Council Rules of Procedure

Resolution 04-02  March 2, 2004
Resolution 15-29  Amended October 6, 2015
## Council Rules of Procedure

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Rule No. 1: Purpose - Scope.

The order of procedure and business herein contained shall govern deliberations and meetings of the City Council except as the same may be in conflict with RCW Chapter 35A.12 or other state law and constitutional provisions.

Rule No. 2: Meetings.

(1) Regular Meetings – Regular meetings will begin at 6:00 p.m. and end not later than 9:00 p.m. unless extended by the majority vote of the Council.

(2) Special meetings may be called by the Mayor or by a majority of the Council by written notice delivered personally or by mail or email to each Councilmember and the Mayor at least twenty-four hours prior to the time set for the meeting as specified in the notice. Notice of the meeting shall also be posted on the City’s web page. The requirements of the "Open Meeting Law", RCW Chapter 42.30, shall apply in all respects to special meetings of the Council. Councilmembers may consent to personal written notice being placed in Councilmember's mailbox at City Hall; provided, further, in such cases a telephonic, email or personal notice shall be given to each Councilmember.

(3) Council Attendance – Absences by Councilmembers at regular meetings are subject to the provisions of RCW 35A.12.060. If a Councilmember knows in advance that s/he will be absent at a meeting, the Coun-
Councilmember should contact the Mayor, City Administrator and/or City Clerk. Following the Call to Order, the presiding officer will inform the Council of the Councilmember’s absence and ask for a motion to excuse the Councilmember from the meeting. The motion is approved by a majority of the Councilmembers present. Councilmembers may also choose to excuse a Councilmember after-the-fact in the same manner.

Rule No. 3: Meetings Public - Executive Sessions.

All regular and special meetings of the Council shall be open to the public. The Council may hold executive sessions from which the public may be excluded for those purposes set forth in RCW 42.30.110 (Open Meeting Law), may order the removal of individuals who are interrupting the meeting as provided in RCW 42.30.050, and may exclude witnesses during investigation of a matter by the Council as provided in RCW 42.30.110.

Rule No. 4: Quorum - Absent Councilmembers.

(1) A majority of Councilmembers of the Council shall constitute a quorum at all meetings of the Council, but a less number may adjourn from time to time and may compel the attendance of absent Councilmembers by direction to the Chief of Police under penalty. Once a meeting has been constituted and called to order, no Councilmember present shall absent himself/herself from the same without leave of
the presiding officer or a majority of the Council. See Privileged Motion in the current edition of STANDARD CODE OF PARLIAMENTARY PROCEDURE by American Institute of Parliamentarians.

(2) With prior approval by a majority of the Council and on non-quasi judicial matters only, a Councilmember may participate by an agreed upon electronic means. A Councilmember may participate by this means no more than two times per year.
Rule No. 5: Presiding Officer - Mayor, Clerk Pro Tempore.

The Mayor shall preside over all meetings of the Council, or, in his/her absence, by the Mayor pro tempore. If the Clerk is absent from a Council meeting, the Mayor or Mayor pro tempore shall appoint a Clerk pro tempore. The appointment of a Councilmember as Mayor pro tempore shall not in any way abridge his/her right to vote upon all questions coming before the Council.

Rule No. 6: Agenda.

(1) Preparation of Agenda. An agenda for regular meetings shall be prepared by the Mayor and transmitted to the Councilmembers. The agenda shall consist of the business to come before the City Council, but shall not preclude the Council from considering matters in addition to those set forth on said agenda. The heads of the various departments of the City or his/her designee shall report agenda matters and deliver copies of supporting materials to the Mayor in sufficient time for their inclusion on the agenda.

For purposes of discussion, secondary motions and amendments, the placement of an action item on the agenda shall be deemed a motion to adopt the presented agenda item. However, any action on the main agenda item, including adoption as presented, shall require a motion, a second and an affirmative vote of the Council.
For special meetings, a final action may be taken by Council only on items for which notice was provided and which were placed on the agenda.

(2) **Addition of items.** Items added to the agenda within 24 hours of the meeting shall be considered only upon approval of a majority of the Council present at the meeting.

