

LAKEHAVEN UTILITY DISTRICT
King County, Washington

Resolution No. 2002-967

A RESOLUTION of the Board of Commissioners of the Lakehaven Utility District, King County, Washington, amending the Rules of Procedure for the management of Board meetings and business matters and superseding Resolution No. 2000-914.

WHEREAS, the Board of Commissioners is directed, pursuant to R.C.W. 56.12.010, to adopt rules for the transaction of its business, and

WHEREAS, the Board has previously adopted such rules, and

WHEREAS, the Board has reviewed and discussed the current Rules of Procedures, and

WHEREAS, the Board believing that the procedures established herein are appropriate and beneficial;

NOW, THEREFORE, **BE IT RESOLVED** as follows:

1. The District hereby adopts the "Board of Commissioners Rules of Procedure" attached hereto, to be used for the management of the meetings of the Board of Commissioners' and to provide guideline on certain related business items.
2. Resolution No. 2000-914 is hereby superseded.
3. The Board reserves the right to amend, supplement or delete any or all of the rules adopted herein.

ADOPTED by the Board of Commissioners of Lakehaven Utility District, King County, Washington, at an open public meeting this 21st day of February, 2002.

ATTEST:



President and Commissioner

Yea Nay Abstain

**LAKEHAVEN UTILITY DISTRICT
BOARD OF COMMISSIONERS
RULES OF PROCEDURE**

RESOLUTION NO. 2002-967

(2002)

LAKEHAVEN UTILITY DISTRICT
BOARD OF COMMISSIONERS
RULES OF PROCEDURE

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LAKEHAVEN UTILITY DISTRICT

BOARD OF COMMISSIONERS

RULES OF PROCEDURE

SECTION 1. AUTHORITY

A) The Board of Commissioners of the Lakehaven Utility District hereby establishes the following rules for the conduct of the Board meetings, proceedings and business. These rules shall be in effect upon adoption by the Board and until such time as they are amended, repealed or superseded.

SECTION 2. BOARD MEETINGS

A) All meetings shall be open to the public and media except as limited under the Open Public Meetings Act. The Board of Commissioners shall discuss and deliberate on the District's business with input from staff as requested.

B) An agenda shall be prepared to assist the Board in considering items for attention, however, except as limited by law for Special Meetings, the Board may pass on any item within its lawful authority regardless of its inclusion or exclusion on the agenda.

C) If any regular meeting falls on a holiday, the meeting will be rescheduled at the discretion of the Board. At the discretion of the Board, Board meetings may also be cancelled due to conflicts in the schedules of Board members or staff.

D) A copy of the Board of Commissioners Rules of Procedure will be available to the public upon request.

E) The Clerk of the Board, under the supervision of the Secretary of the Board, will maintain a record of the proceedings of the Board. The Board will adopt minutes of each meeting at the next or any subsequent meeting.

F) The minutes may be revised to make corrections or include omissions with a majority affirmative vote of the Board.

G) Types of Meetings

i) Regular Business Meeting - The Board meets on the second and fourth Thursdays of the month at which any and all matters may be considered. Regular Business Meetings shall normally commence at 6:00 P.M., unless otherwise scheduled, and, unless extended by vote of the majority of the Board, shall conclude at 9:00 P.M.

ii) Special Meeting - Any Board meeting other than the regular business meeting. Notice shall be given at least 24 hours in advance. A Special Board meeting may be scheduled by a majority of the Board or by the Board President.

iii) Emergency Meeting - A special Board meeting called without the 24-hour notice. An emergency meeting deals with a situation involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Board President or designate, as set forth in Section 8A.

iv) Executive Session - At any time during any regular business meeting, emergency meeting, or special meeting where the required notice contains a reference to the Executive Session, the Board may meet in Executive Session to consider matters allowed under R.C.W. 42.30.110, including, but not limited to:

(1) 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. Final action approving the purchase of real estate shall be taken in a meeting open to the public.

(2) 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.

(3) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs.

(4) To receive and evaluate complaints or charges brought against a District officer or employee.

