone and the reason for such attendance.
- d. Council/Board members appearing via telephone shall comply with all rules and procedures as if they were physically present at the meeting.

E. Decorum.

- 1. Forms of Address. All Council Board members shall address each other in a respectful and professional manner.
- 2. Council Board Member Communications Protocols During Meetings:
 - a. No Council Board member comments are to be personal in nature or otherwise disruptive.
 - b. All Council Board member comments during meetings shall be germane to the business of the Town of Darrington and tempered to advance the item of business before the Council Board.
 - c. Council Board member comments during meetings shall be concise and respectful of the time available to complete actions on the agenda and the desire to provide ample opportunities for citizens and other Council Board members to comment.

- d. Council/Board members may take action in person or by phone via electronic device while in an open public meeting of the governing body. "Action," as defined under RCW 42.30.020, means the transaction of the official business of a public agency by a governing body, including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. "Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.
 - e. Council/Board members are responsible for complying with the communication guidelines contained in this policy. Sanctions for violation of Board member communications protocols as described in this section may include the following, although the Council/Board may decide, based on the severity of the violation, to begin with steps other than the first step as listed here:
 - i. On the first violation, a warning orally to the Council/Board member who has violated these protocols.
 - ii. On the second violation, upon a motion passed by the Council/Board, may issue a written reprimand to the Council/Board member who has violated these protocols.
 - iii. On the third violation, upon a motion passed by the Council/Board, may issue a formal resolution of censure to the Council/Board member who has violated these protocols.
 - iv. On the fourth violation, upon a motion passed by the Council/Board, may remove the council, board, committee and liaison assignments of the Council/Board member who has violated these protocols.
3. Right to Eject. While the Council/Board is in session, Council/Board members and the public must preserve order and decorum, and neither shall, by conversation or otherwise, delay or interrupt the meeting or the peace of the Council/Board, disrupt any member while speaking, or refuse to obey the orders, except as otherwise provided in these Rules. Any person who becomes boisterous, unruly, or who physically or verbally threatens any other person while addressing the Council/Board or while attending a Council/Board meeting may be asked to leave. A call for a recess may be called, so that measures may be taken to restore order to the meeting. The Open Public Meetings Act (OPMA) also provides for alternatives to restore order to a meeting.

4. Conflict of Interest. Council/Board members will not participate in any matter that may be a violation of the appearance of fairness doctrine or a conflict of interest and shall leave the meeting room during consideration of such a matter.

F. Voting.

1. Method. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice; except that at the request of any Council Board member, a roll call vote shall be taken.
2. Tie Vote. In case of a tie vote on any proposal, the Mayor may vote on the proposal to break the tie.
3. General. Each Council Board member shall vote on all questions put to the Council Board, unless a conflict of interest or an appearance of fairness question under state law is present. All abstentions shall not be considered votes in favor of passage or against passage of any formal resolution or motion presented for vote.

- G. Adjournment. Unless a different time is previously posted all meetings shall be adjourned by a formal motion from the members after all business is declared taken care of. A meeting can be continued to a date and time upon approval of a formal motion. The date and time will be announced at the meeting.

III. Officers: Selection, criteria and duties, process.

A. Chair and Vice Chair. The selection, duties, and powers of the Chair and Vice Chair shall be:

1. Chair Responsibilities. The Chair is responsible for the management, Development, and effective performance of the Board/Commission, and provides leadership to the Board/Commission for all aspects of the Board's/Commission's work. Specific responsibilities include:
 - Chair all meetings, unless unavailable, and then coordinate with Vice Chair
 - Work with Administrator to set agenda for meetings
 - Conduct the meetings in an orderly, fair, open and efficient manner
 - Guide and mediate Board/Commission actions and integrity of deliberations
 - Facilitate discussion and decision-making
 - Call special meetings if necessary
 - Ensure committee reports are made to the full Board

- The Chair may appoint other committees of the Board/Commission from time to time as deemed necessary
- Counsel and consult with the Town Council
- Speak for the Board/Commission as delegated
- Represent the Board/Commission to other groups
- Participate in new Board/Commission member orientation
- Consult with Board/Commission members who are not fulfilling their responsibilities or who are violating law, policy, or practice or who are unable to regularly attend Board/Commission meetings

2. Vice Chair Responsibilities. The Vice Chair supports the Chair in the management, development, and effective performance of the Board/Commission, and participates in the leadership of the Board/Commission for all aspects of the Board's/Commission's work. Specific responsibilities include:

- Carry out special assignments as requested by the Chair
- Understand the responsibilities of the Chair and be able to perform these duties in the Chair's absence
- Provide consultation to the Chair in the performance of his/her duties
- Assist the Chair with his/her duties, as requested
- Perform other governance and management duties as may be necessary for effective Board/Commission leadership.

3. Chair and Vice Chair Selection Guidelines:

The Chair of the Board/Commission must exhibit leadership ability and provide direction. When selecting a Chair, the Board/Commission should identify someone who is actively engaged and concerned with the issues. The Chair may be called on to go to county and city governing bodies to support Board/Commission concerns and issues. The person selected for this leadership position should be someone who has the time, energy, and savvy to work throughout the county to represent the concerns of the Town of Darrington. Given the responsibilities of the Vice Chair to perform the responsibilities of the Chair in his/her absence and otherwise support the Chair, the Board/Commission should consider similar qualities in selecting a Vice Chair.

In selecting members for the Chair and Vice Chair positions, the Board/Commission will consider the mix of representation from member jurisdictions in its leadership positions and will consider rotating the positions among the member jurisdictions. While not required, the Chair is encouraged to serve two consecutive terms and the Vice Chair is encouraged to seek the Chair position.

B. Selection. The Chair shall be elected from the members of the Board/Commission by a majority of the voting members in January of each year. The Chair shall serve for a period of one year. No Chair shall succeed himself/herself for more than two consecutive terms. There shall be elected from the members of the Board in January of each year a Vice Chair who shall serve for the period of one year. In the event of a vacancy occurring, a new Vice Chair shall be elected from the same group to fill the unexpired term of office. The Vice Chair shall assume the office of Chair for the unexpired term in the event of a vacancy in that office.

IV. Committees. The Chair appoints members of standing committees as described in the Charter as he/she deems necessary, ensuring the duties and functions don't overlap with duties and functions of any other standing committee.

V. Meetings.

A. Open to the Public. Unless otherwise provided by law, all meetings of the Board/Committee are open to the public. They shall comply with the provisions of RCW 35A.12.160 regarding notice of public meetings.

B. Type of Meetings.

1. Regular Meetings. The Council/Board shall meet monthly at a regular meeting. The date, time, and place shall be advertised. The meeting in January of each year is designated as the annual meeting at which the Board elects' officers for the ensuing year.

2. Workshops. The Board may hold a workshop as determined by the Council/Board. Additional workshop sessions may be scheduled as needed. These meetings will be for the purpose of more prolonged discussion of issues and topics selected by the Council/Board. Workshops may be held jointly with advisory boards and committees.

3. Special Meetings. Special meetings may be called by delivering written notice to each member of the Council Board. Written notice may include but is not limited to email Chapter 42 30, RCW.

C. Executive Sessions.

1. General. The Council Board may hold Executive Sessions from which the public may be excluded for the purposes set forth in RCW 42.30.110 and RCW 42.30.140. Before convening an Executive Session, an announcement of the purpose of the session, the anticipated time when the session will be concluded, and state whether action by the Council/Board is expected following the Executive Session. Should the session require more time, a public announcement shall be made that the session is being extended.
2. Confidentiality. Council/Board members must keep confidential all written materials and verbal information provided to them during Executive Sessions. Confidentiality also includes information provided to Council/Board members outside of Executive Sessions when the information is considered to be exempt from disclosure by State law or is subject to attorney-client privilege.
3. Ex parte Contact. If the Board, after Executive Session, has provided direction to staff on proposed terms and conditions for town business, all contacts with any other party should be done by the designated staff representative handling the issue. Council/Board members should obtain the permission prior to discussing the information with anyone other than other council/Board members, the Attorney, or designated staff. Any Council/Board member having any such contact or discussion needs to make full disclosure in a timely manner.

