

Stanwood, Washington

RESOLUTION 2019-15

**A RESOLUTION OF THE CITY OF STANWOOD, WASHINGTON
AMENDING COUNCIL RULES OF PROCEDURES**

WHEREAS, Chapter 35A.12.120 RCW gives the City Council of each code city the power to set rules for conducting its business within the provisions of Title 35A RCW; and

WHEREAS, the City Council has reviewed its rules of procedures and wishes to amend certain provisions; and

WHEREAS, the changes will provide more consistency for the City Council and general public; and

WHEREAS, the City Council wishes to make these changes effective November 25, 2019; now therefore

THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON HEREBY RESOLVES:

Section 1. Amendments

ATTENDANCE, EXCUSED ABSENCES

Rule 9.1. Attendance of City Staff: The City Administrator, City Attorney, City Clerk, Fire Chief, Police Chief, Public Works Director, Finance Director and Community Development Director shall attend all regular meetings of the City Council unless excused by the Mayor. Staff attendance at special meetings and/or workshops will be at the discretion of the Mayor or per contracts.

WORKSHOPS

Rule 12. Special study sessions of the City Council where no official action is contemplated may be designated as Council workshops. Council workshops may be conducted prior to the first regular Council meeting of each month beginning at 5:00 p.m. in February, May, August, and October. Such workshops shall be considered special meetings and will comply with the notice requirements of Rule 10 above. Council workshops may be conducted informally so long as such informality is not in conflict with these rules. The City Council may set additional special study sessions of the City Council as defined within Rule 10 above. The City Clerk, under the direction of the Mayor, shall arrange a Council workshop agenda. After the proposed council workshop agenda has been approved by the Mayor, a copy of it along with any supporting materials shall be prepared for Councilmembers and the Mayor 24 hours before the Council workshop. During the Council workshop the Presiding Officer may: 1) introduce the subject and give background information; 2) identify the eventual goal of the workshop; 3) act as facilitator to keep the meeting discussion focused to the subject; 4) alert the Council when it is appropriate to call for a motion or other official direction of the Council. (RCW 35A.12.110); 5) citizen comments are generally not allowed during special study sessions unless allowed by the Presiding Officer.

ORDER OF BUSINESS

Rule 22.

(d) Citizen Comments

(1) Citizens wishing to address the Council must sign in with the City Clerk or his/her Deputy before the meeting. A sign-in sheet is accessible at the entrance of the Council Chamber.

(e) Staff/Department Reports

(k) Citizens Closing Comments

(l) Executive/Legislative Reports

- Mayor's Report
- City Administrator's Report
- Councilmember Reports/Questions

(l)

NEW SECTION: COUNCIL COMMUNICATIONS

Rule 40. 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 Stanwood City Council 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 Council members use. Council members 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 Stanwood utilizes social media sites to enhance and promote the economic development initiatives of the community and to provide information on City issues, operations and services. City of Stanwood

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 should 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.
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 Council members 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 City Administrator 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 City Administrator.
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 Council member is not authorized to access (hacking).
11. Giving your user name and password to anyone, except the City Administrator 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 citizens 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 Council members 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.

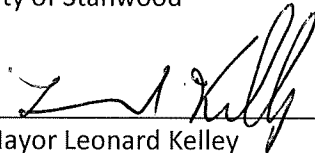
3. Within the text of correspondence from Councilmembers to constituents, governmental entities, and community organizations, the Councilmember should not characterize or attempt to describe the views and actions of other Councilmembers in order to ensure that those Councilmembers have an opportunity to characterize their own views and actions.

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.

Section 2. Best Efforts. These Rules of Procedure are designed to assist in the orderly conduct of City Council business. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, its agents and employees nor shall the same result in any invalidation of City Council action.

PASSED AND APPROVED BY THE CITY COUNCIL ON THIS 25TH DAY OF NOVEMBER, 2019.

City of Stanwood



Mayor Leonard Kelley

ATTEST:



David A. Hammond, City Clerk