

CLARK COUNTY STAFF REPORT

DEPARTMENT: Clark County Council

DATE: March 24, 2020

REQUESTED ACTION:

Approval of the amended Rules of Procedure and adopting ordinance per the County Council's recent annual planning meeting.

___ Consent X Hearing ___ County Manager

BACKGROUND

At the County Council's 2020 annual planning meeting, the Council discussed changes to the Rules of Procedure. Finalizing those changes requires adoption of an ordinance to modify the Rules of Procedure.

COUNCIL POLICY IMPLICATIONS

The proposed changes to the Rules of Procedure are as follows:

- Broadening the language regarding calling special meetings. Any special meeting may be called pursuant to RCW 43.30.080;
- Prior to consideration of Consent and Separate Business items, public testimony will be allowed regarding Separate Business only. Testimony regarding Consent items, or any other topics, may be given during Open Public Comment;
- The language regarding posting of agendas for meetings is clarified;
- Amendments to the proposed annual and supplemental budgets will be required to be distributed to each Councilor at least 48 hours before the meeting at which it is to be presented;
- Update to expense reimbursement process to reflect current procedure;
- Update to one title to more accurately reflect the content of the section.

ADMINISTRATIVE POLICY IMPLICATIONS

Not applicable.

COMMUNITY OUTREACH

Discussions regarding the potential changes were done in an open public meeting, and the public hearing regarding this ordinance has been properly noticed.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.
		Action falls within existing budget capacity but requires a change of purpose within existing appropriation
		Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>


 Lindsey Shafar
 Senior Policy Analyst

 Shawn Hennessee
 County Manager

Primary Staff Contract Name and Extension: Lindsey Shafar, x4157

APPROVED: _____
CLARK COUNTY, WASHINGTON
COUNTY COUNCIL

DATE: _____

SR# _____

APPROVED: _____
Shawn Hennessee, County Manager

DATE: _____

1 The following persons voted in opposition to the above ordinance:
2 _____
3

4
5 ADOPTED on this _____ day of _____, 2020.
6

7
8
9 Attest:

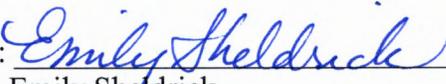
CLARK COUNTY COUNCIL
CLARK COUNTY, WASHINGTON

10
11
12 _____
13 Clerk to the Council

Eileen Quiring, Chair

14
15 Approved as to Form Only:
16 ANTHONY GOLIK
17 Prosecuting Attorney

Temple Lentz, Councilor

18
19 By: 
20 Emily Sheldrick,
21 Deputy Prosecuting Attorney

Julie Olson, Councilor

John Blom, Councilor

Gary Medvigy, Councilor

Clark County Council

Rules of Procedure



Revised January 28, 2020

I. General Provisions

- A. On Jan. 1, 2015, the Clark County charter separated the legislative and executive powers into two branches of county government. The charter vests the county's legislative process not reserved to the people or executive branch in the Clark County Council. See Article 2 of the charter.
- B. Except as otherwise provided by the charter or RCW's these rules of procedure will govern the conduct of business of the county council.

II. County Council

Clark County will be governed by the Clark County Council. The council has five (5) members. How they are elected is determined in accordance with Washington law and the Clark County charter. The council will comply with the Washington Open Public Meetings Act.

III. Chair and Vice-Chair

- A. The councilor elected countywide will be council chair. The council annually will elect one (1) of its members as vice-chair, and she or he will act in the absence of the chair.
- B. The chair will preside over and ensure orderly, efficient council meetings. The chair, or his or her designee, will be the county's spokesperson to: articulate council policies, visions, strategies and plans; represent the county before the governor, state legislature and other state and federal agencies; meet and greet important visitors; supervise constituent response processes for the council as a whole; and serve as the county's lead representative at dedications, ceremonial activities and other public events. In cases of the chair's absence, the vice-chair will preside at county meetings.
- C. The council chair will serve on all boards and commissions that require representation by two (2) or more councilors. Otherwise, the council will vote to appoint its members to serve on such boards and commissions.
- D. If a vacancy occurs in the office of the council chair or vice-chair, the remaining councilors will elect one of their own to serve the balance of the unexpired term.