(3) **Order of Business.** The order of business should follow as nearly as possible the order of the agenda as follows:

(a) Call to Order (Invocation, Pledge of Allegiance, Excuse Absent Councilmembers)

(b) Approval of Agenda

(c) Presentations

(d) Citizen Comment Period (a maximum of three minutes per speaker for 15 minutes). By a majority vote, the Council may extend the Citizen Comment Period

(e) Consent Agenda

(f) Staff, Mayor and Council Comments
   (i) City Administrator
   (ii) Mayor
   (iii) Councilmembers (See OHMC 1.04.020(2) and Rule 11(7)
(g) Public Hearings & Meetings:
   (i) Hearing/Meeting (a maximum of three minutes per public speaker, provided, that the Council may, in its discretion, allow for additional time where the complexity of issues involved requires more time in order to give the public speaker a reasonable opportunity to be heard on the matter)

   (ii) Passage of any applicable ordinance or resolution

(h) Ordinances & Resolutions

(i) Contracts & Agreements

(j) Other Items for Consideration

(k) Reports & Discussion Items

(l) Executive Session

(m) Adjournment

The order of business set forth in this section is a guideline and shall not be construed in any way as to limit the order in which the Mayor puts the agenda together. Council may elect to proceed with its business as it deems appropriate upon majority vote.
"Public hearing" items listed on the agenda will reference: (1) items that have been scheduled by the City; and (2) that a separate public advertisement has been published announcing the nature of the matter. Public comment, testimony (in the case of quasi-judicial hearings) or other input will be allowed at the time of the hearing.
Rule No. 6A: Consent Agenda.

(1) The Mayor shall place matters on a Consent Agenda which:

   (a) have been previously discussed by the Council; or

   (b) are based on the information delivered to members of the Council by administration which can be reviewed by a Councilmember without further explanation; or

   (c) are routine or technical in nature so that passage without discussion is likely. These include contract approvals provided the agenda bill lists the dollar amount of the contract, assurances that the amount for the contract is within budget limits, proper bidding processes were followed and how the contractor was chosen.

(2) The proper Council motion on the Consent Agenda is as follows: "I move to adopt the Consent Agenda, as presented". A second is required. This motion shall be non-debatable and will have the effect of moving to adopt all items on the Consent Agenda. Since adoption of any item on the Consent Agenda implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Agenda. Therefore, prior to the vote on the motion to adopt the Consent Agenda, the Mayor shall inquire if any Councilmember wishes an item to be withdrawn.
from the Consent Agenda. If any matter is withdrawn, the Mayor shall place the item at an appropriate place on the agenda for the current or a future meeting.

Rule No. 7: Public Hearing Notices and Notice of Preliminary Council Agenda.

See OHMC 1.04.020.

Rule No. 8: Minutes (City Clerk).

The Clerk shall keep minutes of all regular and special meetings where action is taken as part of a correct journal of all proceedings, consistent with OHMC 1.09.030. The Clerk shall assign a number to each ordinance prior to the meeting at which it is to be considered for final passage.

Rule No. 9: Public Discussion.

(1) No person, not a member of the Council, shall be allowed to address the same while in session without the permission of the presiding officer. A Councilmember who wishes to ask a question of a member of the public shall seek permission from the presiding officer. The presiding officer shall have the authority to limit the time allowed to address the Council. Disorderly persons, including those who do not abide by the rules established, may be removed from the meeting place at the direction of the
presiding officer or (a majority of) Council. See RCW 9A.84.030 - Disorderly Conduct.

(2) Council shall provide opportunity to be heard on all agenda items, ordinances, resolutions and matters concerning budget related items. When allowed, audience participation shall usually be limited to a maximum of three minutes per speaker. No speaker shall be allowed to cede his or her time to another speaker.

(3) On each agenda item after a description of the matter has been made, the Mayor shall ask if there are any questions or comments by citizens in the audience. After discussion by the Council commences, citizen comment should not be permitted except by permission of the Council. See Rule 11.

(4) Unless approved by the Mayor prior to the speaker beginning to address the Council, no member of the public may utilize an electronic or video device for purposes of his or her presentation to the Council. This restriction shall not apply to any device which is an accommodation for the speaker's disability.

**Rule No. 10: Presiding Officer's Duties.**

It shall be the duty of the presiding officer of the Council meeting to:

(1) Call the meeting to order;
(2) Keep the meeting to its order of business;

(3) State each motion and require a second, when applicable, to that motion before permitting discussion;

(4) Handle discussion in an orderly way:

(a) Give every Councilmember who wishes, indicated by a show of hands, an opportunity to speak,

(b) Keep all speakers to the rules and to the questions,

(c) Give pro and con speakers an equal opportunity to speak;

(5) Put motions to a vote and announce the outcome;

(6) Suggest but not make motions for adjournment;

(7) Call for short recesses up to 15 minutes;

(8) Appoint committees when authorized by law or Council action.

