



SNOHOMISH CITY COUNCIL

SPECIAL MEETING

Tuesday, October 25, 2022

6:00 p.m.

in person at the Snohomish Carnegie (upper level), 105 Cedar Avenue
and remote on-line/telephone access via Zoom:

ONLINE Zoom remote meeting access: <https://us02web.zoom.us/j/82343557906>

Or call in at (253) 215-8782 and use Meeting ID# 823 4355 7906

AGENDA

- 6:00 1. **CALL TO ORDER**
2. **DISCUSSION ITEMS:**
- a. City Council Rules and Procedures (P.3)
 - b. 2023 Legislative Agenda (P.XX)
- 8:00 3. **ADJOURN**

NEXT MEETING: The next regular meeting is scheduled for Tuesday, November 1, 2022, at 6:00 p.m., in person at the Snohomish Carnegie, 105 Cedar, and online via Zoom.

Specialized accommodations will be provided with 5 days advanced notice. Contact the City Clerk's Office at 360-568-3115. This organization is an Equal Opportunity Provider.

THIS PAGE LEFT BLANK INTENTIONALLY



CITY OF SNOHOMISH
Snohomish, Washington

RESOLUTION ~~1428~~1436

A RESOLUTION OF THE CITY OF SNOHOMISH ESTABLISHING PROCEDURES FOR THE CONDUCT OF BUSINESS AT COUNCIL MEETINGS AND REPEALING RESOLUTION ~~1407~~1428.

WHEREAS, RCW 35A.13.170 grants the City Council authority to establish rules of conduct for their meetings; and

WHEREAS, a comprehensive procedure for Council meetings will provide the most expedient means of conducting Council meetings; and

WHEREAS, pursuant to Resolution ~~1428~~1407, the City Council of the City of Snohomish established procedures for the conduct of business at Council meetings; and

WHEREAS, the City Council has studied and reviewed these procedures and determined that periodic review and updates to these procedures is appropriate; and

WHEREAS, on March 7, 2022, the State Legislature passed HB1329, updating the State's Open Public Meetings Act (OPMA), and the City Council finds it necessary to update the City's Conduct of Business to meet the new OPMA regulations and guidelines; and,

WHEREAS, the City Council decided that in order to keep these rules in the form of one consolidated document, Resolution ~~1407~~1428 should be repealed and replaced by this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SNOHOMISH AS FOLLOWS:

Resolution ~~1407~~1428 is hereby repealed and shall be replaced with this Resolution ~~1428~~1436 which shall read as follows:

- I. **General.** These rules constitute the official rules for the conduct of business by Snohomish City Council. In all other contested decisions arising from points of order, the Council shall be guided by Robert's Rules of Order Newly Revised, a copy of which is maintained in the office of the City Clerk.
- II. **Organization.**
 - A. Swearing in of New Councilmembers. Newly elected Councilmembers shall be sworn in either (1) within the ten days preceding January 1st, or (2) at the last regularly scheduled meeting of the year as per RCW 29A.20.040. In the case of an appointment to fill a vacancy, the Councilmember shall be sworn in at the

same meeting as the appointment or the next regular meeting, at the option of the new Councilmember.

- B. Election of Council President/Mayor Pro-Tem. The Council shall elect a Council President who shall serve as Mayor Pro-tem for a term of two years and organize itself at the first Council Meeting during even-numbered years. In the temporary absence of the Mayor, the Council President/Mayor Pro-tem shall perform the duties and responsibilities of the Mayor. In the absence of both the Mayor and the Council President/Mayor Pro-Tem, the Council shall appoint one of the members of the Council to act as a temporary Presiding Officer.

In the event the Mayor is unable to serve the remainder of the term, a new Mayor shall be elected as provided by law. Until a new Mayor is elected to fill the vacancy, the Council President/Mayor pro-Tem shall fulfill the duties of Mayor. In the event the Council President/Mayor Pro-tem is unable to serve the remainder of the term, a new Council President/Mayor Pro-tem shall be elected by the City Council at the next Regular Meeting. The Council President which shall fulfill all of the responsibilities of the Mayor Pro-Tem and in addition, shall be authorized to perform additional duties such as acting as liaison between the Council (legislative branch) and the Mayor (executive branch), participate with the Mayor and City Administrator in planning upcoming Council meeting agendas and assisting in the assignment of Councilmembers to subcommittees and as liaison to boards and commissions. The Council may request the Council President to perform other responsibilities that are consistent with the administration of the legislative function of Council.

- C. Quorum. At all Council Meetings, a majority of the Council (four members) shall constitute a quorum for the transaction of business, but a lesser number may recess or adjourn.

- D. Attendance and Excused Absences.

1. Councilmembers. RCW 35A.13.020 provides that a Councilmember shall forfeit his or her office by failing to attend three consecutive Regular Meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Mayor; or, if the Mayor is not available, the Council President/Mayor Pro-Tem, or City Clerk, who shall convey the message to the Mayor. Following roll call, the Mayor shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Clerk will make an appropriate notation in the minutes.
2. City Clerk. The Clerk or an authorized Deputy Clerk shall attend all Council Meetings. If the Clerk and the Deputy Clerk are absent from any

Council Meeting, then the Mayor shall appoint a member of the staff to act as Clerk for that meeting.

3. Officers or Employees. Any City officer or employee shall have the duty, when requested by the Council, to attend Council Meetings and shall remain for such time as the Council may direct.
4. Remote Attendance. Each Councilmember shall be allowed to remotely attend and participate in no more than three (3) City Council meetings per calendar year. Remote attendance requires the ability for the remote participate(s) and in-person attendees to adequately hear all discussion and comments. In the event a Councilmember has attempted remote participation and is unsuccessful in participating, such attempt shall be an excused absence and count toward the Councilmember's three (3) remote attendances.

E. Decorum.

1. Forms of Address. The Mayor shall be addressed as "Mayor (surname)". Members of the Council shall be addressed as "Councilmember (surname)" or by the name requested by the Councilmember.
2. Councilmember Communications Protocols During Meetings:
 - a. No Councilmember comments are to be personal in nature or otherwise disruptive. All Councilmember comments are to be addressed to the Presiding Officer. Whenever in these Rules the term "Presiding Officer" is used it shall mean the Mayor or in the absence of the Mayor, the Council President/Mayor Pro Tem.
 - b. All Councilmember comments during meetings shall be germane to the business of the City and tempered to advance the debate.
 - c. Councilmember comments during meetings shall be concise and respectful of the time available to complete actions on the agenda and the desire to provide ample opportunities for members of the public and other Councilmembers to comment.
 - d. While in an open public meeting of the governing body, Councilmembers may not take action via electronic device, outside of such device(s) as may be necessary for conducting the meeting, such as via Zoom or similar platform, or program designed specifically for the conducting of Council meetings where the outcome of the vote is visible to the audience or read aloud to the audience. ~~while in an open public meeting of the governing body.~~ "Action," as defined under RCW 42.30.020, means the transaction of the official business of a public agency by

a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. “Final action” means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

- e. City Councilmembers are responsible for complying with the communication guidelines contained in this policy. Violations could result in legal exposure to the Councilmember and the City and loss of privileges to access to technology mediums or systems. Sanctions for violation of Councilmember Communications protocols as described in this section may include the following, although the Council may decide, based on the severity of the violation, to begin with steps other than the first step as listed here:
 - i. On the first violation, the Presiding Officer may issue a warning orally to the Councilmember who has violated these protocols.
 - ii. On the second violation, the Presiding Officer, upon a motion being adopted by the City Council, may issue a written reprimand to the Councilmember who has violated these protocols.
 - iii. On the third violation, the Presiding Officer, upon a motion being adopted by the City Council, may issue a formal resolution of censure to the Councilmember who has violated these protocols.
 - iv. On the fourth violation, the Presiding Officer, upon a motion being adopted by the City Council, may remove the committee and liaison assignments of the Councilmember who has violated these protocols.

3. Public Decorum. Public comments shall be directed to the council and germane to the topic at hand. During any public comment period the commenter shall not make any personal attacks directed at other members of the public, staff, or the family members of elected officials, staff, or other members of the public. A councilmember or the Mayor may call for a point of order if a member of the public fails to adhere to proper decorum. The commenter shall be given one reminder per comment period that all comments are only to be directed at the council members and failure to abide by these rules will result in a forfeit of the remaining time during that particular comment period. If the participant is commenting electronically, the Mayor may direct the clerk to mute the participant.

34. Right to Eject. While the Council is in session, both the members and the public must preserve order and decorum, and shall neither, by conversation or otherwise, delay or interrupt the meeting or the peace of the Council, nor disrupt any member while speaking or refuse to obey the orders of the Presiding Officer, except as otherwise provided in these Rules. Any person who becomes boisterous, unruly, or who physically or verbally threatens any other person while addressing the Council or while attending a Council meeting shall be asked to leave by the Presiding Officer and the Police Chief shall escort them from the Council Chambers. The Presiding Officer may also call for a recess so that measures may be taken to restore order to the meeting.
45. Hearings. Whenever the Council is conducting a public hearing on a quasi-judicial matter that affect individuals or property rights, such hearings must not only be fair, but must be free from even the appearance of unfairness. Therefore, in their consideration of such matters Councilmembers shall:
- a. Try to avoid any ex parte contact with the individual or property owner whose rights are under consideration;
 - b. Try to avoid any public or private statements in advance of the hearing that would suggest that the Councilmember has decided the issue before the hearing.
56. Ex parte Communication. Consistent with RCW 42.36.060, if any Councilmember has had ex parte communications with opponents or proponents with respect to a quasi-judicial proposal, that Councilmember must disassociate him/herself from the proceedings, unless:
- a. That Councilmember places on the record the substance of any written or oral ex parte communications concerning of the action; and
 - b. The Presiding Officer makes a public announcement providing for an opportunity for any party to rebut the substance of the ex parte communication.
67. Conflict of Interest. Councilmembers that disassociate themselves from participating in a public hearing due to the violation of the appearance of fairness doctrine or a conflict of interest shall leave the Council Chambers during Council consideration of a matter.

F. Voting.

1. Method. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice or via software designed

specifically to assist conducting a Council meeting; except that at the request of any Councilmember, a roll call vote shall be taken by the Clerk.

2. Tie Vote. The Mayor shall have a vote only in the case of a tie in the votes of the Councilmembers with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money. In case of a tie vote on any proposal that may not be broken by the mayoral vote, the proposal shall be considered lost.
 3. General. Each Councilmember shall vote on all questions put to the Council, unless a conflict of interest or an appearance of fairness question under state law is present. Unless a member of the Council states that he or she is abstaining, his or her silence shall be recorded as an affirmative vote.
 4. Veto by Mayor. Pursuant to RCW 35A.12.100 the Mayor shall have the power to veto ordinances passed by the Council and submitted to him or her as provided in RCW 35A.12.130 but such veto may be overridden by the vote of a majority of all Councilmembers plus one more vote.
- G. Adjournment. Council meetings shall adjourn at or before 9:00 p.m.; except the time may be extended in increments until 10:00 p.m. upon approval of a formal motion or motions. At 10:00 p.m. the meeting may be continued to a date and time certain upon approval of a formal motion. The date and time will be announced by the Presiding Officer at the meeting.

III. Officers.

- A. Presiding Officer's Duties. It shall be the duty of the Presiding Officer to:
1. Call the meeting to order.
 2. Keep the meeting to its order of business.
 3. Control discussion in an orderly manner by:
 - a. Giving every Councilmember who wishes an opportunity to speak when recognized by the Presiding Officer;
 - b. Permitting public comments at the appropriate times; and
 - c. Requiring all speakers to speak to the question and to observe the rules of order.
 4. Decide all questions of order, subject to the right of appeal to the Council by any member.

IV. **Committees.** Ad hoc committees of Councilmembers may be appointed by the Mayor, with the concurrence of the Council, from time to time as the need arises. The members of such ad hoc committees will select the committee chairperson.

V. **Council Meetings.**

A. **Open to the Public.** All Council Meetings shall comply with the requirements of the Open Meetings Act (RCW 42.30). All Meetings of the Council shall be open to the public. The City shall comply with the provisions of RCW 35A.12.160 regarding notice of public meetings.

All City Council meetings will be recorded, when feasible, and said recording will be available to the general public through the City's website, or upon request from the City Clerk's Office. Attendance at meetings, whether in person or remote, implies consent to being recorded via audio and video.

(See also Section VII Electronic Media and Technology, Councilmember Communications Outside of Meetings, Open Public Meetings (OPMA) and Public Records Act (PRA).)

B. **Type of Meetings.**

1. **Regular Meetings.** The Council shall hold their Regular Meetings on the first and third Tuesdays of the month between 6:00 p.m. and 9:00 p.m. Should any Tuesday fall on a legal holiday, the meeting shall be held at the same hour and place *if available* on the next working day. Any change in location will be included in the regular publication notice of the meeting agenda.

2. **Workshops.** The Council may hold a workshop one hour before any regular meeting of the month. Additional workshop sessions may be scheduled as needed. When not held prior to a regular meeting, the workshop may be scheduled in advance and voted on by Council during a regular meeting. Should any Tuesday fall on a legal holiday, the meeting shall be held at the same hour and place if available on the next working day. These meetings will be informal meetings for the purpose of more prolonged discussion of issues and topics selected by the Mayor or Council. Workshops may be held jointly with advisory Boards and Commissions to the Council. Workshops may also be called "Retreats," "Work Session," or other such title. Items may be listed on the agenda as "Topic," "Briefing," "Workshop", "Work Session" or other such descriptive heading.

3. **Special Meetings.** Special Meetings may be called by the Mayor by written notice delivered to each member of the Council at least twenty-four hours before the time specified for the proposed meeting. Special

Meetings shall also be called by the Mayor upon the written request of any three members of the Council. The notice of such Special Meetings shall state the Subjects to be considered, and no subjects other than those specified in the notice shall be considered.

4. Emergency Meetings. Emergency Meetings may be called as referenced in the OPMA.

C. Executive Sessions.

1. General. The Council may hold Executive Sessions from which the public may be excluded, for the purposes set forth in RCW 42.30.110 and RCW 42.30.140. Before convening an Executive Session, the Presiding Officer shall announce the purpose of the session, the anticipated time when the session will be concluded and shall state whether action by Council is expected following the Executive Session. Should the session require more time, a public announcement shall be made that the session is being extended.
2. Confidentiality. Councilmembers should shall keep confidential all written materials and verbal information provided to them during Executive Sessions unless otherwise agreed by a majority of Council. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered to be exempt from disclosure by State law.
3. Ex parte Contact. If the Council, after Executive Session, has provided direction to City staff on proposed terms and conditions for City business, all contacts with any other party should be done by the designated City staff representative handling the issue. Councilmembers should obtain the permission of the Mayor prior to discussing the information with anyone other than other Councilmembers, the City Attorney, or City staff designated by the Mayor. Any Councilmember having any such contact or discussion needs to make full disclosure to the Mayor and/or Council in a timely manner.

D. Meeting Place. Regular Council Meetings will be held at thein the lower level of the Snohomish Carnegie, 105 Cedar Avenue, George Gilbertson Board Room in the Snohomish School District Resouree and Services Building at 1601 Avenue D, or another public meeting facility as advertised. Workshops and Special Meetings will usually be held at the same location, but may be held at other appropriate locations, with proper notice. Meetings may have a remote attendance option for the public, subject to the provisions of this Resolution.

E. Council Agenda.

1. Order of Business. No Legislative item shall be voted upon which is not on the agenda as approved by the Council at the meeting. The order of business for each Regular Meeting shall be as follows:

Regular Session (6:00 p.m. - 9:00 p.m.)

1. Call to Order
- ~~2.~~ 2. Proclamations, Presentations and Recognitions
- ~~3.~~ 3. Public Comments on Non-Action or Discussion Items.
- ~~42.~~ 42. Approve the Agenda Contents and Order
- ~~53.~~ 53. Consent Items
- ~~4.~~ 4. Proclamations or Presentations
- ~~5.~~ 5. Public Comments on items not on the agenda
6. Public Hearings
- ~~7.~~ 7. Staff Briefings
- ~~87.~~ 87. Action Items
- ~~98.~~ 98. Discussion Items
- ~~109.~~ 109. Other Business/Information Items
- ~~110.~~ 110. Councilmember Comments/Liaison Reports
- ~~121.~~ 121. Council President's Items/Report
- ~~132.~~ 132. City Administrator's Comments
- ~~143.~~ 143. Mayor's Comments
- ~~154.~~ 154. Executive Session
- ~~165.~~ 165. Reconvene Regular Session
- ~~176.~~ 176. Adjourn

~~2.~~ 2. Non-regular Meeting Order of Business. Meetings that fall under special meetings, workshops, retreats, or similar may follow a different order of business than set for regular meetings.

23. Consent Items. The Mayor or City Administrator in consultation with the Mayor, shall place matters under the Consent Items which: (a) have been previously discussed by the Council, (b) based on the information delivered to members of the Council by the administration, can be reviewed by a Councilmember without further explanation, (c) are so routine or technical in nature that passage is likely, or (d) are workshop or regular meeting minutes without changes. The motion to adopt Consent Items shall be non-debatable and have the effect of moving to adopt all items. Since adoption of any item under the Consent Items implies unanimous consent, any member of the Council shall have the right to remove any item. Therefore, under the item "Approve the Agenda Contents and Order", the Presiding Officer shall inquire if any Councilmembers wishes an item to be withdrawn from the Consent agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for deliberation at the current or a future Council Meeting.

VI. Public ~~Testimony~~ Comment.

A. Oral and Written Comments.

1. General. ~~For meetings in which the majority of the Council are attending in-person, public comment shall be limited to those attending in-person. Meetings may have an online option for the public to listen to the meeting. Public comment will be allowed on all Council action items, and, Unless~~ determined otherwise by a majority of Council, public comment will be allowed on all Council ~~action and~~ discussion items. Public comments regarding action and discussion items will be allowed following staff presentations and Council questions and prior to Council deliberations. ~~Public comments will be limited to those members of the public attending in-person unless the comment is submitted via writing to the City Clerk by 3 p.m. the day of the meeting.~~ Written comments will be shared with the City Council if received by the City Clerk's Office before 3 p.m. the day of the meeting, read into the record subject to the applicable time regulations. Where a Public Hearing is scheduled (whether quasi-judicial or not) all public comment and testimony will be provided during the hearing so an adequate record can be made. Except for matters of procedure, public comment and/or testimony shall not be given during the general public comment portion of the agenda and will be reserved for the time of the hearing. People wishing to comment but need accommodations to do so should contact the City Clerk's Office no later than five days prior to the scheduled meeting to ensure accommodations are in place, to the best of the City's ability to provide.
2. Identification of Speakers. ~~Those providing public comment may be asked to identify themselves for the record as to name; however, those providing public testimony during a Public Hearing~~ ~~Persons testifying or providing public comment~~ should identify themselves for the record as to name, address, and organization.
3. Time Limitations. ~~For any portion of the meeting at which public comment is allowed, any person may speak for no more than three minutes. Individuals will be allowed to speak on all Council action and discussion items for no more than three minutes. Any person may also speak under "Public Comments on Items not on the Agenda" for no more than three minutes. Comments from members of the public who are not present must be submitted in writing to the City Clerk by 3 p.m. the day of the meeting.~~ Testimony given at a Public Hearing shall be limited to three minutes per person unless determined otherwise by the Presiding Officer with the concurrence of Council. All individuals shall be allowed to speak uninterrupted provided the speaker respects the rules set by Council and the Presiding Officer. At the discretion of the Presiding Officer, with the concurrence of Council, additional time for receipt of oral and written

~~testimony may be allowed.~~ The Mayor or their designee shall be the timekeeper.

At a quasi-judicial hearing, the burden of proof generally lies with the applicant of the action before the Council. During the public testimony portion of the meeting, the applicant and the applicant's advisors will not be limited in presentation time and will have the opportunity for rebuttal to opposing testimony.

4. Quasi-Judicial Items. A quasi-judicial action is an action of the Council which determines the legal rights, duties, or privileges of specific individuals or properties, such as rezones or plat approvals.

The order of business for a quasi-judicial hearing shall be as follows:

- a. Appearance of Fairness Query
- b. Swearing in of all witnesses who intend to testify by the City Attorney
- c. Staff presentation
- d. Board or Commission recommendation
- e. Applicant's statement
- f. Council's questions of Staff, Commission, and Applicant
- g. Public testimony
- h. Rebuttal by Applicant
- i. Public testimony closed
- j. Council deliberation
- k. Council action

5. Workshops. The Council may take public comments at a Workshop meeting, but only at the discretion of the Presiding Officer and with the concurrence of Council, when appropriate and practical.

6. Written Comments. Written materials may be submitted to the Council at the Regular Meeting at which an issue is to be considered. Written materials submitted to the City Clerk by 3 p.m. the day of a Council meeting, shall be ~~shared with the Council, and only read at the meeting if the commenter specifically requests to do so. Written comments read at the meeting will be subject to the time limitations in Subsection 3., and will be subject read during the applicable comment period, subject to the time limitations in Subsection 3.~~

VII. Electronic Media and Technology, Councilmember Communications Outside of Meetings, Open Public Meetings (OPMA) and Public Records Act (PRA).

- A. It is the policy of the City Council of the City of Snohomish to adhere to the Revised Code of Washington (RCW) 42.30 regarding Open Public Meetings and RCW 42.56 regarding Public Records.

1. All records, regardless of format, related to the conduct of City business reviewed, created or altered must be retained per the State of Washington Local Government Common Records Retention Schedule. (the CORE manual), pursuant to 42.56 RCW and 40.14 RCW, Preservation and Destruction of Public Records.
2. Per state law, all documents, files, communications and messages created, reviewed or altered that are related to the conduct of City business, regardless of format, are property of the City. As a result, these documents, files, communications and messages are not private or confidential unless otherwise noted in the Revised Code of Washington. The City reserves the right to request, access, monitor, and disclose the contents of electronic messages and any record, regardless of format, related to the conduct of City business on City-issued or personal devices that Councilmembers use. Councilmembers should have no expectation of privacy in either sending or receiving electronic messages, or other information on the Internet, City network or other electronic media related to City Business whether done on their own personal device or on a City issued device. The City may review the public records for legal exemption or redaction pursuant to the Public Records Act RCW 42.56 or other applicable state or federal laws and may provide third party notice providing affected parties the opportunity to file for a court order to prevent or limit disclosure.
3. Email Accounts.
 - a. For ease of public record retention and for ease of document search, Councilmembers are strongly encouraged to utilize the City's assigned email account and information system for all City-related business.
 - b. Subject to limited exceptions set forth in state law, e-mail accounts established through the City's information system for individual Councilmembers are considered public and subject to public disclosure laws.
 - c. E-mails that are public records will be retained and archived according to City and State retention schedules.
 - d. Non-City provided email accounts used by individual Councilmembers for the conduct of communicating City business will be subject to public disclosure laws. Councilmembers are responsible for preserving all City business records on their personal devices, systems and servers.

4. Text Messages. Text Messages generated or received by individual Councilmembers for conducting City business on any personal device whether issued by the City or not, are subject to public disclosure laws and records retention schedules. Text messages must be retained and archived according to City and State retention schedules. Councilmembers are responsible for preserving all City business records on their personal devices, systems and servers.

5. Social Media. The City of Snohomish utilizes social media sites to enhance and promote the economic development initiatives of the community and to facilitate discussion of City issues, operations and services. City of Snohomish social media sites and all content therein are subject to the State of Washington's public records laws. City and State records retention schedules apply to all social media content. Guidelines for Councilmember use of social media sites is as follows:
 - a. All social media site entries should clearly indicate that any content posted is subject to public disclosure laws and records retention schedules.
 - b. Unless the content is pre-authorized by the City Council, Councilmembers posting to any social media site, whether owned by the City or a private individual or organization social media sites, should be clear that the individual Councilmember is speaking for themselves and not on behalf of the City or the City Council.
 - c. Information that has the potential to compromise the safety or security of the public or public systems shall not be posted to social media sites.
 - d. Anything that may be construed as harassment or disparagement of others based on race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs will not be tolerated. This includes, but is not limited to sending threatening messages, slurs, obscenities, sexually explicit images, cartoons or messages.

6. City Issued Cell Phones and Other Devices. Cell phones and other devices, issued by the City, to individual Councilmembers will archive all text messages and retain the records according to records retention schedules. All texting of matters relating to City business will be done on City issued devices.

7. Non-City Issued Cell Phones and Other Devices. Non-City issued cell phones and other devices, used by individual Councilmembers, for texting or receiving texts relating to City business, will require archiving of text

messages and retention of records according to records retention schedules.

8. Records Requests/Inspection/Monitoring.

- a. All Councilmembers are required to work collaboratively with the City Clerk's Office for access to a personal or City-issued electronic device when responding to a public records request.
- b. The City needs to be able to respond to proper requests resulting from public records request and legal proceedings that call for electronically-stored evidence. Therefore, the City must, and does, maintain the right and the ability to access City provided electronics and City email accounts and to inspect and review any and all data recorded in those applications and files. Because the City reserves the right to obtain access to all electronic mail messages left on or transmitted over these applications, Councilmembers should not assume that such messages are private and confidential or that the City or its designated representatives will not have a need to access and review this information.
- c. The City reserves the right to regularly monitor electronic mail messages, information and all documents. The City will inspect the contents of computers or electronic mail in the course of an investigation.

9. Executive Session. It is recommended that Councilmembers do not use electronic devices or transmit or receive electronic communications during executive sessions.

B. The following is a list of prohibited uses of City communication applications or devices:

1. Transmitting any material or messages in violation of Federal, State, Local law, Ordinance, Regulation or City policy.
2. Distributing sensitive or confidential information, per RCW 42.23.070, Code of Ethics for Municipal Officers, Prohibited Acts.
3. Distributing unauthorized broadcast messages, soliciting or proselytizing others for commercial ventures, religious or political causes, or other non-job related matters except as provided elsewhere in this policy.
4. Accessing or distributing offensive or pornographic materials.
5. Using City-provided electronic media and devices for personal use, to accomplish personal gain, or to manage a personal business.

6. Downloading or distributing copyrighted materials not owned by the City, including software, photographs, or any other media except when authorized by the Mayor or Information Services Manager as it pertains to work related uses.
7. Developing or distributing programs that are designed to infiltrate computer systems internally or externally (viruses) or intentionally disrupting network traffic or crashing the network and connected systems.
8. Accessing or downloading any resource for which there is a fee without prior appropriate City Council authorization / approval and authorized by the Mayor or Information Services Manager.
9. Representing yourself as another user or employee, forging electronic mail messages, unauthorized access of others' files with no substantial business purpose, or vandalizing the data of another user.
10. Attempting to access any system, which Councilmember is not authorized to access (hacking).
11. Giving your user name and password to anyone, except the Information Services Manager or designee for any purpose.
12. Inappropriate use, which is deemed by the City Council Policy or City Policies to be a violation of the intended purpose of any electronic media.

C. Councilmember Communications.

1. All written communications, including letters and electronic messages, responding to the public should be distributed to all other Councilmembers and the City Clerk. However, to prevent a violation of the Open Public Meetings Act and a "serial Council meeting" the Councilmembers should not reply "all" or have communications with more than two other members of the Council body.
2. The use of City letterhead by individual Councilmembers for communications to constituents or to other governmental entities shall not be allowed unless approved by Council majority.
3. Within the text of correspondence from Councilmembers to constituents, governmental entities, and community organizations, the Councilmember should not characterize or attempt to describe the views and actions of other Councilmembers in order to ensure that those Councilmembers have an opportunity to characterize their own views and actions.
4. The substance of phone calls by the Mayor to members of the public or to officers of other governmental entities should be shared via email or other communication method whenever these phone discussions involve issues

of significance for the Council as a whole. However, to prevent a violation of the Open Public Meetings Act and a “serial Council meeting” the Councilmembers should not reply “all” or have communications with more than two other members of the Council body.

5. Letters to the editor for publication in newspapers, magazines and electronic or Internet-based publications submitted by individual Councilmembers should not represent the Councilmember’s personal views as those of the City or the City Council unless specifically directed to do so by the City Council.

VIII. **Periodic Review.** It is the intent of the City Council that Council procedures be periodically reviewed as needed, but no less than every two years. Therefore Council procedures shall be reviewed in the month of January of every even numbered year, and may be amended at any other time that the Council shall choose.

IX. **Effect/Waiver of Rules.** These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business. These rules of procedure do not grant right or privileges to members of the public or third parties. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Council act. The City Council may, by a majority vote, determine to temporarily waive any of the provisions herein. These rules shall be effective upon the date of adoption as set forth below.

PASSED by the City Council and **APPROVED** by the Mayor this ~~18th~~ _____ day of January, 2022.

CITY OF SNOHOMISH

By _____
Linda Redmon, Mayor

ATTEST:

APPROVED AS TO FORM:

By _____
Brandi Whitson, City Clerk

By _____
Emily Guildner, City Attorney