IV. Regular Meetings

- A. The council's regular meeting days are set in Clark County Code Chapter 2.04.
- B. Council meetings will be scheduled on Tuesdays, or other days as necessary. All meetings will be held in the sixth-floor Hearing Room of the Public Service Center in Vancouver, unless otherwise noted.

- C. Council Time allows councilors and staff to discuss pending matters of county business in a less formal setting. Minutes of Council Time will be taken by the county manager or his designee via audio recording and uploaded to the county website at the conclusion of the meeting. Executive sessions, if needed, generally will be scheduled near the end of meetings, but may be scheduled at any other time during these meetings.

V. Special Meetings

~~Special council meetings may be requested by any councilor. The request will be addressed to the council chair and specify the time, place and reason for such meeting. After receiving the chair's approval, the Clerk to the Council will immediately, but no later than 24 hours prior to the meeting, transmit written notice of the meeting to each councilor. The clerk also will disseminate notice of the meeting, placing it on the county website and emailing it, on request, in accordance with RCW 42.30.080. called pursuant to RCW 43.30.080.~~

VI. Quorum

A quorum is necessary for the transaction of council business. A majority of three (3) councilors will constitute a quorum and is the minimum number of votes required to take any action, regardless of the number of councilors present; provided passage of ordinances, emergency ordinances and council-initiated charter amendments are subject to the charter voting requirements.

VII. Agenda, Conduct of Regular Meetings and Special ~~Board~~ Council Hearings

- A. All Tuesday Clark County Council meeting agenda will be provide for the following order of business:
 - a. Special recognition, if applicable
 - b. Pledge of Allegiance
 - c. Invocation
 - d. Bid Awards, if applicable
 - e. Public Testimony on ~~Consent and~~ Separate Business items
 - f. Consent Agenda
 - g. Separate Business
 - h. Open public comment
 - i. Public hearing matters, if applicable
 - J. Councilor communications
 - k. County Manager report
 - l. Adjourn

- B. The county manager, or his or her designee, is responsible for reviewing the council meeting agenda prior to posting. Any councilor may request an item be removed from a consent agenda for discussion. The council will consider that item as a separate item of business. Approval of a consent agenda is by a simple majority voice vote of the council.
- C. Agendas for ~~regular and special council meetings~~ Tuesday meetings will be posted in the sixth-floor Hearing Room, placed on the county website at www.clark.wa.gov and emailed on request at least four (4) calendars days before the meeting.
- D. The county manager has authority to place ordinances, resolutions and/or staff reports on the meeting agenda after review of the proposed items with the budget director during their weekly review prior to the next regular meeting. A councilor seeking to put an item on a meeting agenda will take the item to the council chair with the support of at least one other councilor. All ordinances will be reviewed and signed by the Prosecuting Attorney, or designee, prior to action by the council.
- E. The form, enactment, amendment and repeal of council ordinances; the nature and passage of council resolutions; and the nature and passage of council motions shall conform with Section 8.1 through Section 8.6 of the county charter.
- F. All matters coming before the county council involving county funds will be presented in compliance with current budget guidelines and include a fiscal note.
- G. No motion will be debated unless seconded. When a motion is seconded, the council chair will say so, and councilors will proceed to act on it.
- H. A councilor proposing an amendment has the right to begin debate on the amendment.
- I. County appointed officials, elected officials or staff may address the council at the request of any councilor or recognition by the council chair.
- J. During a meeting's open public comment period, any individual or spokesperson for a group can address the council for three (3) minutes on any matter germane to county business and not specifically on the hearing or meeting agenda. The chair can request additional time for the speaker or a council can ask the chair for more time for a speaker or for conversation. Speakers should sign in on a sheet provided at the back of the hearing room. Similarly, any individual or spokesperson wishing to speak on a matter specifically on a hearing agenda may do so by signing in on a sheet provided at the back of the hearing room. The council chair will call on each person at the appropriate time and in the order in which they signed the sheet.