(5) To evaluate the qualifications of an applicant for employment with the Lakehaven Utility District or to review the performance of a District employee.

(6) Consistent with the authority found in RCW 42.30.110(1)(i), to discuss with legal counsel representing the Lakehaven Utility District, matters relating to Lakehaven Utility District enforcement actions, litigation or potential litigation to which the Lakehaven Utility District, 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 a adverse legal or financial consequence to the Lakehaven Utility District .

(7) To consider matters relating to collective bargaining, including contract negotiations and grievances and the strategies and positions to be taken thereon.

Before convening in Executive Session, the President shall publicly announce the purpose for the Executive Session and the time when it will be concluded. If it is determined that the Executive Session will last longer than the time stated, the President shall publicly announce the extension and new time for conclusion of the Executive Session.

ii) Public Hearings - at any time during any regular business meeting, emergency meeting, or special meeting where the required notice contains a reference to the public hearing, the Board may recess the meeting for purposes of conducting a public hearing as may be required by law or as may be deemed necessary by the Board, to receive public testimony necessary to the decision-making process as it applies to District policies, projects and the application of district rules and regulations to matters brought before the Board.

SECTION 3. ORDER OF MEETINGS

A) The President calls the meeting to order. The President will lead, or designate another to lead, the Board and others wishing to participate in the flag salute.

B) The President will announce the attendance of Board members and necessary staff and will entertain a motion to excuse any Board member not present pursuant to the criteria established under Section 10.1.

C) The Board will consider the minutes of any prior meetings presented for approval. Following the consideration of any amendments to the minutes, the President will entertain a motion for approval of the minutes. Approval shall consist of a Board majority vote of the members who, as described below, are eligible to approve the minutes, provided that three such members are present. Board members not present at the meeting for which minutes are presented will not vote on the minutes. If a member is absent from a meeting at which minutes from a meeting attended by the Board member are presented, the member will, if approved by the member, sign the minutes at a subsequent meeting.

D) The Board will consider the Agenda as presented and may delete, move or, except as to special meetings, add any item as deemed necessary. Following any discussion, the President will entertain a motion to approve the Agenda in its original or amended form. Upon the concurrence of a majority of the other Commissioners, the President may take any agenda item out of its designated order.

E) Following the approval of the Agenda, the President shall open the meeting to citizen comments. Members of the audience may comment on any matter at this time, however, unless expediency dictates otherwise, comments relating specifically to any individual Agenda item will be deferred to the time for discussion of such item. Citizen comments shall be limited to three minutes unless extended by the President of the Board.

F) Following citizen comments, the Board will receive and consider any correspondence.

G) The Consent Items will be next considered and it shall contain routine matters not requiring specific Board discussions, including, but not limited to, vouchers, payroll taxes, matters having already been sufficiently discussed and resolutions confirming a prior final decision of the Board. Any member of the Board may remove an item from the Consent Items for separate discussion and action. Items removed from the Consent Items shall, without need for separate amendment of the agenda, be moved to the action item portion of the meeting and will be assigned an action item reference number.

H) Following the Consent Items, the Board will consider items designated in the Agenda for Board action. Unless the Board by majority vote deems otherwise, an

action item will be considered only after its presentation as an information item at a prior meeting. By majority vote, an action item may be tabled or postponed for later discussion.

I) The presentation of matters designated as information items shall follow the consideration of action items. Information items are generally those matters brought to the Board for initial consideration and review and, unless the Board, by amendment of the Agenda, approves the taking of action on the matter by majority vote, action on the matter shall occur only at such time as it has been presented as an action item.

J) The Board will receive any committee reports or Commissioner comments on matters of interest to the District.

K) The Board shall next receive staff reports on items of interest to the District.

L) The last item of business may be the consideration of matters to be included in the agenda for the next or other subsequent meetings.

M) At such time as all matters have been concluded, the President or presiding officer shall adjourn the meeting.

SECTION 4. AGENDA PREPARATION

A) The Clerk of the Board will prepare an agenda, at the direction of the President and in consultation with the General Manager and General Counsel for each Board meeting. The Agenda shall designate the time and place of the meeting and a listing of the items to be considered by the Board. To the extent available and practical, information on the matters before the Board shall be appended to the Agenda in a like order and with a reference to the matter to be considered. If an item is to be placed on the Agenda after the Agenda has been approved by the Board, it shall take a motion and majority vote of the Board.

B) Legally required and advertised public hearings will have a higher priority over other time-scheduled agenda items which have been scheduled for convenience rather than for statutory or other legal reasons.

C) Agendas will be finalized by Tuesday, 3:00 p.m. - of the week of the meeting. Board Packets shall be available to the Board members by 5:00 P.M. Tuesday. Agenda materials will be available, at the District, for staff, media and public by 3:00 p.m. Wednesday.

SECTION 5. BOARD ACTIONS

A) Unless otherwise set forth herein, the actions of the Board, as the term is defined in R.C.W. 42.30.020(3), shall, except as provided in Section 14 below, be in conformance with Roberts Rules of Order, Newly Revised.

SECTION 6. MOTIONS

A) Board actions reflecting decisions on individualized and specific matters not directly establishing District policy shall be by motion. If a motion does not receive a second, it dies. Motions that do not need a second include: Nominations, withdrawals of motion, calls for a separate vote, reconsideration and point of order.

B) A motion that receives a tie vote is deemed to have failed.

C) Motions should be clear and concise and not include arguments for the motion within the motion.

D) After a motion has been made and seconded, the Board may discuss their opinions on the issue prior to the vote. Unless approved by a majority of the Board, no further citizen comments may be heard when there is a motion and a second on the floor.

E) When the Board concurs or agrees to an item that does not require a formal motion, the President will summarize the agreement at the conclusion of the discussion.

F) Except where a motion has been seconded, a motion may be withdrawn by the maker of the motion, at any time, without the consent of the Board. Before a motion which has received a second can be withdrawn, the member offering the second must join in the withdrawal request, otherwise the President shall call for the question.

G) A motion to table is considered and shall be explained as either a motion to postpone to a time certain or postpone indefinitely and shall preclude all amendments or debates of the issue under consideration.

H) A motion to postpone to a time certain is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future Regular or Special Board meeting.

I) A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote.

J) A motion for reconsideration may be made for the purpose of allowing further consideration of a matter previously voted upon. The motion may be made only by a member who voted with the prevailing side.

K) The President shall call for the question when debate on the motion is concluded.

L) Motions that cannot be amended, except by agreement of the member making the motion, include Motion to adjourn, agenda order, postpone, point of order, and reconsideration. Amendments are voted on first, followed by a vote on the main motion as amended, if the amendment received an affirmative vote, or upon the original motion, if the amendment failed to receive an affirmative vote.

M) The motion maker, President or Clerk of the Board may repeat the motion prior to voting for reasons of clarity.

N) Each member of the Board, including the President, shall have equal rights to vote and to offer or second any motion.

O) *District Legal Counsel shall decide all questions of interpretations of these rules and other questions of a parliamentary nature, which may arise at a Board meeting. All cases not provided for in these rules shall be governed by Robert's Rules of Order, Newly Revised. In the event of a conflict, these Rules shall prevail.*

SECTION 7. RESOLUTIONS

A) *Resolutions shall be adopted to reflect policy determinations of the Board of*

Commissioners. All resolutions shall be prepared or be reviewed by District Legal Counsel before presentation to the Board.

B) Resolutions will be introduced by an Agenda Bill Number and be adopted by a Resolution Number. At the time of update of the District Code of Resolutions, which update shall be performed at the direction of the General Counsel, the resolution will be assigned a permanent Code Number.

C) The President shall read the title of the resolution prior to voting unless the resolution is on the Consent Agenda.

D) Upon enactment of the resolution, the resolution shall be signed by each member present with an indication as to the vote cast.

E) Unless otherwise specified, the resolution becomes effective immediately upon adoption.

SECTION 8. PRESIDING OFFICER

A) The Presiding Officer at all meetings of the Board shall be the President. In the absence of the President, the Vice President will act in that capacity. In the absence of the Vice President, the Secretary shall act in that capacity. Where reference is made in these rules to the Board President, the reference shall include any party acting on behalf of the President pursuant to this section.

B) The Presiding Officer shall:

i) Preserve order and decorum in the Board chambers.

ii) Observe and enforce all rules adopted by the Board.

iii) Decide all questions on order, in accordance with these rules, subject to appeal by any Board member.

iv) Recognize Board Members in the order in which they request the floor. The Presiding Officer, as a Board Member, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Board Members.

v) On an annual basis, beginning with the first meeting in January, appoint Board Members to serve on standing and ad hoc committees.

SECTION 9. BOARD/STAFF RELATIONS

A) The governing body of the District shall be the duly elected Board of Commissioners.

B) All written materials requested by individual Commissioners shall be made available to other Commissioners without need for approval by the Board or staff.

C) District staff shall copy and circulate to Board members mail that is addressed to the Board of Commissioners and where of interest or concern to the Board, other items of correspondence addressed to the District or any staff member. Any item of mail addressed to a Board member and designated as personal or confidential shall not be opened by staff and shall be delivered to the Board member directly.

D) In order to efficiently manage the work of the District and in recognition of the role of, and the need to provide and maintain consistent direction to, the General Manager and General Counsel, as their scope of authority encompasses and as such positions were created by resolution of the Board of Commissioners, requests from Commissioners for staff work and information, including work requests directed to the General Manager or General Counsel, as their scope of authority encompasses, and requests to directly meet with and interview a staff member, unless concerning work relating to a Board member's standing committee, shall be submitted by individual commissioners to the General Manager or General Counsel, as their scope of authority encompasses. The General Manager and General Counsel shall ensure reasonable access to staff. If the General Manager or General Counsel, as their scope of authority encompasses, shall, however, deem the work of information request to be substantial in nature or potentially inconsistent with the objectives of the majority of the Board, such request for staff work and/or information will be placed on the next Board agenda for consideration by the Board.

SECTION 10. ATTENDANCE AT MEETINGS

A) Board members will be responsible to attend all meetings unless the member's absence is unavoidable, in which case such absence shall be excused pursuant to Section 3.2. To be eligible for an excused absence, members shall, unless prevented by unavoidable circumstances, notify the Board President or Clerk of the Board of their anticipated absence prior to the meeting. Prior notification shall also be provided for anticipated tardiness.

SECTION 11. REPRESENTATION

A) If a Board member appears on behalf of the District before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Board member needs to state the majority position of the District, if known, on such issue. Personal opinions and comments which differ from the Board majority may be expressed if the Board member clarifies that these statements do not represent the Board's position. Board members need to have other Board member's concurrence before representing that Board member's view or position with the media, another governmental agency or community organization.

B) The President of the Board shall be the official spokesperson for the Board of Commissioners unless delegated to another Board member and with the consensus of a majority of the Board.

SECTION 12. CONFIDENTIALITY

A) Pursuant to the District's Ethic's Code, Board members shall keep confidential all written materials and verbal information provided during Executive Sessions, to ensure that the District's position is not compromised. Confidentiality also includes information provided to Board members outside of Executive Sessions when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington (RCW). (Any staff person invited to participate in an Executive Session shall adhere to these confidentiality requirements.) If the Board, in Executive Session, has provided direction or consensus to District staff on proposed terms and conditions for any type of issue, all contact with the other party should be done by the designated staff person handling the issue.

SECTION 13. PUBLIC RECORDS

A) Public records created or received by the District or any Board member should be retained and distributed by the District in accordance with the Public Records Law (42.17.250 et. seq.). Public records that are duplicates of those received by, or in the possession of the District, are not required to be retained. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the Legal Counsel.

SECTION 14. TIMESHEETS

A) All Commissioner timesheets are to be submitted to the Clerk of the Board within 10 working days of the close of the month

SECTION 15. SUSPENSION AND AMENDMENT OF RULES

A) Any provision of these rules not governed by state law, may be temporarily suspended by a majority vote of the Board.

B) These rules may be amended, supplemented or deleted upon a majority vote of the Board.