

CODE

**CITY OF REDMOND
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, AMENDING REDMOND MUNICIPAL CODE
4.10, GENERAL PROCEDURES, FOR CITY BOARDS,
COMMISSIONS AND COMMITTEES, TO UPDATE FOR
CLARITY AND CHANGES IN STATE LAW

WHEREAS, Redmond Municipal Code Title 4 Boards, Commissions, and Committees was adopted by Ordinance No. 2581, on March 15, 2011, as at that time governance for the city's various boards and commissions was scattered throughout the Redmond Municipal Code; and

WHEREAS, Redmond Municipal Code Chapter 4.10 enacted a general boards chapter within Title 4 to provide general meeting procedure for boards that do not already have their own rules of procedure; and

WHEREAS, boards and commissions currently established, having their own codified rules of procedure which address the topics in the general board chapter, will not be subject to these general provisions provided herein, and will be guided by their own rules of procedure; and

WHEREAS, the mayor and city staff have requested updated language to provide for clarity and to incorporate changes in state law; and

WHEREAS, the Redmond City Council now desires to codify these clarifications and updates.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the city code.

Section 2. Amendment of Chapter. RMC 4.10, General Procedures, is hereby amended to read as follows:

Chapter 4.10
General Procedures

4.10.010	Applicability of chapter.
4.10.020	Creation/termination.
4.10.030	APPOINTMENT, REMOVAL AND [V]Vacancy.
<u>4.10.035</u>	<u>Appointment and reappointment</u>
4.10.040	Qualification of board members.
4.10.050	Term of service.
<u>4.10.055</u>	<u>Resignation and removal</u>
4.10.060	Compensation and reimbursement.
4.10.070	<u>Attendance and [Q]quorum.</u>
4.10.080	Meetings.
4.10.090	Officers.
<u>4.10.095</u>	<u>Records.</u>

4.10.010 Applicability of chapter.

A. Each board, commission, or committee created by the [C]ouncil shall be governed by this chapter unless otherwise provided by ordinance, or rules of procedure, as allowed by the ordinance of the board. ~~For purposes of this chapter, the terms "board," "commission," and "committee" have identical~~

~~meanings.~~ As used herein, the term "board" refers to all council-created boards, commissions, and committees as governed by this chapter.

B. Temporary committees and committees formed for a special purpose of limited duration by ordinance or otherwise shall not be subject to the term of service provisions of this chapter. Such temporary committees shall not terminate until the duty assigned to them is accomplished and the council receives its final report, or upon dissolution by the council.

C. All committees and boards, whether temporary or not, shall comply with the relevant provisions of the code and each board's respective rules of procedure, if allowed by ordinance, and shall abide by the rules of procedure as outlined in the most current edition of Robert's Rules of Order, Newly Revised.

4.10.020 Creation/termination.

A. Mayor's Blue Ribbon Committees. The mayor may, as the mayor desires, create blue ribbon committees for the purpose of studying items of interest to the ~~ec~~city.

B. A board shall be created either by ordinance or by resolution. Unless established by ordinance, a board shall have advisory functions only.

C. The council may terminate a board in the same manner as it was created.

D. This section shall not apply to boards created by state statute.

4.10.030 ~~[APPOINTMENT, REMOVAL AND]~~ **Vacancy.**

~~{A. BOARD MEMBERS SHALL BE NOMINATED BY THE MAYOR AND CONFIRMED BY THE COUNCIL, EXCEPT AS OTHERWISE PROVIDED BY CITY ORDINANCE OR STATE STATUTE. COUNCIL CONFIRMATION ON A NOMINATION MADE BY THE MAYOR MAY OCCUR ONLY AT A SPECIAL MEETING CALLED FOR THE PURPOSE OF CONSIDERING THE APPOINTMENT, OR THE NEXT REGULAR MEETING FOLLOWING THE MEETING AT WHICH THE INTERVIEW TOOK PLACE. A MEMBER MAY BE REMOVED BY THE COUNCIL BEFORE THE EXPIRATION OF THE MEMBER'S TERM IN ACCORDANCE WITH THIS SECTION.}~~