- K. Persons addressing the council will not make statements or remarks that concern: private activities, lifestyles or beliefs of others, including individual county employees or elected officials; topics unrelated to the business of the county; or professional duties and performance of county employees or employees of its elected officials. Persons addressing the council will refrain from conduct, statements or remarks that are uncivil, rude, vulgar, profane or otherwise disruptive to conducting council business. The chair may ask any person making such prohibited statements or remarks or engaging in such conduct to leave the meeting.
- L. Courtesy, professional ism and respect will be maintained at all times during county council meetings.
- M. Council rules may be suspended by a motion for a particular purpose by the majority vote of the entire council. If three (3) or four (4) members are present, at least three (3) votes are required to adopt a motion.

VIII. Work Sessions

The Council may meet in work sessions as needed, Work session requests must be approved by at least three (3) councilors and scheduled by the county manager. Work sessions are to provide information that will update the council on pending issues, provide pertinent policy-making information, and/or provide a final review of matters to come before the council at a regular meeting or public hearing. Work sessions may be held any time, but typically are scheduled between 9 a.m. and noon on Wednesday. Minutes for work sessions will be taken by the county manager or his designee via audio recording and uploaded to the county website at the conclusion of the session.

IX. Executive Sessions

The council may meet in executive session only to discuss matters set forth in RCW 42.30.110. Executive sessions must be an extension of a property notice public meeting. At the end of an executive session, the council must reconvene in regular session to take action.

X. Minutes

Action minutes will be kept of all regular and special meetings. Audio or video recordings will be kept for all work sessions and Council Time meetings. Minutes will be open and available to the public. Audio recordings will be uploaded to county website. Minutes are not required for executive sessions.

XI. Legal Opinions

Requests to the Prosecuting Attorney for formal legal opinions relating to the county council will be presented in writing and approved by the county manager, council chair or a majority (3) of the council.

XII. Ad hoc, Special Committees and Task Forces

Ad hoc, special committees and/or task forces may be established as determined and recommended by the council. Each will dissolve when it has completed its duties and made its final report. Appointments to such groups will be made by the council.

XIII. Appointments to Boards, Committees and Task Forces

- A. The county manager will appoint members of boards, commissions and task forces as provided by state law, and the appointments will be presented to the county council during a regular meeting. The council will confirm or reject the appointments by a majority vote within 30 calendar days. Failure of the council to act within 30 calendar days constitutes acceptance of the appointment.
- B. The council will have concurrent authority with the county manager to nominate members of the: Clark County Planning Commission, Clark County Historic Preservation, Commission and Clark County Board of Equalization.
- C. Any recommendation for appointment must be made with the written resume of the candidate's qualifications, which will be included with the agenda for the appropriate council meeting. Resumes are not required for reappointments.
- D. Vacancies in boards, commissions or task forces will be reported to the council monthly.
- E. The county manager will prepare a master list of current members of all boards, commissions and task forces and their terms of appointment.

XIV. County Operations

- A. Opening and closing hours of the Public Service Center (PSC), except for offices where opening and closing hours are otherwise set, will be 8 a.m. to 5 p.m., Monday through Friday. Only authorized personnel, including county employees, may remain in the PSC outside regular work hours. Public meetings or hearings to be held in the PSC at other times require advance notice to the council office.
- B. Policies and rules relating to purchase of goods and services for the county will be in accordance with Washington law and the Clark County Purchasing Ordinance.
- C. The Washington State Auditor's office, in compliance with the county Auditing Law, will conduct an annual, independent audit of all county funds and accounts.

- D. The Clark County Human Resources Policy Manual will address pertinent policies and procedures relating to: salaries; employee benefits; general, sick and other types of leave; holidays; work hours; physical examinations; retirement; and all matters of personnel and employee relations. All references to such matters should be made to the manual and inquiries made to the Human Resources director.
- E. The council will discuss and take final action on salaries, wages and other conditions of employment in an open public meeting in accordance with the Washington Open Public Meetings Act. The exception is council discussions relating to collective bargaining, including discussions about contract negotiation, grievance meetings and planning or adopting strategies or positions to be taken during labor or professional negotiations or grievance or mediation proceedings (RCW 42.30.140(4)).
- F. A councilor's use of staff time and/or concerns regarding county employees will be guided by provisions set forth in Section 2.6 of the county charter.

