

**BLACK DIAMOND CITY COUNCIL
WORK SESSION MINUTES**

July 14, 2016

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Benson called the regular work session meeting to order at 6:00 p.m. and led us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, Weber and Pepper.

ABSENT: None

Staff present: David Linehan, City Attorney and Brenda L. Martinez, City Clerk.

WORK SESSION:

Council Rules of Procedure

Section 1 – Authority

Councilmember Pepper stated she would like to go by the rules that were passed last Friday, July 7. She further stated the rules are legal and she is here tonight to hear the concerns that Councilmember Edelman may have and the concerns that Councilmember Deady may have about the rules that were passed last Friday.

Councilmember Morgan shared an excerpt from AWC around roles and responsibilities of Government leaders and executives. She noted under first section of the rules, authority, there is a RCW around council rules. We have the RCW's for the authority of the Mayor and the RCW's for the authority of the council. She would like the RCW's switched around and put the Council first, and then bold or highlight the parts in the Mayor's responsibilities and duties.

There was Council discussion.

Councilmember Edelman made a recommendation on section one, authority, take the first paragraph and edit and the rest of the stuff is reference, get rid of it. She further stated we should add a section about the Mayor's duties.

Councilmember Morgan discussed the newly elected official's handbook she received when becoming a Councilmember with the City.

Councilmember Morgan called point of order.

Attorney Linehan noted that typically a work session is a discussion and no action is taken.

There was council discussion around this.

Councilmember Edelman stated section 2.1 under Council meetings, no change.

Section 2 – Council Meetings

2.2- Agenda – Council discussion on Council President and why the Council needs one.

Councilmember Pepper referred to 2.2.

Councilmember Edelman called for the question on the floor, why do you need the title.

Councilmember Pepper stated that Councilmember Edelman is entitled to her opinion and referred again to 2.2.

Councilmember Edelman wanted the record to note that Councilmember Pepper was not able to provide the response to the question.

Councilmember Morgan noted being primarily the one responsible for the rules. She discussed council meetings and being shut out in the past from committee meetings as she tried to get agendas going for these meetings. She discussed the policy development shifting away from citizens and on to staff. She is concerned about the democratic process and the legislative process happening in the City of Black Diamond.

Councilmember Edelman stated for the record that Councilmember Morgan came to the Planning Community services meeting every month and came in prepared with reams of paper and hand written notes, and to say you are not represented.

Councilmember Pepper noted working for the Mayor Pro-Tem and sending items to the Mayor for consideration and being placed on the agenda.

Councilmember Morgan stated the need to have a President as she has two households to run and two jobs and has a tough time being available at all times. She needed help and a good way and easy way to get it was to name somebody as Council President to take care of some of this.

There was Council discussion around this.

2.3- Minutes – Need to rephrase last sentence. No changes shall be made to minutes except by Council approval.

2.4- Schedule of Regular Meetings – Ordinance No. 15-1060 changed regular town hall meetings to twice a year on the second Thursday in the months of March and September.

2.5- Quorum Required – It was discussed to strike the first sentence and replace with the presence of the majority council.

2.6- No change.

2.7- Special Meetings – It was suggested to renumber this section to add numbers to Special Meetings (2.8) and Emergency Meetings (2.9) and then to continue with the renumbering in this section. Under special meetings it was suggested that three Councilmembers be replaced by the word majority.

2.8- Renumber for special meetings.

2.9- Cancellation of Meetings – Discussion on cancelling regular meeting and the need to reschedule those meetings. Suggested to add verbiage about postpone or reschedule and a reason for why the meeting is rescheduled or postponed.

Councilmember Pepper stated she would like to speak to 2.9.

Section Three – Regular Council Meeting Order of Business

3.1- Preparation of Council Agenda – Council discussed the “do pass” verbiage suggested.

3.2- Call to Order-No changes

3.3- Flag Salute-No changes

3.4-Roll Call-No changes

It was suggested to add a new 3.5 Approval of Agenda.

3.5.4- Presentations – It was suggested that Council have more oversight on presentations that are placed on the agenda. Council continued discussion on the process for presentations.

3.5- Appointments, Announcements, Proclamations and Presentations. (Edelman read)

3.1- Agenda Review

3.5.1.- Appointments-No changes

3.5.2- Announcements-No changes

3.5.3- Proclamations-No changes

3.5.4- Presentations- There was council discussion around this.

Prohibited Topics-no change between the two, but we might want to make it a section 3.5.5, give it the same designations as these previous ones.

3.6- Consent Agenda and 3.7 Public Comments - Councilmember Morgan discussed why the order of these two items were reversed in the rules of July 7, 2016. There was discussion of taking off items e and f; were taken off the Consent Agenda section of the old rules.

3.7- Public Comments – ok with new proposed language on Councilmember Morgan spreadsheet.