B. A vacancy occurs **during a member's term** ~~[ON THE BOARD]~~ when:

1. A member is removed for good cause by the mayor with the majority approval of the council. Good cause shall be as determined solely by the mayor and the council and shall be stated with each removal action;

2. A confirmed appointee fails to qualify and assume the duties of the office within 30 calendar days of confirmation;

3. A board member departs from the [€]city intending to remain outside of the [€]city for 90 calendar days or more or an indefinite amount of time;

4. A board member submits a resignation accepted by the mayor; ~~[and]~~ or

5. The board member is absent from more than three consecutive regular board meetings, or more than 25 percent of meetings in a calendar year, and the respective board requests the removal, in writing, to the mayor.

C. In the event that a vacancy is created on a board, during a member's term, the mayor shall promptly act to fill the vacancy for the remainder of the term.

1. If the remainder of the term is less than three months, the new member shall be appointed for the remainder of the term plus the next full term.

D. A vacancy occurs on a board at the expiration of a member's term when:

1. The member has reached the maximum number of terms;

2. The member does not wish to be reappointed;

3. The member no longer meets the qualifications for the board; or

4. The member does not qualify for reappointment per subsection 4.10.035.B of this chapter.

E. Vacancies will be filled following an open application process and will be advertised on the city's website, through a press release, and other outreach methods as appropriate. The application period will remain open for a minimum of two weeks unless a longer minimum period is required by law. All interested candidates must submit an application to be eligible for consideration.

4.10.035 Appointment and Reappointment

A. Appointments. Board members shall be nominated by the mayor and confirmed by the council, except as otherwise provided by city ordinance or state statute.

1. Applications must be completed and submitted by the specified deadline. If no qualified applications have been received, the recruitment will be reposted for a minimum of an additional two-weeks.

2. All qualified applications received by the deadline will be reviewed by the board or it's designee. The top candidate(s) will be recommended to the mayor for an interview. Applicant evaluation may include, but not be limited to:

a. Desire to perform public service;

- b. Experience in the work of the board;
- c. Specialized knowledge important to the board; and
- d. Time available to serve.

3. Successful candidates will be interviewed by the council at an open public meeting. Council confirmation on an appointment made by the mayor may occur only at a special meeting called for the purpose of considering the appointment, or at a regular meeting following the interview by the council.

4. Applications not chosen for appointment and applications received in between vacancies may be kept for future consideration.

B. Reappointment. There is no vested right to reappointment for any member. At least 90 days prior to an incumbent's term expiration, city staff will determine if the incumbent is eligible for reappointment. If the incumbent is eligible, they will be notified and given the opportunity to indicate their desire to be reappointed. Incumbents who wish to be reappointed and who are eligible for reappointment shall, at least 60 days prior to the expiration of their term, follow the established process to notify the mayor of their continued interest. Requests for reappointment received least

60 days prior to the expiration of the member's term will be considered, without an open application process, based on the following criteria:

1. Regularity and timeliness of attendance;
2. Understanding of the function of the board;
3. Demonstrated contribution; and
4. Board chair or staff liaison recommendation.

C. The mayor shall make the final decision on reappointments and council confirmation will occur at an open public meeting. If the reappointment request is denied, or the incumbent does not request reappointment at least 60 days prior to the expiration of their term, the vacancy will be filled through the open application process.

4.10.040 Qualification of board members.

A. In addition to any other qualifications which may be required, each board member shall submit to a City of Redmond criminal background check. Determination of eligibility to serve on a city board, based on the results of the criminal background check, shall be determined by the mayor.

B. No person shall be appointed to any board where the position is used to secure personal benefit, special privileges, or financial gain for themselves or for another

person, nor where they have an organizational responsibility or a personal relationship that would present a conflict of interest. If this situation arises after appointment to a board, the member shall immediately resign.