XV. County Budget

- A. The County Manager, with the budget director, will prepare and present annual budget assumptions to the council. The assumptions will outline policy guidelines for setting the county's annual budget, budget review, and all other budget supplemental amendments.
- B. These assumptions will be in compliance with council directives and take into consideration goals as set forth by the council and all potential and known legal and/or economic constraints at the time of consideration.
- C. Before adoption of the annual budget, the county manager, in conjunction with the budget director, will recommend the budget, levy resolutions, and appropriation resolution to the council. Adoption must be no later than the first week in December. Other budget modifications and supplemental actions will be scheduled, as needed, by the council in accordance with the Washington State Auditor's Office guidelines and state law. Amendments to the proposed annual and supplemental budgets must be distributed to each councilor at least 48 hours before the meeting at which it is to be presented.
- D. Effective each January 1 and thereafter, the budget director and Clark County Auditor, or their designees, will be authorized to make intra-fund line item transfers within the same account class as deemed necessary.
- E. Quarterly reports from the Auditor and Budget Office detailing a year-to-date expenditure and revenue analysis will be presented to the council.

XVI. Vacancy in County Manager

When the county manager position is vacant, the deputy county manager will become interim county manager until the council fills the vacancy in accordance with the charter.

XVII. Councilor Expenses

The Clark County councilors may be reimbursed for expenses for travel outside a 50-mile radius when incurred in the course of county business. Such reimbursable expenses include:

- Mileage for use of personal automobile
 - Parking, toll fees
 - Business meals
 - Special events
 - Lodging
 - Air, bus, train, taxi travel
 - Car rental
 - Phone calls, fax transmissions
 - Registration fees
- A. Mileage is reimbursed at the rate the Internal Revenue Service establishes annually. Mileage is calculated from the councilor’s work station to the business destination.
- B. Local meal reimbursements are made on an actual cost basis to include meals, beverages and gratuities up to 15 percent. Alcohol is excluded. Reimbursements for meals outside a 50-mile radius will be paid at a per diem rate established by the county Auditor. Meal expenses associated with special events, such as departmental retreats, are reimbursable.
- C. Advance travel money is available for non-local travel The money is limited to expenses such as lodging, meals and ground transportation and a maximum of \$100 per full- or part-day.
- D. Requests for reimbursement of such expenses will be submitted with all relevant receipts to the appropriate council staff person for processing on a quarterly basis.
- ~~E. In accordance with RCW 36.32.310, staff will obtain approval of requested expense reimbursement by a majority (3) of the county council, Clerk of Superior Court and a Superior Court judge.~~

XVIII. Councilor Conduct

- A. Each councilor is obligated to follow the Code of Ethical Conduct for a Clark County Councilor, which was approved May 17, 2016 and is attached as Exhibit 1.

- B. In the course of responding to citizens inquiries, councilors will weigh all relevant points of view. If a meeting of the parties is necessary, councilors are responsible for setting a non-threatening atmosphere and an appropriate time frame.
- C. The council encourages amendments to the county code that will enhance service to citizens. In reviewing such code changes, the council will seek input from the county manager, legal or the appropriate county staff. Suggested code language will be submitted by relevant staff with legally sufficient notice in advance of any action by the council or Planning Commission.

XIX. Rules of Procedure

- A. These Rules of Procedure are subject to the county charter and RCW. In the event of an inconsistency between rules and the charter, the charter will govern. In the event of any inconsistency between these rules and the RCW, the RCW will govern.
- B. All business of the Clark County Council will be in conformity with these rules. In the absence of special rules covering the needs of the council, or if an existing rule does not adequately cover the needs of the council, the latest edition of "Roberts Rules of Order" may be used as a reference, although strict adherence is not required.
- C. Amendments to these rules may be initiated by a councilor. A proposed amendment will be distributed to each councilor at least five (5) days before the meeting at which it is to be presented. Amendments are adopted by the majority vote (3) of the council.
- D. Council rules will be reviewed annually by the council and initially adopted, and thereafter as amended, by ordinance by a majority vote (3) of the council.