**Rule No. 11: Debate/Discussion.**

(1) Councilmembers may speak more than once on the same subject; provided, further, that after each Councilmember wishing to speak has had an
opportunity to speak on a subject at least once, that only a majority of Councilmembers present may close debate;

(2) No Councilmember may speak a second time to a question until every Councilmember choosing to speak has spoken. Each round of debate shall proceed in the same fashion -- i.e., no person shall speak again until all others wishing to speak have been given an opportunity to speak. However, an amendment or any other motion being offered, makes the real question before the assembly a different one, and, in regard to the right to debate, is treated as a new question. The maker of a motion, though he/she can vote against it, should not speak against his/her own motion.

(3) Unless permitted by a majority, no member may be allowed to speak for more than ten minutes on one agenda item, question or motion.

(4) When an amendment is pending, the debate must be confined to the merits of the amendment unless it is of such a nature that its decision practically decides the main question.

(5) Closure of debate.

(a) The Mayor may close debate after a call for the question has been made by a Councilmember and no one objects to closure or when all Councilmembers have indicated they have completed their discussion. The
Mayor cannot close the debate as long as any Councilmember desires to speak.

(b) Council may close debate by motion and call for the question by motion after each Councilmember has had an opportunity to speak at least once. (See Rule 11(1)).

(6) Discussion may occur on scheduled agenda items without there being a motion made on the matter. Each Councilmember shall be allowed to speak once before a motion is made so that fewer subsidiary motions and votes will be needed to dispose of a matter.

(7) Councilmembers may bring up new business or unfinished business and make inquiries of staff without putting the issue in the form of a motion. When asked by the Mayor or another Councilmember, the Councilmember introducing the matter for discussion may put the issue into the form of a motion.

(8) Discussion should be addressed to the Mayor.

**Rule No. 12: Motions in Writing - When.**

The presiding officer and any member of the Council may require a motion to be reduced to writing prior to a vote upon the same. All resolutions and ordinances may be in writing
before being adopted. Amendments to an ordinance may be reduced to writing before being voted up.

**Rule No. 13: Motions - Priority.**

(1) The following order shall be the order of priority for main and subsidiary motions:

   (a) Adjourn - Recess.

   (b) Question of privilege.

   (c) Take from the table.

   (d) Previous question.

   (e) Postpone to a set time.

   (f) Refer to a Committee, Commission or Board.

   (g) Amend.

   (h) Main question.

(2) The main motion is lowest in rank.

(3) To fix time to adjourn is the highest. When any motion on this list is before the Council, a motion above it on the list is in order, those below it are out of order.
(4) Priority of incidental motions is as set out in the current edition of STANDARD CODE OF PARLIAMENTARY PROCEDURE by American Institute of Parliamentarians. (NOTE: Usually, subsidiary motions are permissible to make while considering any other regular business.)

Rule No. 14: Motions.

(1) Motions shall be clear and concise and not include arguments for the motion within the motion.

(2) There shall be no discussion of a motion prior to it being seconded other than to clarify the motion language.

(3) If a motion does not receive a second, it dies. Motions that do not need a second include: nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order, privilege.

(4) After a motion and a second, the Mayor will state the names of the Councilmembers making the motion and second. The Mayor, the Clerk or the motion maker shall restate the motion prior to debate.

(5) After a motion has been made and seconded, the Council may discuss their options on the issue prior to the vote. No further citizen comments may be heard when there is a motion and a second on the floor.
(6) A motion to table is not debatable and shall preclude all amendments or debate of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future regular or special meeting at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting. A motion to table may not be used to dispose of a quasi-judicial matter.

(7) A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at any regular meeting.

(8) A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting. A motion to amend a motion to amend is permitted but there is no amendment of amendment of an amendment. Only one motion to amend may be on the floor at any one time.

(9) The City Attorney, or his/her designee, shall provide information to the Mayor or Council concerning questions of interpretations of these policies and procedures and other questions of a parliamentary nature which may arise at a Council meeting. The City Attorney, or his/her designee, or the City Clerk may interrupt proceedings to provide advice concerning conformance with law and procedure.
(10) All ordinances shall be prepared or reviewed by the City Attorney, or his/her designee, prior to being placed on the agenda. No ordinance shall be prepared for presentation to the Council unless requested by a majority of the City Council, or the Mayor or the City Attorney.