C. City employees are not eligible for appointment to a board during the term of their employment with the city.

D. All newly appointed board members must complete the state-required Open Government Training within 90 days of taking the oath of office and must sign and return a training acknowledgement form. If this state-required training is not taken within the 90-day time period, the member may be removed from the board. This training must be retaken every four years. Each member shall perform their board duties in a manner consistent with applicable law.

4.10.050 Term of service.

A. The term of any board member is three years, unless a different term is established by ordinance. Terms shall be staggered by the appointment of initial members for lesser terms so that as nearly as possible a pro rata number of members are appointed each year.

B. Except as provided in RMC 4.10.030, the board member serves during the term for which they are appointed or

until a successor has been elected or appointed and has taken the seat to which they were elected or appointed.

C. Unless otherwise provided in the ordinance establishing a board, a board member may not serve more than two full consecutive terms on the same board. A board member who serves more than one-half of a term is considered to have served a full term. After two years from the date of termination of a board member's second full consecutive term, the ex-board member may be reappointed to the same board.

D. In filling vacancies for unexpired terms, an officer who has served more than half a term in office is considered to have served a full term.

E. The required three-year terms shall be calculated on a 12-month cycle, with a term-end considered to be March 31 of each year, unless otherwise established by ordinance.

4.10.055 Resignation and Removal

A. All resignations shall be provided in writing with the effective date to the mayor, staff liaison and city clerk. If no effective date is provided it will be considered effective on the date received.

B. An individual already serving on a board may apply for a different board. If appointed, that member must resign from the current board prior to the start of the term on the

new board unless otherwise allowed by ordinance, provided, this does not apply to appointments to boards that are temporary in nature or those created by state statute.

C. Members may be removed from a board prior to the end of their term per section 4.10.030 of this chapter.

4.10.060 Compensation and reimbursement.

A. General Provisions. A board member shall be eligible for compensation and reimbursement; provided, that the board is established by codified ordinance which sets forth the amount of compensation and reimbursement a member is entitled to receive.

B. Compensation. Compensation for a board member shall be paid as follows:

1. A board member shall be compensated as prescribed by ordinance.

2. A board member may request a waiver of compensation for any reason or no reason by submitting the request in writing to the clerk.

3. For the purposes of compensation, meetings shall be narrowly construed as official and advertised board meetings, and shall include regularly scheduled and special or emergency meetings and study sessions.

4. Compensation may not be paid for a member's attendance at meetings, trainings, or informal activities which are not official and advertised sessions of the board or commission, though attendance fees may be eligible for reimbursement.

C. Reimbursement. Members shall be reimbursed as follows:

1. A board member shall be reimbursed for actual, necessary, and pre-approved expenses incurred on authorized board business.

2. Board members whose city business takes them outside the ~~C~~city for any reason shall receive approval from the mayor in advance to be eligible for reimbursement.

D. This section shall apply only to boards established by ordinance pursuant to RMC 4.10.020, provided said ordinance provides for compensation and reimbursement.

4.10.070 **Attendance and** quorum.

A. All meetings shall be conducted in accordance with the current edition of Robert's Rules of Order, Newly Revised.

B. A majority of those present, of the number of authorized board seats, shall be a quorum for the transaction of business, unless otherwise established by ordinance or rules of procedure for the respective board. In the absence

of a quorum, any business transacted is null and void. The only action that can legally be taken in the absence of a quorum is to adjourn, recess, or take measure to obtain a quorum.

C. Members are expected to attend meetings, fully participate, and contribute to the work of the board. Regular attendance is essential so that decisions will represent the will of the board as a whole. If a member is unable to regularly attend meetings and participate, the member may be removed per subsection 4.10.030.B.5 of this chapter.

D. No board member is to participate in a hearing, consideration or decision on a matter where they have a financial, personal, familial or business relationship that will be directly or indirectly affected by the board's decision. Members must declare the conflict of interest and leave the room prior to any action being taken, including discussion and voting. The member shall also not attempt to influence any other member of the board. Members recusing themselves for a conflict of interest are required to state the reason so that it is recorded in the minutes.