3.8- Legislative Public Hearings-No changes

3.9- Quasi-Judicial Hearings-No changes

3.10– Agenda Modifications-recommend moving back to section 3.5 so all agenda items are in the same spot.

3.11- Unfinished Business-No changes

3.12-3.18- No changes

3.19- Adjournment-proposed new language

3.20- Recess- any three Councilmembers can request a recess and presiding officer has been deleted. Councilmember Pepper read 3.20 recess the forgoing agenda may be interrupted for a stated time as called by the presiding officer or any three councilmembers to recess for any reason to include executive sessions. Discussion ensued around the language of presiding officer and who decides the recess. Also, the presiding officer utilized this as a tool when the Council is out of order.

3.21- Town Hall Meetings-No changes

Section Four- Presiding Officer

4.1- Who shall act as Presiding Officer-no changes

4.2- Duties of Presiding Officer- this allows Mayor to put items on the agenda in the case of an emergency. Attorney Linehan stated that the Mayor has a statutory duty to make recommendations for Council consideration and action.

4.3- Should be deleted as it is redundant and in 3.5.

4.4- Limitations on Political Speech- No changes

Mayor Benson called a recess at 8:12 p.m.

Meeting called back to order at 8:18 p.m.

Section Five-Councilmembers

5.1- Councilmembers attendance at meetings

5.1.1- Excused absences- No changes

5.1.2- Excessive absences-No changes

5.1.3- Electronic devices-No changes

5.2- Remarks-No changes

5.3- Questioning (Councilmember Weber stated for clarification when Councilmembers Morgan and or Pepper say the word “we”, he is not part of that collective “we”. It was further discussed that no Councilmember should say “we”, they should say “I”. We can mean the whole entire Council.

5.4- Limitations of Political speech-no changes

Section Six-Debates

6.1-6.5- No changes

Section Seven-Parliamentary Procedures and Motions

7.1- Parliamentary Procedures and Motions

Councilmember Edelman noted there is a change in section 7.1 to *add the City Clerk as Parliamentarian* when there is no City Attorney available.

Mayor Benson stated she does not want the City Clerk to be a Parliamentarian as it is a conflict of her job. Mayor Benson asked the Attorney to be the Parliamentarian the first part of August. Mayor Benson stated you need someone who can do this during the meeting and pay attention to the legal rules on Parliamentarian procedure. Mayor Benson stated this puts too much pressure on the City Clerk and she will not allow her to do this. She further stated this is a conflict of the City Clerk’s job as she is doing the minutes.

There was Council discussion around the possibility of hiring a Parliamentarian.

7.2- Motions-no changes

7.2.4- Regarding tie vote (the Mayor can only vote to break a tie on a resolution) not on an ordinance or anything to do with money.

7.3- Waiver of Rules-no changes

Section Eight-Voting

8.1- Voice vote-No changes

8.2- Roll call vote-No changes

8.3- RMSA had an extensive rewrite (Councilmember Edelman will email those changes out).

8.4- Votes by Mayor- The Mayor by law has the authority to vote-this should stand

8.5- Votes by Councilmember Serving as Presiding Officer-No changes

8.6.1-8.6.4-No changes

8.7- Failure to vote- No changes

Section Nine-Ordinances and Resolutions

9.1- Both Morris & Talmadge took exception to the revision and Talmadge wrote- "revised rule 9.1 removes the mandatory review of ordinances by the City Attorney; it replaces it with language that the City Attorney "should" review ordinances since ordinances are laws adopted by the City, we suggest the mandatory review of procedure. We have to put the language back "*It Shall be reviewed by the City Attorney*". Then Morris wrote that the language was inconsistent with the law to the extent that it prevents the Mayor from placing an ordinance on the agenda and insuring timely adoption. It is also inconsistent with the law because Mayor Pro Tem has no duties unless the Mayor is absent."

Mayor Benson stated that resolutions just like ordinances have been going through the Attorneys, and nothing gets put on the agenda that doesn't go past the Attorney except for this year.

There was Council discussion around this.

9.1 & 9.2- Attorney Linehan noted inconsistencies between the paragraphs of the revised rules around ordinances and resolutions.

Councilmember Edelman noted for the record the inconsistency of the July 7 version of the Council rules says all ordinances shall be reviewed by the City Attorney, no ordinance shall be prepared or presented to the Council unless requested by two members of the Council, the Chair of a Counsel Committee, the Mayor or the City Administrator. She pointed out same thing for the resolutions.


ADJOURNMENT:

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Deady to adjourn the meeting. Motion **passed** with all voting in favor (5-0).


Mayor Benson noted that they need to pick a date for the next meeting to finish the revisions. A date of August 11 was selected and then the meeting was adjourned again.

The meeting ended at 8:52 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk