

**FIFE TRANSPORTATION BENEFIT DISTRICT**

**RESOLUTION NO. 0004**

**A RESOLUTION ADOPTING RULES AND PROCEDURES FOR FIFE TRANSPORTATION BENEFIT DISTRICT BOARD**

**WHEREAS**, Ordinance No. 1895 of the City of Fife established a Transportation Benefit District for the entire City; and

**WHEREAS**, The Governing Body of the Transportation Benefit District is the City Council, ex officio and acting independently; and

**WHEREAS**, The Board of the Transportation Benefit District desires to adopt rules and procedures for the transaction of business at Board meetings; now therefore

**BE IT RESOLVED** that the Board hereby establishes the rules and procedures set forth in Exhibits A and B as the rules and procedures to be followed at all Board Meetings.

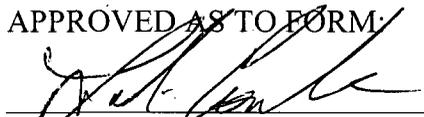
Adopted by the District Board at an open public meeting held on the 12<sup>th</sup> day of July, 2016.

  
Winston E. Marsh, Jr., President

ATTEST

  
Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
Loren D. Combs, City Attorney

**Fife Transportation Benefit District**  
**Agenda Format for Regular Business Meetings**

1. Executive Session
2. Call to Order & Roll Call
3. Pledge of Allegiance
4. Changes, Additions & Deletions
5. Citizens Comments (Items not on the Agenda)
6. Consent Agenda
7. Presentations & Proclamations
8. Public Hearings
9. Ordinances
10. Resolutions
11. Old/Unfinished Business
12. New Business
13. Citizens Comments
14. Board member Comments
15. Adjournment

**Consent Agenda**

This section of the Agenda shall include all items of a non-controversial nature for which it is anticipated that there will be no Board debate and no requests for public input.

The following items shall routinely be on the Consent Agenda:

1. Approval of Minutes
2. Approval of Claims Vouchers
3. Setting Public Hearings not otherwise set by the City Manager
4. Second Readings of Ordinances with Board approval.
5. Any other items of a routine and non-controversial nature.

Before voting on the consent agenda, any member of the Board may, by request, have an item removed from the consent agenda. That item will be considered for further discussion and action immediately after the vote on the consent agenda.

The remaining items on the consent agenda shall be approved by a single motion.

## **Public Hearings**

A. The following procedures shall apply to legislative public hearings:

1. The President or Presiding Officer will announce the purpose for the public hearing and staff will introduce the topic.
2. The President or Presiding Officer will open the public hearing and take testimony from the public
3. Each member of the public will have three (3) minutes to address the Board. No one may speak more than once, nor can they yield their time to someone else. After the speaker has used the allotted time, Board may ask questions of the speaker or recall an earlier speaker to respond to questions and the speaker may respond to the question, but may not engage in further debate.
4. Board may ask staff further questions.
5. The hearing will then be closed.
6. Board will not take action on any item subject to a legislative public hearing until the next regular Board meeting after the public hearing is held, unless a majority of the Board votes to act on the item on the night of the hearing.

B. The following procedures shall apply to open record quasi-judicial public hearings:

1. The President or Presiding Officer will announce the purpose for the public hearing the ground rules for the hearing.
2. The City Attorney will conduct an appearance of fairness doctrine inquiry.
3. The President or Presiding Officer will open the public hearing.
4. City staff shall present staff report. The Board may ask questions.
5. The proponent spokesperson shall be allowed ten (10) minutes to present testimony and evidence. Board may ask questions.
6. If the opponents to a proposal have chosen a spokesperson, then said spokesperson shall be allowed ten (10) minutes for presentation of testimony and evidence. Board may ask questions.
7. Each side shall then be allowed five (5) minutes for rebuttal.
8. After the proponents and opponents have used their speaking time, Board may ask further questions of the speakers, who may respond.

9. The Presiding Officer or a majority of the Boardmembers present may allow more time if requested.
  10. At public hearings where a general audience is in attendance to present arguments for or against a public issue, a person may speak for five (5) minutes. No one may speak more than once. After the speaker has used the allotted time, the Board may ask questions of the speaker or recall an earlier speaker to respond to questions and the speaker may respond to the question, but may not engage in further debate.
  11. The hearing will then be closed to public participation.
  12. The Board will not take action on any item subject to a quasi-judicial public hearing until the next regular board meeting after the public hearing is held, unless a majority of the Board votes to act on the item on the night of the hearing.
- C. Closed Record Quasi-Judicial Hearings. For closed record quasi-judicial hearings, the board's decision is to be based solely on materials received into evidence at the previous open record hearing of the Hearing Examiner or other applicable commission or hearings officer, and the recommendation or decision from the open record hearing. The City Attorney shall provide the Board with proposed procedures and hearing format prior to each specific closed record quasi-judicial hearing.

### **Ordinances & Resolutions**

1. The President will announce the subject of the ordinance or resolution.
2. The President will ask the City Clerk to read the title of the ordinance or resolution into the record.
3. Staff will present the item and the Board may ask questions of staff.
4. The President will ask if anyone in the audience wishes to address the item. Audience members may have up to three (3) minutes to address President on the item.
5. The President will ask for a motion and second to adopt the resolution or pass the ordinance.
6. If a motion is made and seconded, Board will then deliberate and take action.

### **Adjournment**

Board meetings shall adjourn no later than 10:00 P.M. If the Board desires to extend the meeting, a motion shall be required of a majority vote of Board members present. Items not acted upon by the 10:00 P.M. deadline shall be deferred to the next respective Board meeting as old business, unless Board, by a majority vote of the members present, determines otherwise.

**Fife Transportation Benefit District  
Meeting Procedures**

**1. Presiding Officer.**

The function of the Presiding Officer is to facilitate the orderly flow of Board business in accordance with the Board procedures set forth in this resolution. The Presiding Officer shall preserve strict order and decorum at all meetings of the Board. The Presiding Officer shall state all questions coming before the Board, provide opportunity for public participation and topic discussion by the Board, and announce the decision of the Board on all subjects. Procedural decisions made by the Presiding Officer on items not set forth in this Resolution may be overruled by a majority vote of the Board.

All regular and special meetings of the Board shall be presided over by the President, or in his/her absence or by previous agreement, by the Vice President. If neither the President nor the Vice President are present at a meeting, the Presiding Officer for that meeting shall be elected by a majority of the vote of those Board members present, provided there is a quorum.

**2. City Clerk.**

In the absence of the City Clerk, the City Manager shall designate the Clerk Pro Tempore.

**3. Agenda.**

The City Manager shall determine which items are to be placed on the Board's agenda for each Regular meeting. The City Manager should make the agenda and supporting documentation available to each Boardmember as early as possible, generally by the Thursday prior to each Regular Business meeting and Study Session. Additions or amendments to the agenda can be authorized by motion of the Board.

**4. Meetings.**

Meetings declared open and public. All meetings of the Board shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as except as allowed by State law in Executive Session.

Regular meetings. The Board shall meet regularly on the third Tuesday of January each year at 7:00pm, except if at any time any regular meeting falls on a holiday, the Board shall meet on the next business day at the same hour. The Board shall meet at the Fife City Hall, unless otherwise publicly announced.

Special Meetings. Special meetings may be called by any four (4) members of the Board by written notice delivered to each member of the Board and noticed in accordance with State law.

Continuation of Meetings. The Board may, continue any regular or special meeting to a specific time and place. If all members are absent from any regular meeting the City Clerk may declare the meeting continued to a stated time and place. A copy of the order or notice of continuation shall be conspicuously posted immediately after continuation is ordered on or near the door of the place where the meeting was held.

Any hearing being held or ordered to be held by the Board may be continued in the same manner as set forth for continuation of meetings.

## 5. **Executive Sessions.**

The Board may hold an executive session during a regular or special meeting. Before convening in executive session the Presiding Officer shall publicly announce the purpose for excluding the public from the meeting place, 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 presiding officer.

The following matters may be discussed in executive session per RCW 42.30.110:

To consider matters affecting **national security**;

To consider the **selection of a site or the acquisition of real estate** by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

To consider the minimum price at which **real estate** will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

To **review negotiations on the performance of publicly bid contracts** when public knowledge regarding such consideration would cause a likelihood of increased costs;

To **receive and evaluate complaints or charges brought against a public officer or employee.** However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

To **evaluate the qualifications of an applicant** for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other

conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

To **evaluate the qualifications of a candidate for appointment to elective office**. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

To discuss with **legal counsel** representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection "potential litigation" means matters concerning:

1. Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;
2. Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or
3. Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

**6. Quorum.**

At all meetings of the Board, four (4) members shall constitute a quorum for the transaction of business.

**7. Boardmember Speaking Procedures.**

A Boardmember desiring to speak shall address the Chair and upon recognition by the Presiding Officer shall confine him/herself to the question under discussion.

Any member, while speaking, shall not be interrupted unless it is to call him/her to order.

No Boardmember shall speak a second time upon the same motion or item before

opportunity has been given each Boardmember to speak on that motion or item. The Presiding officer may refuse to recognize a Board member that has already spoken twice on an item, unless the majority plus one of the Board members present authorize additional time to speak by the member.

**8. Audience Speaking Procedures.**

Audience members addressing the Board for items under Board discussion shall proceed as follows:

Any person, with the permission of the Presiding Officer, may address the Board, but the Presiding Officer shall be required to give recognition in the following order:

1. To a person designated by the Presiding Officer or by the City Manager or Department Director to introduce the subject under discussion.
2. To those in the audience who ask for recognition. The Presiding Officer shall make every effort to ensure that those wishing to make public comment on an issue being discussed by Board have an appropriate opportunity to do so before the Board takes a final vote on that item.
3. In addressing the Board, each person shall stand at the podium and, after recognition, give name and indicate whether they are a resident or business owner within the City of Fife, and unless further time is given by the Presiding Officer, shall limit his/her address to five (5) minutes. All remarks shall be made only to the Presiding Officer.
4. No person shall be permitted to enter into any item discussion from the public without first being recognized by the Presiding Officer.
5. Any person whose conduct is abusive or disruptive to the Board meeting may be prohibited from further speaking by the Presiding Officer and may be removed from the Board chambers unless permission to continue is granted by majority vote of the Board.

**9. Questions of Parliamentary Procedure.**

Questions of parliamentary procedure not covered by this resolution shall be governed by Robert's Rules of Order, Newly Revised (latest edition). The City Clerk shall serve as the parliamentarian, whose decision shall be final on all matters of procedure, unless a majority of the Board members present overrule the decision. Any Board member may call for a point of order at any time if the Board member believes that the Board procedural rules are not being followed. When a point of order is called for all discussion shall be stopped until the point of order is resolved.

**10. Voting.**

**A roll call vote may be requested by any member of the Board.**

Each member present must vote on all questions before the Board. In the event a

Board member wishes to abstain from a vote, he/she may abstain only after expressing his/her reasons for abstention into the record. Silence of a Board member during a voice vote shall be recorded as an affirmative vote except where such a Board member abstains.

Motions for reconsideration may be made at the same or next succeeding Board meeting in the same manner as any other motion by any Board member who voted with the prevailing side.

**11. Public Records.**

Writings created by Board members relating to the conduct of government or the performance of any governmental or proprietary function are public records. In an effort to promote transparency in government, Board members will not use personal electronic devices or methods, including, but not limited to, cell phones, smart phones, personal computers, email accounts, texting, or tablets, to conduct TBD business in a fashion that creates a public record. If a document or message regarding City business is received by a Board member to a private device or account, the Board member will not respond from that device/account. Instead, the Board member will promptly forward that information to the City Public Records Officer and to his or her public device/account, and respond to the inquiry from the public device/account.