Rule No. 15: Motions - Debatable and Non-debatable.

The following list shows which motions are debatable and which are not:

- To fix time to adjourn .................................. Non-debatable
- Adjourn - Recess ....................................... Non-debatable
- Privilege .................................................. Non-debatable
- Take from table ......................................... Debatable
- Postpone to a set time .................................. Debatable
- Previous question ...................................... Non-debatable
- Refer to a Committee, Commission, Board or Staff ............................................ Debatable
- Amend ...................................................... Debatable
- Main question or motion ............................... Debatable

Rule No. 16: Motions - 2/3's Vote Required.

Except as provided by state law, only the following motions shall require two-thirds (2/3) vote:

(1) Suspend rules.
(2) Previous question unless all members have been allowed to speak at least once in which case only a majority is needed to sustain the previous question.

(3) Prevent introduction of business.

(4) Amend these rules during the same meeting the motion to amend these rules is first made.

Rule No. 17: Voting.

(1) Each Councilmember present must either vote or abstain on all questions put to the Council. Votes may be by "aye", "nay" or abstention as to matters to which the Councilmember may have a conflict of interest. The vote shall be cast utilizing the electronic voting system. If electronic devices are unavailable, the vote shall be by a show of hands. No secret ballots are allowed.

(2) The Mayor may vote in case of a tie except for the passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money. These matters shall require the affirmative vote of at least a majority of the whole membership of the Council (four Councilmembers).

(3) When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.
(4) Similarly, on matters concerned with the setting of dates for hearings, public meetings, workshops, special meetings for which the Council usually sets the date by formal motion, no formal motion is required, if after the Mayor or a Councilmember suggests a date, there is a consensus by all Councilmembers that the date is acceptable. The Mayor shall summarize the consensus and the matter shall be entered in the record as a Council action by consensus.

Rule No. 18: Adopted Rules of Order.

The current edition of STANDARD CODE OF PARLIAMENTARY PROCEDURE by American Institute of Parliamentarians shall govern the deliberations of the Council, except when in conflict with any of the foregoing rules and state law. Other sections of this text may be resorted to when deciding questions not addressed by constitutional or state law, ordinance or these rules but shall not be deemed rules of this Council or binding.

Rule No. 19: Quasi-judicial Matters - Site Visits.

Whenever a quasi-judicial matter pending before the City Council involves a specific site, each member of the Council may visit the site prior to the making of a final decision in order to better understand the evidence to be presented. At the public hearing, Councilmembers shall disclose what information was observed.
Rule No. 19A: Quasi-judicial Procedure - Appearance of Fairness

(1) Prior to staff presentation of a quasi-judicial matter, Councilmembers shall each determine whether the appearance of fairness doctrine requires that the Councilmember recuse himself or herself from sitting on the quasi-judicial matter.

(2) If the matter is a land-use decision, the Councilmembers shall identify:
- If they have any interest in the property or application;
- If they own property within 300 feet of the subject property;
- If they stand to gain or lose any financial benefit as a result of the outcome of the hearing;
- If they have any personal, family or other connection to any party such that their ability to be impartial might be called into question;
- Whether they can hear and consider the application in a fair and objective manner.

(3) In non-land use quasi-judicial matters, the Councilmember shall identify:
- If they stand to gain or lose any financial benefit as a result of the outcome of the hearing;
- If they have any personal, family or other connection to any party such that their ability to be impartial might be called into question;
• If there is any reason why they could not be fair and impartial in deciding this matter.

(4) Upon disclosure of any of the above potential appearance of fairness concerns, the parties and the public shall be given an opportunity to object to any Councilmember sitting on the quasi-judicial matter based on the appearance of fairness doctrine. Failure to object to a Councilmember sitting on the quasi-judicial matter when offered the opportunity shall constitute a waiver of that objection.

(5) Councilmembers are encouraged to recuse themselves if they feel there may be an appearance of fairness issue. If an individual Councilmember has determined not to recuse him or herself, the City Council as a whole may, by majority vote, decide that the Councilmember has an appearance of fairness concern which may taint the Council's decision in the pending case and may recuse the Councilmember on those grounds.

(6) Any Councilmember who recuses him or herself or who is recused shall leave the Council hearing room prior to any testimony or consideration of the quasi-judicial matter.