DATED this ____ day of _____, 2020

CLARK COUNTY COUNCIL
CLARK COUNTY, WASHINGTON

Attest:

Clerk of the Council

Approved as to Form Only
ANTHONY F. GOLIK
Prosecuting Attorney

By _____
Emily Sheldrick
Deputy Prosecuting Attorney

By _____
Eileen Quiring, Chair

By _____
Temple Lentz, Councilor District 1

By _____
Julie Olson, Councilor District 2

By _____
John Blom, Councilor District 3

By _____
Gary Medvigy, Councilor District 4

EXHIBIT 1

Code of Ethical Conduct for Clark County Councilors

Preamble

The opportunity to serve the public as councilor confers a sacred trust on the office holder. Stewardship of the public trust requires councilors uphold the law and act in ways consistent with the highest standards of ethical conduct. The county council has adopted this code of ethics to promote the vitality of the democratic process in county government. In fulfilling the duties of public office, every councilor will be confronted with ethical dilemmas. The following principles are offered to encourage councilors to reflect in advance of decision making. Ultimately, the ethical course of action for a county councilor must be discerned by the dictates of individual conscience and commitment to the public interest.

Principles

1. A county councilor should be vigorously dedicated to the democratic ideals of honesty, openness and accountability in all public matters involving county government.

A councilor should exert a good-faith effort to communicate the full truth about county matters and avoid misleading others or gaining personal advantage. Accountability requires a councilor to accept responsibility for his or her conduct as well as the actions of the council. A commitment to the spirit of open government is characterized by the broadest possible provisions for public access and information sharing and qualified only by those instances when meetings and/or certain public records are shielded by state law. Councilors have an obligation to report suspected illegal misconduct by another elected official to the proper legal authorities.

2. Councilors should promote decorum, respect for others and civility in all relationships.

The honor of holding public office necessitates that councilors behave with courtesy and respect for the dignity of others in all public relationships, including with elected officials, employees, citizens, media and representatives of other governments. Councilors should affirm the value of services provided by government and maintain a constructive attitude about governmental affairs. Meetings of the council should afford a prime opportunity for councilors to promote and enhance respectful civic discourse.

3. Councilors should actively practice stewardship of the county's human, fiscal and material resources.

Councilors should conserve public resources and support the wisest and best use of those resources, consistent with the public interest and community need. Councilors should advocate for and encourage county employees to adopt practices that promote the most efficient, effective and ethical conduct in the delivery of county services.

4. Councilors should strive for excellence and continuous learning relative to personal development and all operations of county government.

Councilors, regardless of the length of tenure in office, should seek opportunities to develop skills and acquire knowledge to effectively perform the duties of public office. Councilors should dedicate the time necessary to adequately perform the duties of the office of councilor. As members of the governing legislative body, councilors should advocate and appropriate resources that promote work environment in which employees are given opportunities to enhance and expand their performance capabilities.

5. Councilors should perform the duties of public office with fairness and impartiality so to enhance public confidence in county government.

Councilors should engage in conduct that promotes county processes and practices that contribute to the perception of equality and impartiality. Councilors should support equal employment opportunity and vigorously oppose discrimination of any kind in county affairs.

6. Councilors should neither seek nor accept any favor from any source that may be offered to influence decision-making.

Councilors should decline to accept anything of value that could be construed by a reasonable and informed person as intended to influence any action of the councilor. Avoiding the appearance of impropriety sustains public trust in democracy and is a necessary standard for councilors to consider in determining an ethical course of action.

7. Violations subject to review and action.

Any councilor charged with violating this code shall be subject to review by an ad hoc Ethics Review Committee consisting of two councilors chose by a majority of the council and one citizen chosen by the two councilors. The chosen citizen shall chair the review committee. The committee shall investigate the charges thoroughly by interviews; review of evidence presented and/or by use of a third-party investigator.

The Ethics Review Committee shall issue a finding to the full council. If the violation is substantiated by the committee, the council may consider such action as it deems appropriate, from public admonishment to a public resolution of censure with removal of the violator from all committees on which the person is representing the county.

APPROVED: March 27, 2001

AMENDED: Feb. 17, 2017

APPROVED: March 29, 2017

APPROVED: May 7, 2019

APPROVED: