

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF COWLITZ COUNTY, WA.

RESOLUTION NO. 03-037

In the Matter of Adopting Board)
of Commissioners Rules and)
Order of Business as Cowlitz)
County Code Chapter 1.24)

WHEREAS, the Board of Cowlitz County Commissioners need to set rules of procedure governing the time, place and conduct of the Cowlitz County Board of Commissioners meetings and hearings;

IT IS HEREBY FURTHER RESOLVED that the Board of Commissioners Rules and Order of Business will be codified as Cowlitz County Code Chapter 1.24.

EFFECTIVE this 25th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON

/s/ George Raiter
George Raiter, Chairman

/s/ J. Bill Lehning
J. Bill Lehning, Commissioner

/s/ Jeff M. Rasmussen
Jeff M. Rasmussen, Commissioner

ATTEST:

/s/ Vickie M. Musgrove
Vickie M. Musgrove
Clerk of the Board

APPROVED:

/s/ Ron Marshall
Ron Marshall
Chief Civil Deputy Prosecuting Attorney

Cowlitz County Code Chapter 1. 24
Board of Commissioners Rules and Order of Business

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1.24.010 Purpose. This Chapter sets for the rules of procedure governing the time, place and conduct of the Cowlitz County Board of Commissioners meetings and hearings.

1.24.020 Definitions.

- A. "Board of Commissioners" means the Cowlitz County Board of Commissioners.
- B. "Chair" means the chairperson of the Cowlitz County Board of Commissioners.
- C. "Member" means any duly elected or appointed Cowlitz County Commissioner.
- D. "Quorum" constitutes a majority of the Cowlitz County Board of Commissioners.
- E. "Vice-chair" means the vice-chairperson of the Cowlitz County Board of Commissioners.

1.24.030 Rule 1: Organization of the Board of Commissioners. The Officers of the Board of Commissioners shall be the Chair, and the Vice Chair. These officers shall serve at the pleasure of the Board of Commissioners from the time of their election until the first Board of Commissioners meeting of January in each odd-numbered year, at which time the Board of Commissioners shall hold its biennial election of officers immediately following the approval of the minutes of the previous Board of Commissioners meeting. A motion to elect new Officers may occur during any regularly scheduled Board of Commissioners meeting under Rule 5 A.5. (Regular Agenda Items) of the Agenda.

1.24.040 Rule 2: Powers and duties of the chair. The chair shall have the following powers and duties:

- A. The chair shall call the Board of Commissioners to order at the hour appointed for meeting and if a quorum be present, shall cause the minutes of the previous meeting to be approved, shall proceed with the order of business and adjourn the Board of Commissioners, if there is no objection from any other member;
- B. The chair shall preserve order and decorum and in the interest of efficiency may impose time limits for testimony and comment given by the public and members of the Board of Commissioners, if there is no objection from any other member;

- C. The chair shall promote efficient operation of the Board of Commissioners, which shall include expediting parliamentary debate, and if there is no objection from any other member, expediting the passage of routine motions. The chair's act of adding to, removing from, or taking out of order any item on a distributed and posted agenda may be appealed to the full body by any member under the provisions of Rule 5(C). The chair shall discourage activities that are dilatory or disruptive. The chair shall endeavor to facilitate the will of the majority of members present at all times;
- D. The chair may speak to points of order, inquiry or information and shall decide all questions of order subject to an appeal to the Board of Commissioners by any member, on which appeal no member shall speak more than once without approval of the Board of Commissioners; and
- E. Upon a ruling of the chair on a point of order, the chair shall allow any member to immediately request that the decision be placed before the body. If a majority of members present agree to the ruling of the chair, the business of the Board of Commissioners shall proceed without further debate. If a majority of the members present do not support the ruling of the chair, the chair shall immediately allow a procedural motion to dispense with the issue in question, proceeding until a decision of the Board of Commissioners is secured and the business of the Board of Commissioners is allowed to proceed.
- F. May cause a meeting to be recessed at any time for a period of not more than 15 minutes.
- G. The chair shall have the same authority as the remaining Board members.

1.24.050 Rule 3: Powers and duties of the vice chair. The vice chair shall exercise the duties, powers and prerogatives of the chair in the event of the chair's absence.

1.24.060 Rule 4: Meetings.

- A. The time of regular meetings of the Board of Commissioners shall be at nine a. m. on Tuesday of each week, or Wednesday if Tuesday is a state or county holiday, unless otherwise ordered by the Board of Commissioners.
- B. All sessions of the Cowlitz County Board of Commissioners, except as otherwise ordered by the Board of Commissioners, shall be held at the county seat.
- C. The proceedings of all Board of Commissioners meetings shall be taken by a voice-recording or video recording device. The recordings of such meetings shall be retained by the Clerk of the Board of County Commissioners for a period of six years.
- D. The Board of Commissioners meetings must be held in accordance with the Open Public Meetings Act of 1971, Chapter 42.30 RCW.
- E. Executive Session
 - 1. An executive session may be held during a Board of Commissioners meeting if one of the specific grounds under chapter 42.30 RCW for an executive session exists.
 - 2. Any member may make a motion to enter into Executive Session. The motion shall include which grounds for which the Executive Session is needed.
 - 3. Before convening in executive session, the chair shall publicly announce the purpose for excluding the public and the time when the Executive Session will be concluded. The Executive Session may be extended to a stated later time by announcement of the chair.
 - 4. Only members of the Board of Commissioners, special invitees and those employees or staff members the Board of Commissioners determines to be necessary are allowed to participate. Persons attending an executive session shall maintain the confidentiality of the proceedings.
 - 5. During an Executive Session any member may object to the need or continuance of the Executive Session, a majority of the Board shall determine whether to continue the Executive Session.

1.24.070 Rule 5: Agenda.

A. Board of Commissioners business shall normally be disposed of in the following order, or in such order as the chair deems appropriate, subject to appeal as provided in subsection “C”, below:

1. Acknowledge Board members;
2. Approval of minutes;
3. Approval of Consent Agenda;
4. Public comment on items not on the agenda;
5. Regular Agenda Items;
6. Timed items or timed public hearing(s);
7. Other business; and
8. Adjournment.

B. Items for placement on the Board of Commissioners meeting agenda must be submitted to the Clerk of the Board of Commissioners no later than 5:00 p.m. Wednesday of the week prior to the next scheduled meeting. An original and five copies should be provided to the Clerk, together with an Agenda Summary from the department or elected official.

1. Items needing action immediately by the Board of Commissioners may be added as a late item at the discretion of the Board of Commissioners and shall apply the following criteria for such additions:

a. The item is particularly time-sensitive and delay in action either:

- (1) may impair the effectiveness of the county' s responses to emergencies such as natural or man-made disasters, or other circumstances seriously affecting the public health, safety or welfare or the support of county government and its existing public institutions, or (2) may impair timely performance under deadlines of a statute, ordinance, contract, inter-local agreement, real property

instrument, or other provision requiring immediate action, or (3) may cost the county additional dollars if action is not taken in a timely manner

b. Items should be delivered to the Clerk prior to the beginning of the Board of Commissioners meeting with a brief description of the reason for the need to expedite the item.

C. At the beginning of the meeting, the chair shall notify the members present of any proposed changes to the agenda. If a Board of Commissioners member objects to a change, a majority of the Board of Commissioners shall decide whether to change the agenda.

1.24.080 Rule 6: Indication of new and deleted matter in ordinances.

A. Proposed ordinances intended to amend an existing Cowlitz County ordinance shall strive to be within legislative format. The words should be underlined which are amendatory to such existing ordinance. Any matter to be deleted from an existing ordinance should be indicated by lining out such matter with a solid line and enclosing the lined out material within double parentheses.

B. Sections of ordinances which are entirely new shall not be underlined but shall be designated "NEW SECTION."

1.24.090 Rule 7: Due notice. Due notice shall set forth the title of the proposed ordinance, and the date, hour and place of hearing. Due notice shall be accomplished by means as may now or hereafter be required by law.

1.24.100 Rule 8: Consent Agenda. The Board of Commissioners may establish a consent agenda. Items appearing on the consent agenda shall be non-controversial in nature and have the unanimous consent of the Board of Commissioners members voting on the item(s). All items identified as consent may be adopted in one motion. Prior to voting on the consent agenda, any Board of Commissioner members shall be given an

opportunity to remove any item from the consent agenda. If an item is removed from the consent agenda it shall be considered separately immediately following the final vote on the consent agenda.

1.24.110 Rule 9: Introduction and initial consideration of proposed legislation.

- A. Upon receipt of proposed legislation from the Assessor, Auditor, Board of Commissioner member, County Clerk, Coroner, District Court Judge, Prosecuting Attorney, Sheriff, Superior Court Judge, or Treasurer, the Clerk of the Board of Commissioners shall assign a title to the legislation. The Clerk may make formatting and non-substantive revisions in form and style to proposed legislation before placing on the Consent agenda for the call for hearing and shall indicate on the revised legislation that the legislation is revised by the Clerk and the date of the revision.

- B. Upon submittal to the Clerk of the Board of Commissioners, the proposed legislation is introduced and must be placed on the Consent agenda under Rule 7.
 - a. Call for hearing of legislation shall consist of printing the title of the proposed legislation on the published Consent Agenda;
 - b. Legislation on the Regular Agenda are subject to a motion for one or more of the following procedures:
 - i. Referral to a Standing, Select, or Ad Hoc Committee, which may report back with a recommendation to the Board of Commissioners.
 - ii. Referral of the legislation to a Standing, Select, or Ad Hoc Committee for further consideration with:
 - 1. A definite date set for the Committee Report to be submitted to the Board of Commissioners, or
 - 2. No date set for the Committee Report to be submitted to the Board of Commissioners.
 - iii. Amendment or substitution of the legislation.
 - iv. Do Not Pass.
 - v. Postpone indefinitely.
 - vi. Postpone until a time certain.

1.24.120 Rule 10: Public hearing. Due notice shall be accomplished by means as may now or hereafter be required by law before the Board of Commissioners may conduct a public hearing on the proposed legislation. The Board of Commissioners must conduct a public hearing before adopting legislation. Public testimony at the hearing must be germane to the proposed legislation and must be made in such a manner as to comply with the requirements imposed by the chair under Rule 2B.

1.24.130 Rule 11: Quorum and voting.

- A. Two members shall constitute a quorum of the Cowlitz County Board of Commissioners.
- B. There shall be no voting by proxy on any question before the Board of Commissioners. Every member present in the Board of Commissioners chambers when the question is put shall vote, unless, for special reasons, excused by the Board of Commissioners. All motions to excuse a member shall be made before the call for “ayes” and “nos” is commenced.
- C. All votes before the Board of Commissioners shall be recorded as to the ayes and nos. All votes shall be taken orally. The Board of Commissioners chair shall vote last.

1.24.140 Rule 12: Amendments. Any Board of Commissioners member shall have the right to offer amendments to proposed ordinances or motions. Such rights shall be constrained as follows:

- A. All members shall strive to submit amendments of significant nature in writing and bear the name of the member who offers the same, as well as the page and line number of the proposed ordinance or motion to be amended. To promote efficiency, the chair may accept for consideration an oral amendment that is easily understood.
- B. No amendment to any proposed ordinance or motion shall be allowed which shall change the scope and object of the proposed ordinance or motion. All amendments must be germane and must embrace the single subject contained within the proposed ordinance or motion.

- C. No ordinance or motion or any section thereof shall ever be revised or amended unless the new ordinance or motion sets forth the revised ordinance or motion or the amended section at full length.

- D. Amendments shall be considered section-by-section with perfecting amendments considered first and striking amendments considered last. Only one amendment and one amendment to the amendment are permitted at a time, but any number of each can be offered in succession so long as they do not again raise questions already decided. Title amendments shall be considered after the amendments to the main text of the proposed ordinance. Substitute ordinances must be within the scope and object of the original ordinance. Any member may offer striking amendments in writing.

1.24.150 Rule 13: Parliamentary motions. Rules relating to parliamentary motions are as follows:

- A. Parliamentary motions in order during debate. When a motion has been made and stated by the Board of Commissioners chair, the following motions are in order, in the rank named:
 - a. Privileged motion
 - 1. Adjourn;
 - 2. Appeal of a ruling of the chair;
 - 3. Adjourn to a time certain;
 - 4. Recess to a time certain;
 - 5. Reconsider;
 - 6. Demand for division;
 - 7. Question of privilege; and
 - b. Subsidiary motions
 - 1. First rank: Question of consideration;
 - 2. Second rank: To lay on the table;
 - 3. Third rank: For the previous question;
 - 4. Fourth rank:

- (1) To postpone to a day certain;
- (2) To commit or recommit (to refer or re-refer); and
- (3) To postpone indefinitely; and

5. Fifth rank: To amend; and

c. In addition, the following incidental motions may take priority over a privileged or subsidiary motion, depending on the circumstances under which they are moved and the application to the main motion:

1. Points of order;
2. Methods of consideration;
3. Suspension of the rules;
4. Reading papers;
5. Withdraw a motion; and
6. Division of a question

B. Motions - how presented. A motion may not be entertained or debated until announced by the chair of the Board of Commissioners. The chair shall place the motion before the Board of Commissioners for consideration if appropriate and recognize the mover of the motion for further remarks.

C. Effect of postponement - motions to postpone or commit. A motion to postpone to a day certain, to commit, or to postpone indefinitely, once decided, may not again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the remainder of the calendar year. The motion to postpone indefinitely may be made at any stage of the proposed ordinance or motion.

D. Motions decided without debate.

- a. A motion to adjourn, to recess, to lay-on-the-table and to call for the previous question shall be decided without debate. The motion to lay-on-the-table enables the Board of Commissioners to lay the pending question aside temporarily when something else of immediate urgency has arisen.
- b. The motion to lay-on-the-table is out of order if the evident intent is to kill or avoid dealing with a measure. A motion to lay-an-amendment-on-the-table does not carry with it the main question.
- c. All incidental motions shall be decided without debate, except that Board of Commissioners members may speak to points of order and appeal as provided in Rule 20.
- d. A motion for suspension of the rules shall not be debatable except that the chair may allow: the maker of motion to briefly explain the purpose of the motion and a rebuttal.
- e. A member may object to the consideration of any question, including amendments. A two-thirds vote of those present against consideration is required to sustain the objection.

1.24.160 Rule 14: Rules of debate. The rules for debate for the Board of Commissioners are as follows:

- A. A member may rise to a question of privilege and explain a personal matter, by leave of the chair, but the member may not discuss a pending questions in the explanation.
- B. After the chair states a motion, it shall be deemed to be in possession of the Board of Commissioners. However, the maker of the motion may withdraw the motion if no amendment or decision has been made.
- C. A member may call for a division of a question, which shall be divided if it embraces subjects so distinct that after one being taken away a substantive proposition remains for decision of the Board of Commissioners. However, a motion to strike out and insert shall not be divided if it is impossible to secure the desired result without making the act of striking out inseparable from that of inserting.
- D. All questions shall be taken in the order in which they are named.

- E. A member shall confine all remarks to the question under debate and avoid personalities. A member may not impugn the motive of a member's vote or argument.
- F. Except for rules requiring a vote of two-thirds of all elected members, a rule may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called, and after notice from the chair no objection is offered, the chair may announce the rule suspended, and the Board of Commissioners may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the chair may allow the mover of the motion to briefly explain the purpose of the motion and at the discretion of the chair a rebuttal may be allowed.

1.24.170 Rule 15: Ending of debate - Previous question.

- A. The previous question may be ordered on all recognized motions or amendments that are debatable by a two-thirds vote of the members present.
- B. The previous question is not debatable and cannot be amended.
- C. The results of the motion are as follows:
 - 1. If determined in the negative, the consideration goes on as if the motion had never been made;
 - 2. If decided in the affirmative it shall have the effect of cutting off all debate and bringing the Board of Commissioners to a direct vote upon the motion or amendment on which it has been ordered; provided, that when a proposed ordinance is on final passage or when the motion to postpone indefinitely is pending, the maker of the motion may have the privilege of closing debate after the previous question has been ordered.
 - 3. If adjournment is had after the previous question is ordered, the motion on which the previous question was ordered shall be put to the Board of Commissioners immediately following the approval of the minutes at the next meeting, thus making the main question privileged over all other business, whether new or unfinished.

1.24.180 Rule 16: Final passage of ordinances and motions.

- A. A majority vote shall be required to adopt an ordinance or motion.

1.24.190 Rule 17: Reconsideration.

- A. Only a member who voted on the prevailing side may move for reconsideration.
- B. A motion to reconsider an amendment may be made at any time before the ordinance or motion is passed.
- C. A motion to reconsider can be decided only once when decided in the negative.
- D. If a motion to reconsider is carried, the original question is placed before the Board of Commissioners in the exact position it occupied before it was voted upon.

1.24.200 Rule 18: Copies of electronic recordings. Any person may have an electronic recording of any particular proceeding of the Cowlitz County Board of Commissioners at a fee of ten dollars per audiotape and twenty-five dollars per videotape.

1.24.210 Rule 19: Appeal from decision of chair. A member may appeal a parliamentary decision of the chair. A member may not speak on the appeal more than once unless permitted by the Board of Commissioners.

1.24.220 Rule 20: Parliamentary rules. The rules of parliamentary practice comprised in the Robert's Rules of Order shall be used as a guide to address procedural questions to the extent not inconsistent with the standing rules comprised herein.

1.24.230 Rule 21: Legal signature. All official documents issued by order of the Board of Commissioners shall be signed by the full Board; or the Board of Commissioners chair or in his/her absence the signature of two Board of Commissioner members, and attested by the Clerk of the Board of Commissioners or Acting Clerk of the Board of Commissioners.