

BOARDS, COMMISSIONS & COMMITTEES **PROCEDURES**

The City encourages participation by members of the community on numerous boards, commissions and committees. These boards and commissions operate under a set of general guidelines.

General Guidelines

The members of all advisory committees, commissions, and boards, are either appointed or confirmed by the City Council. Members are appointed to the Boards through an application and appointment process that has been adopted by the City Council. The primary role of all advisory groups is to review and make recommendations to the City Council on matters within their scope of responsibility and to promote increased public participation in determining City policies and program implementation. On specific matters referred to it by the City Council, a board or commission serves as a principal reviewing body of the City. Most decisions, however, are advisory with final disposition made by the City Council.

Responsibilities of Members

To be selected as a member of a City board, commission or committee is a high honor and provides an unusual opportunity for genuine public service. Although specific duties of each vary widely with the purpose for which they are formed, there are certain responsibilities that are common to all members. Members shall:

1. Understand their role and scope of responsibility. Be informed of the individual commission's scope of responsibility and operating procedure.
2. Represent the majority views of the individual commission. Individual "opinions" to the public and press are discouraged, and, if given, should be identified as such.
3. Represent the public interest and not special interest groups.
4. Recognize that they are in a unique position of serving as a liaison between the City and its citizens and can help reconcile contradictory viewpoints and to build a consensus around common goals and objectives. Members serve as a communication link between community, staff, and City, representing City programs and recommending and providing a channel for citizen expression.
5. Understand their role as a supportive relationship with the City Council and City staff and the proper channel of communication is through the designated City staff person providing staff support for the Commission.
6. Do your homework and be thorough in recommendations. Review agenda items under consideration prior to the meeting in order to be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration. Conclusions based on careful preparation will strengthen the value of the group's recommendation.

7. Adhere to the highest standards of integrity and honesty in all endeavors and strive to safeguard the public trust. Members shall announce any direct or remote conflict of interests prior to the discussion (RCW 42.36).

Understand that their authority is limited to decisions made by the Board, and that in most cases, the decisions are advisory.

Understand that they recommend policy while administrators and staff carry out approved policy.

8. Establish a good working relationship with fellow group members. Respect individual viewpoints, allow other members time to present their views fully before making comments, be open and honest, welcome new members, and strive to minimize political action on issues.
9. Members are not restricted from participating in political activities; however, they should not use or involve their membership in the conduct of political activities.
10. Be removed by a majority vote of the City Council when the Council determines that it is in the best interest of the City to do so.

The Chairperson

There shall be an annual election of a chairperson and a vice-chairperson held by each advisory body. The Chairperson is the key to the entire group process and is the hub of the action. The Chairperson must balance being strong enough to make certain that the meeting is run by the rules, but democratic enough to use the power and authority of the position wisely. The Chairperson's ability to handle meetings will have a significant impact on morale, operation and effectiveness. The Chairperson must make certain that discussions do not get sidetracked on minor issues and must have the ability to see the "whole picture." The most important part of being Chairperson lies in the ability to find common ground and in achieving a consensus, when appropriate. Last, but far from least, the Chairperson must be able to represent the entire group to the City Council and community groups.

Parliamentary Procedure

In the absence of adopted rules of procedure and/or statutory regulation, the generally accepted rules governing meeting procedures are Robert's Rules of Order Newly Revised (10th Edition).

Agendas

One of the most crucial items in providing for orderly meetings is a well-organized and well-prepared agenda. A systematic order of business may be the difference between haphazard wrangling and a well-run, well-timed meeting. The agenda must be handled so that board members are given adequate information on items to be considered. They should get that information far enough in advance to give it appropriate study.

Generally, there is no required format or particular order for the board meeting agenda; however, certain types of board items such as public hearing items have specific procedural requirements. A typical agenda for a City Council meeting looks like this:

- Pledge of Allegiance
- Consent Items (includes minutes from prior meeting, etc.)
- Citizen Comments
- Action Items
- Public Hearing Items
- Discussion Items

Minutes

It shall be the responsibility of the individual commission, or staff if assigned, to record and maintain minutes for all meetings. These minutes shall be “summary” and not “verbatim” which briefly describe the issues and actions taken. Members recusing themselves for legal conflict of interest requirements are requested to state their reason in the minutes. Certain issues may require more detailed minutes as considered necessary by the members.

Quorum

A majority of the commission or board membership shall constitute a quorum for conducting business. In the absence of a quorum, the only action that may be taken by those members present is to (a) adjourn, (b) adjourn to a designated time, or (c) action to compel the attendance of absent members in such manner as may be deemed reasonably necessary. Work sessions with no decisions made may be conducted without a quorum.

Public Meetings

Pursuant to Chapter 42.30 RCW – Open Public Meetings Act - all meetings of governmental bodies, including City Council and all boards and commissions, at which decisions are going to be made, are public meetings. This means that the meeting shall be held on a regularly scheduled basis, at a specific time and place, or if held at some other time or some other place, an announcement of the time and place of meeting is given to the public beforehand.

At a public meeting, any and all persons may attend the meeting and observe. There is, however, no right of the public to participate in the course of a public meeting or to comment on the subject matter being considered by the governmental body. The public body, if it chooses, may permit such participation, but it is not required to do so. Those individuals recognized by the Chairperson to participate in the public meeting through public comment limit his/her comments to a specific and consistent length of time such as three (3) minutes or as otherwise allowed by the Chairperson. The use a microphone if one is available is encouraged so that all in attendance may hear the speaker.

Public Hearings

At a public hearing, as distinguished from a public meeting, any member of the public in attendance who may be affected by the subject matter under consideration, or the decision to be made, has a right to speak and a right to be heard.

The governing body holding the public hearing should follow rules of procedure for the orderly conduct of the hearing. These rules may include limiting the time allowed for public presentation, so long as they are reasonable and fair in operation. Those individuals recognized by the Chairperson to participate in a public hearing limit his/her comments to a specific and consistent length of time such as three (3) minutes or as otherwise allowed by the Chairperson.

Notice that a public hearing will be held at a certain time and in a certain place, must be given before the actual date of the public hearing, even when the public hearing will be held as part of a regular scheduled public meeting.

The governmental body will not make its actual decision during the course of the public hearing, or public participation phase, but will first close the public hearing and then take up their own decision making as a part of the public meeting, or at some later public meeting.

It is recommended for a public hearing at which there is an applicant or appellant that this individual be allowed to speak first without a time limit, unless otherwise agreed upon by the members. Following the presentation by the applicant or appellant, additional speakers should be allowed to speak in a random order, depending upon the number of speakers and the degree of interest in the issue. Many bodies alternate between those speaking in favor, and those speaking against the issue to allow each side an equal opportunity to be heard. There should be a uniform time limit for each speaker. If a public hearing is required by law, however, relevant, non-repetitive testimony must be accepted. Finally, the applicant or appellant should be provided the opportunity of rebuttal as the last speaker under the same uniform time limit.

Decorum

For the public addressing the board/commission: Any person making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the board, commission or committee shall be forthwith, by the presiding officer, barred from further audience before the Committee, Commission or Board, unless permission to continue is granted by a majority vote of the members. In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

For members of the board/commission: It is the expectation that members of the board / commission should be able to freely and truthfully express their viewpoints regarding the business of the board, however, these viewpoints shall be constructive and add to the discussion. At such time as the conversation becomes personal, impertinent or slanderous, any member of the board may ask for a recess from business in order for the issue to be addressed. Any member of a board/commission who feels that the issue has not been fully resolved, may follow the complaint procedure that follows.

Appearance of Fairness Doctrine

The provisions contained within 42.36 RCW related to the appearance of fairness doctrine apply to all quasi-judicial actions of local decision-making bodies, such as the Planning Commission and Civil Service Commission. The appearance of fairness doctrine holds that quasi-judicial public hearings be fair in form and substance, as well as appearance. Therefore, Board members must not have conflicting interests or preconceived views on a project; this includes not engaging in ex-parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding.

Conflict of Interest

Board members are expected to declare a conflict of interest prior to consideration of any matter causing a potential or actual conflict.

A potential conflict of interest exists when a board member takes an action that reasonably could be expected to have a financial impact on that member, a relative, or a business with which the member or member's relative is associated. The board member may participate in an action after declaring the potential conflict and announcing its nature.

An actual conflict of interest exists when an action is reasonably certain to result in a special benefit or detriment to the board member, a relative, or a business with which the member or member's relative is associated. The member will declare the actual conflict and announce its nature. The member must then refrain from taking any official action.

Recusal

Recusal or to recuse oneself means to remove oneself from participation in a decision so as to avoid a conflict of interest. No member may vote on an item in which they have a direct personal or financial interest. In such instances, the member must voluntarily recuse themselves by leaving the meeting so the remaining members can freely discuss and vote on the issue. If such a member were to stay, their presence alone could inhibit discussion and influence other board members' actions.

In the event the interested member does not leave voluntarily, the board can ask them to leave. If they refuse to leave, the board can adjourn the meeting to another location where they can hold the discussion and vote without interference by the member. Under those circumstances, the board might also consider a vote of censure against the member for their refusal to recuse themselves. Once the vote is taken, the recused member may return to the meeting.

Working with City Staff

City Staff assigned to work with the advisory groups report to the Mayor, who, in turn, reports to the City Council. Each group is usually aided by a particular department director or administrator who provides staff support. Staff support also means facilitating operations.

There will be occasions when City staff will be required to prepare an agenda report on either a commission action, or appeal for City Council review. In preparation of such a report, the staff member should present both the staff position and the commission's position. The position of

members not voting in the majority on an item should also be presented in the staff report if indicated by the member.

Attendance Requirements for Members

An excess of three (3) consecutive unexcused absences may result in the member forfeiting his or her office, as determined by the City Council. A member's absence is unexcused if the member fails to notify the designated staff in advance of the meeting that the member will not attend the meeting. A member will also be subject to automatic forfeiture of his or her office if excused or unexcused absences total six (6) or more in any 12 month period.

Complaint Procedure

1. Anyone who believes that a Board member has violated the Board Responsibilities that is attached to the Board/Commission Application may file a complaint against that individual.
2. Complaints of alleged violations must be submitted in writing to the Department Director. Anonymous complaints, or complaints filed via e-mail or facsimile will not be accepted.
3. The complaint must include information and facts on which the complaint is based and any additional documentation and other evidence that corroborates and supports the allegations.
4. A copy of the complaint, including any attachments, will be prepared by the Department Director and provided to the individual against whom the complaint is filed, as well as to the other members of the Advisory Board, Mayor and City Council.
5. An acknowledgement that the complaint has been received will be provided to the individual making the complaint a maximum of one week following receipt.
6. The complaint will be reviewed by the Mayor and City Council, and City Attorney if needed, at their earliest convenience.
7. The Mayor and a City Council subcommittee will review the facts of the complaint and provide a recommended action to the Department Director.
8. The Department Director will prepare a letter with the decision and provide it to the person that filed the complaint, person for whom the complaint was filed, and the remaining Board members.
9. Board members found in violation may be subject to removal from the Board by a majority vote of the City Council.
10. All decisions of the City Council are final.

Public Records

Communications between Board/Commission members are subject to Public Records Requests, even those made on members' personal computers and personal digital assistant devices. Board members must be aware of and adhere to the policies and procedures contained within Wenatchee Municipal Code section 1.90 Request for Public Records.