D. Meeting Place. Regular meetings will be held at a public meeting facility as advertised. Workshops and Special Meetings will usually be held at the same location, but may be held at other appropriate locations with proper notice.

E. Agenda.

1. Order of Business. No legislative item shall be voted upon that is not on the agenda, unless agreed upon by Council Board members. The order of business for each Regular Meeting may generally be as follows:

Regular Session

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda Contents
4. Approve the Minutes of the Previous Meeting(s)
5. Guest Speakers
6. Open Public Hearing
7. Close Public Hearing
8. Continued Business
9. New Business

10. Approval Items
11. Chair's/Mayor's Report
12. Council Board/Commission Member Reports
13. Executive Session
14. Reconvene Regular Session
15. Public Comments
16. Accounts Payable Approval
17. Adjourn

2. Approval Items. Matters under Approval Items that:

- (a) based on the information delivered to members of the Council/Board by staff, can be reviewed by a Council/Board member without further explanation;
- (b) have been fully studied and reviewed by a Committee/Board and such committee/board forwards it as a consent item; or
- (c) are so routine or technical in nature that passage is likely.

The motion to adopt Approval Items is non-debatable and has the effect of moving to adopt all items. Since adoption of any item under approval implies unanimous consent, any member of the Council/Board has the right to remove any item. If any matter is withdrawn, the item will be placed in an appropriate place on the agenda for deliberation at the current or a future Council/Board meeting.

VI. Public Testimony/Citizen Comments.

A. Oral and Written Comments.

1. General. Any person may speak under "Public Comments" for no more than three minutes. Additional time for receipt of oral and written testimony may be allowed. Public comments regarding action and discussion items may be allowed following staff presentations and Council/Board questions and prior to Council Board deliberations if deemed appropriate. Generally, citizen comments are an opportunity for citizens to address the Council/Board, and the Council/Board is expected to listen but not use meeting time to conduct bilateral discussion or debate. When appropriate, any issue raised by public comment may be directed to staff for later response or placed on a future Council Board agenda for further discussion. Unless otherwise allowed, each member of the public will be allowed to speak once on a particular subject.

2. Identification of Speakers. Persons providing public comment may be asked to identify themselves for the record as to name, city of residence and organization.
3. Workshops. Council/Board may take public comments at a workshop meeting, but only at the discretion of the Council/Board and with the concurrence of the Council/Board, when appropriate and practical.
4. Written Comments. Written materials may be submitted to the Council/Board at the Regular Meeting at which an issue is to be considered. However, the Council/Board may not be able to consider such written comments at that time. In order for written comments to reach the Council/Board for consideration prior to the meeting or hearing, they must be filed with the Town Clerk no later than noon of the Monday preceding the Regular Meeting for distribution to the Council/Board members.

VU. Electronic Media and Technology, Board Member Communications Outside of Meetings, Open Public Meetings Act (OPMA), and Public Records Act (PRA).

- A. It is the policy of the Town of Darrington to adhere to the Revised code of Washington (RCW) 42.30 regarding open public meetings and RCW 42.56 regarding public records. Each Council/Board member will be requested to abide by the terms of this Section VII.
 1. All records, regardless of format, related to the conduct of the Town of Darrington business reviewed, created, or altered must be retained per the State of Washington Local Government Common Records Retention Schedule. (the CORE manual), pursuant to 42.56 RCW and 40.14 RCW, Preservation and Destruction of Public Records.
 2. Per State law, all documents, files, communications, and messages created, reviewed, or altered that are related to the conduct of the Town of Darrington business, regardless of format, are property of the Town of Darrington. As a result, these documents, files, communications, and messages are not private or confidential unless otherwise noted in the Revised Code of Washington. The Town of Darrington reserves the right to request, access, monitor, and disclose the contents of electronic messages and any record, regardless of format, related to the conduct of Town of Darrington business on Town of Darrington-issued or personal devices that Council/Board members use. Council/Board members should have no expectation of privacy in either sending or receiving electronic messages or other information on the internet, Town of Darrington network, or other electronic media related to Town of Darrington business whether done on their own personal device or on a Town of Darrington-issued device. The Town of Darrington may review the public records for legal exemption or redaction pursuant to the Public Records Act RCW 42.56 or other applicable State or federal laws and may provide third-party

notice providing affected parties the opportunity to file for a court order to prevent or limit disclosure.

3. Email Accounts:

- a. For ease of public records retention and for ease of document search, Council/Board members are strongly encouraged to utilize the Town of Darrington's assigned email account, if made available, and information system for all Town of Darrington-related business.
- b. Subject to limited exceptions set forth in State law, email accounts established through the Town of Darrington's information system for individual Council/Board members are considered public and subject to public disclosure laws.
- c. Emails that are public records will be retained and archived according to Town of Darrington and State retention schedules.
- d. Non-Town of Darrington-provided email accounts used by individual Council/Board members for the conduct of communicating Town of Darrington business are subject to public disclosure laws. Council/Board members are responsible for preserving all Town of Darrington business records on their personal devices, systems, and servers.

4. Text Messages:

Text messages generated or received by individual Council/Board members for conducting Town of Darrington business on any personal device, whether issued by the Town of Darrington or not, are subject to public disclosure laws and records retention schedules. Text messages must be retained and archived according to Town of Darrington and State retention schedules. Council/Board members are responsible for preserving all Town of Darrington business records on their personal devices, systems, and servers.

5. Social Media:

The Town of Darrington utilizes social media sites to bring attention to current public health issues, topics, initiatives, services, and or operations within or affecting the community. Town of Darrington social media sites and all content therein are subject to the State of Washington's public records laws. Town of Darrington and State records retention schedules apply to all social media content. Guidelines for Council/Board member use of social media sites is as follows:

- a. All social media site entries should clearly indicate that any content posted is subject to public disclosure laws and records retention schedules.

- b. Unless the content is preauthorized by the Council Board, Council Board members posting to any social media site, whether owned by the Town of Darrington or a private individual or organization, should make clear that the individual Council Board member is speaking for themselves and not on behalf of the Town of Darrington.
 - c. Information that has the potential to compromise the safety or security of the public or public systems or which may disclose protected healthcare information should not be posted to social media sites.
 - d. Anything that may be construed as harassment or disparagement of others, including comments based on race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs will not be tolerated. This includes, but is not limited to, sending threatening messages, slurs, obscenities, or sexually explicit images, cartoons, or messages.
 - e. Violations of this section may include removal of the Town of Darrington-issued device, a warning to the Council/Board member, and/or other action deemed appropriate by the Council Board.
6. Town of Darrington-issued cell phones and other devices.
In the event cell phones and other devices are issued by the Town of Darrington to individual Council/Board members, the Town of Darrington will archive all text messages and retain the records according to records retention schedules. All texting of matters relating to Town of Darrington business will be done on Town of Darrington-issued devices.
7. Non-Town of Darrington-issued cell phones and other devices.
Non-Town of Darrington-issued cell phones and other devices used by individual Council Board members for texting or receiving texts relating to Town of Darrington business will require archiving of text messages and retention of records according to records retention schedules.
8. Records Requests/Inspection/Monitoring.
- a. All Council Board members are required to work collaboratively with Town of Darrington staff for access to a personal or Town of Darrington- issued electronic device when responding to a public records request.
 - b. The Town of Darrington needs to be able to respond to proper requests resulting from public records request and legal proceedings that call for electronically-stored evidence. Therefore, the Town of Darrington maintains the right and the ability to access Town of Darrington-provided electronics

and Town of Darrington email accounts, and to inspect and review any and all data recorded in those applications and files. Because the Town of Darrington reserves the right to obtain access to all electronic messages left on or transmitted over these applications, Council Board members should not assume that such messages are private and confidential or that the Town of Darrington or its designated representatives will not have a need to access and review this information.

- c. The Town of Darrington reserves the right to regularly monitor electronic messages, information, and all documents relating to Town of Darrington business. The Town of Darrington will inspect the contents of computers or electronic mail in the course of an investigation.

9. Executive Session.

It is recommended that Council Board members turn off all electronic devices during executive sessions.

B. The following is a list of prohibited uses of Town of Darrington communication applications or devices:

1. Transmitting any material or messages in violation of Federal, State, local law, ordinance, regulation or Town of Darrington policy.
2. Distributing sensitive or confidential information, per RCW 42.23.070, Code of Ethics for Municipal Officers, Prohibited Acts.
3. Distributing unauthorized broadcast messages; soliciting or proselytizing others for commercial ventures, religious, or political causes; or other non-job-related matters except as provided elsewhere in this policy.
4. Accessing or distributing offensive or pornographic materials.
5. Using Town of Darrington-provided electronic media and devices for personal use to accomplish personal gain or to manage a personal business.
6. Downloading or distributing copyrighted materials not owned by the Town of Darrington, including software, photographs, or any other media except when authorized as it pertains to work-related uses.
7. Developing or distributing programs that are designed to infiltrate computer systems internally or externally (viruses) or intentionally disrupting network traffic or crashing the network and connected systems.

8. Accessing or downloading any resource for which there is a fee without prior appropriate Council Board authorization / approval
9. Representing yourself as another user or employee forging electronic messages, unauthorized access of others files with no substantial business purpose, or vandalizing the data of another user.
10. Attempting to access any system that the Council Board member is not authorized to access (hacking).
11. Giving your user name and password to anyone to conduct Town of Darrington business for any purpose.
12. Inappropriate use deemed by Council/Board policy to be a violation of the intended purpose of any electronic media.

C. Council/Board Member Communications.

1. All written communications responding to citizens, including letters and electronic messages, should be distributed to all other Council Board members and the Town Clerk. However, to prevent a violation of the Open Public Meetings Act and a "serial Council/Board meeting," the Council/Board members should not "reply all" or have communications with more than two other members of the Council Board.
2. The use of the Town of Darrington letterhead by individual Council/Board members for communications to constituents or to other governmental entities is not allowed unless approved by a majority of the Council Board.
3. Within the text of correspondence from Council Board members to constituents, governmental entities and community organizations, the Council/Board member should not characterize or attempt to describe the views and actions of other Council/Board members until those Council/Board members have an opportunity to characterize their own views and actions.
4. The substance of phone calls by any Council Board member to citizens or to officers of other governmental entities should be shared via email or other communication method whenever these phone discussions involve issues of significance for the Council/Board as a whole. However, to prevent a violation of the Open Public Meetings Act and a "serial Council Board meeting." Board members should not "reply all" or have communications with more than two other members of the Council Board.

5 Letters to the editor for publication in newspapers, magazines, and electronic or internet-based publications submitted by individual Council Board members should not imply representing the views of the Town of Darrington or the Council Board unless specifically directed to do so by the Council Board.

- VIII. **Periodic Review.** It is the intent of the Council Board that these rules of procedure be periodically reviewed as needed, but no less than every two years. Therefore, Council Board procedures should be reviewed in the month of January of every odd-numbered year and may be amended at any other time that the Council Board deems necessary.
- IX. **Effect/Waiver of Rules.** These rules of procedure are adopted for the sole benefit of the members of the Council Board to assist in the orderly conduct of Council Board business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the Council Board to adhere to these rules shall not result in any liability to the Town of Darrington, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Council Board act. The Council Board may, by a majority vote, determine to temporarily waive any of the provisions herein. These rules shall be effective upon the date of adoption as set forth below.
- X. **Conflicts.** In the event of a conflict or inconsistency between the rules and procedures contained in this document and the Town of Darrington Municipal Code, the Town of Darrington Municipal Code shall control. In the event of a conflict or inconsistency with other Council Board resolutions or rules, this document shall control unless the Council Board by further action determines otherwise.

PASSED by the Town Council and APPROVED this 26 day
of Oct, 2017

ATTEST:

Dianne Allen
Dianne Allen, Clerk/Treasurer

Gary E. Willis
~~Daniel O. Rankin, Mayor~~
Gary Willis - Mayor Pro-Tem