Rule No. 19B: Quasi-judicial Procedure - Ex Parte Contacts

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(1) *Ex parte* contacts are contacts about the quasi-judicial matter occurring outside of the open public hearing at which it is decided.

(2) Every Councilmember shall disclose any *ex parte* contacts he or she had and describe them on the record prior to the quasi-judicial hearing.

(3) Unless the Councilmember feels that the *ex parte* contact(s) have affected his or her ability to be fair, the fact that the Councilmember has had *ex parte* contacts shall not disqualify a Councilmember PROVIDED that the Councilmember discloses those contacts on the record prior to the quasi-judicial hearing.

(4) In any case in which a Councilmember has disclosed *ex parte* contacts, any party to the quasi-judicial hearing shall be allowed to rebut the substance of the *ex parte* contact(s) either prior to or during the quasi-judicial hearing.

**Rule No. 19C: Quasi-judicial Procedure - Testimony**

(1) Testimony may not be taken in closed record land use appeals. The Council's decision must be based on the evidence in the record created by the Planning Commission or Hearing Examiner (as applicable). If the Council determines that additional evidence is needed in such cases, the Council may send the matter back to the Planning Commission or Hearing
Examiner (as applicable) to add evidence to the record.

(2) In other quasi-judicial matters, the Council may take limited additional evidence but is encouraged to rely upon the record already created.

(3) Prior to giving testimony, all witnesses shall be sworn on oath to testify fully and truthfully:

"I hereby swear or affirm that the testimony I am about to give shall be the truth and the whole truth."

**Rule No. 19D: Quasi-judicial Procedure - Advocacy**

(1) Quasi-judicial hearings are intended to be adversarial, that is, to allow competing points of view to be argued by the proponent(s) and any opponent(s). The City Council shall sit as an impartial decision-maker rather than as an advocate for either position.

(2) The proponent(s) shall speak first and make any arguments in favor of his or her position as "opening argument". Normally, the proponent(s) shall be limited to ten minutes of opening argument.

(3) The opponent(s) shall speak after the proponent(s). Normally, the opponent(s) shall be limited to ten minutes of responsive argument.

(4) Because the proponent(s) has the burden of persuasion, the proponent(s) shall be allowed three
minutes of rebuttal to the opponent(s)' argument. Rebuttal shall not introduce any new arguments but shall only reply to the arguments of opponent(s).

(5) The Mayor or the City Council may allow additional time for argument if either determines that the case would be better understood with additional argument.

(6) After arguments have concluded, the City Council shall ask any questions Councilmembers have of the parties.

(7) After testimony, argument and Council questioning has concluded, the Council shall deliberate and make its decision in an open public meeting. If an Executive Session is authorized by state law, the council may adjourn to an Executive Session to the extent authorized by state law but shall make its decision in an open public meeting.

Rule No. 20: Requests for Additional Public Hearings.

Where a public hearing was conducted prior to making a recommendation to the City Council, the City Council may consider holding an additional public hearing.

Rule No. 21: Written Materials Submitted Subsequent to Public Hearings.
Written materials may be submitted to the City Council following the close of a public hearing when authorized by Council on record.

Rule No. 22: Reconsideration of Quasi-judicial Actions.

Any request of motion for reconsideration by a proponent or opponent of a quasi-judicial action of the City Council must be made in writing to the City Clerk. A motion to reconsider such action shall be out of order and shall not be acted upon unless made prior to taking up the start of the City Council agenda at the next regular City Council meeting following the meeting at which the action was taken. During the reconsideration period, no ex parte communication shall be made to any City Councilmember concerning the quasi-judicial action. "Action" shall mean the vote of the City Council expressing a decision even though followed at a later date by passage of an ordinance or resolution.

Rule No. 23: Reconsideration of Actions which are not Quasi-judicial.

A member of the Council may request that the Council reconsider a decision on a matter which is not quasi-judicial in nature. A motion to reconsider must be made during the same meeting as the original action was taken.

Rule No. 24: Ratification.
Only one reconsideration motion shall be allowed. Ratification shall be treated as a main motion and shall be for purposes of correcting procedural or substantive concerns and shall relate back to the date or original action unless the Council otherwise provides.

**Rule No. 25: Failure to Follow Rules.**

(1) Failure to follow these rules shall not void any action taken by Council.

(2) A Councilmember feeling a rule is violated may raise a privileged or incidental motion to seek redress before the Council.

**Rule No. 26: Interpretation.**