E. Members may attend meetings virtually as available and in accordance with the board's rules of procedure. When a member is attending by telephone or other electronic means,

there shall be a device that, at a minimum, allows the voice of the member to be heard by everyone present in the meeting room and for the member to hear the other attendees of the meeting. Virtual attendance is counted towards the member's attendance and quorum requirements.

4.10.080 Meetings.

A. Board meetings shall be held regularly at a designated time and place [~~, OR~~] as [~~OTHERWISE~~] provided by resolution, [~~OR~~] ordinance or the board's rules of procedure. The chair or majority of the board may call a special board meeting. All meetings shall be open to the public, unless otherwise provided by [~~ORDINANCE~~] law.

B. Meeting notices shall be provided at least 24 hours in advance of the meeting and will be posted on the city's website.

C. It is prohibited for a majority of members to discuss board business, give input or take action in-person, via e-mail or telephone, or through any other means, if it is not part of a noticed meeting. This includes when a majority of members of a board have a series of smaller gatherings or communications that results in a majority of the body collectively taking action even if a majority is never part of any one communication.

D. Fully remote meetings may be held if a local, state, or federal emergency has been declared and the city has determined it cannot hold a meeting with in-person public attendance with reasonable safety. In a declared emergency, the city may fully prohibit or limit in-person public attendance.

1. Meetings held remotely will be published in the normal manner and will be open to the public to participate.

2. If public attendance is limited or prohibited, the city will provide an option to attend in real-time, either by telephone or through another alternative.

3. Methods for the public to attend the meeting virtually shall be published on the meeting notice.

4. All meetings conducted under this rule shall be noticed and conducted as provided in RCW 42.30.230, as amended or superseded.

E. Public comment will be accepted, either written or oral, for all regular meetings of the board in which final action is taken, in accordance with state law and the board's rules of procedure.

4.10.090 Officers.

A. Each board shall have a chairperson and a vice chairperson. Officers shall be elected by a majority of the board members for a term of one year. Election of officers shall be the first order of business at any time that an officer's seat is not filled, and shall occur nonetheless on or about April 1 of each calendar year, **or as otherwise provided by ordinance or the board's rules of procedure.**

B. The duties of the chairperson are:

1. To open the meeting at the appointed time and determine that a quorum is present;

2. To enforce the rules relating to debate, order, and decorum;

3. To state and put to a vote all questions that legitimately come before the board as motions or that otherwise arise in the course of the meeting;

4. If a motion is not in order, to rule it out of order; and

5. To assign a member to note those members present and absent and ensure minutes are taken on all actions by the board at each meeting.

C. The duties of the vice chairperson shall be to perform duties of the chairperson in the chairperson's absence.

D. In absence of both the chairperson and vice chairperson, the board may vote for another member to temporarily fill the acting chair role.

4.10.095 Records.

A. The minutes of all regular and special meetings, except executive sessions, shall be promptly recorded and available for public inspection. It is the responsibility of the individual board, or staff if assigned, to record and maintain minutes for all meetings. Minutes shall be approved by the board and posted on the city's website.

B. Board members shall use city-issued email addresses to conduct city business. City-issued email accounts must not be used for personal or political communications nor linked to a personal account. City emails will be archived and retained per the city's records management practices.

C. All records used or created by board members in the course of their city-related work are subject to Washington State records retention laws and disclosure under the Public Records Act. The recorded activity of the board, such as minutes, reports and correspondence are public records. Communications between members, to community members, officials and staff are public records as well. If any records are created or used outside of city systems, board members

shall provide a copy to their staff liaison for inclusion in the public record, even those made on members' personal computers, phones or other personal devices. Exemptions to disclosure are very limited and are specifically identified in statute.

D. At the end of a board member's term, the member shall ensure that all city records are either in city systems or have been provided to the staff liaison and shall provide written acknowledgement that the foregoing has been completed.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this _____ day of
_____, 2023.

CITY OF REDMOND

ANGELA BIRNEY, MAYOR

ATTEST:

CHERYL XANTHOS, MMC, CITY CLERK (SEAL)

APPROVED AS TO FORM:

JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
ORDINANCE NO.