

1. 6:00 P.M. City Council Special Meeting Materials

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Meeting ID: 867 0773 1943

One tap mobile: +1 (253)215-8782,,867 0773 1943# US (Tacoma)

Documents:

11-20-23- SPECIAL MEETING-PACKET.PDF
11-20-23- SPECIAL MEETING-AGENDA.PDF
11-20-23-PACKET ADDENDUM.PDF

**WEST RICHLAND CITY COUNCIL
Special Meeting
NOVEMBER 20, 2023 | 6:00 PM**

3100 Belmont Boulevard, West Richland, WA 99353

Notice to the Public: This meeting will be an in-person meeting with a remote attendance option via Zoom. During comment periods, if listed on the agenda, in-person comments will be heard prior to those via the Zoom option.

AGENDA

- 1. Meeting Called to Order**
- 2. Roll Call**
- 3. Citizens' Public Comment (for items not on the agenda)**
- 4. Receive and evaluate complaints or charges brought against a public officer.**
- 5. Citizens' Public Comment**
- 6. Conclusion**

WEST RICHLAND AGENDA ACTION ITEMS

AGENDA ITEM:	4	TYPE OF ACTION:			
MEETING DATE:	November 20, 2023	Execute Contract		Consent Agenda	
SUBJECT:	Receive and evaluate complaints or charges brought against a public officer	Pass Resolution		Public Hearing	
		Pass Ordinance		1st Discussion	
STRATEGIC FOCUS AREA	SFA 3 – Financial & Operational Effectiveness, Stability & Accountability	Pass Motion		2nd Discussion	
Prepared by:	Stephanie Haug			Other	X
Reviewed by:	J. Foltz, City Attorney				

SUGGESTED MOTION: I move to direct City Staff prepare a Resolution sanctioning Councilmember Smart

BACKGROUND INFORMATION:

The City of West Richland has received three complaints regarding statements made by Councilmember John Smart at the City Council meeting on November 7, 2023.

The first complaint states:

I am contacting you today to submit a formal complaint against Council Member John Smart.

I take my responsibility as a member of the West Richland City Council very seriously. In the coming weeks, council will make a very difficult decision regarding the cannabis text amendment. Although I have yet to finalize my decision, I now feel my ability to vote freely has been compromised.

Councilmember Smart's remarks during the November 7th council meeting implied a direct threat against anyone who may have a different opinion than his. Councilmember Smart preaches constantly about our freedoms and yet he is trying to intimidate council to vote as he would. At 1:09:34 of the November 7, 2023, council meeting video minutes, Councilmember Smart states "I would be shocked and will take appropriate notice of any councilmember that violates our community vision and votes for this, that's not going to make any friends for me."

He then goes on to say that he is not threatening anyone, but his words have power and were made in his official capacity as Councilmember and may incite someone to act, should I now vote in a manner different than his. If my vote is different than his, do I now have to worry about retaliation from Councilmember Smart? Will I be subject to retaliation from the 28 citizens in attendance who very loudly celebrated his threats?

I don't know exactly (what) he was trying to convey here, but I find his comments highly inappropriate and extremely concerning and not in keeping with adopted City Council Rules of Procedure and Conduct.

Councilmember Smart's comments are in direct opposition to the following West Richland City Council Values, Guiding Principles and Operating Protocols.

Council Values:

- *Diversity of Opinion*
- *Integrity*
- *Leadership*
- *Respect*
- *Cooperation*
- *Trust*

Council Guiding Principles:

- *We are respectful and civil in all of our actions.*
- *We practice unity, and decisions made by Council as a whole are not undermined by individual Council member, though Council members are free to publicly and respectfully disagree with a Council decision.*
- *We strive for cooperation and believe reasonable people can disagree, yet still work together productively.*

- *We support each other's leadership by encouraging integrity, accountability, and confidence.*

Operating Protocols

- *Work issues, not people. Council members are expected to work on issues without personalizing them.*
- *Work to build Council credibility. Council is most effective when it works as a whole. Individual Council members should work to promote credibility and a positive image of the full Council.*

I am requesting that this issue be dealt with prior to a council vote on this topic. I believe that this behavior demands at minimum, a written reprimand, and I believe it rises to the level of censure.

The second complaint states:

WR Municipal Code

2.20.020 Purpose and Intent

"The purpose and intent of the commission extends to and encompasses making recommendations to the city council and mayor relative to the orderly physical development and growth of the community."

On August 17th the Planning Commission was asked to consider a Text Amendment to allow Recreational Marijuana Retail Sales in the Light Industrial zone. An application had been made by an individual for the text amendment. We were not asked to allow marijuana retail sales, just to consider a text amendment. We listened to the staff presentation and comments from the public. The staff presentation and public comments were very informative but let me stress our purview was not to vote on allowing marijuana retail sales but just to consider a TEXT AMENDMENT.

As a member of the West Richland Planning Commission, I take exception to Councilmember John Smart's comments at the November 7, 2023 council meeting concerning the Planning Commission.

His comments:

" ... extremely upset wasn't stopped at the Planning Commission "

" extremely disappointed that this didn't get stopped at the Planning Commission ... :'

"I listen to these meetings and it's hard for me to believe that that Commission is doing its job, at least three of the four ... "

" and I will have words about that with the Council in the future because as we need to ensure the people that serve on the boards are there for the right reasons."

Those of us who serve on the Planning Commission are there because we believe in the city and its future, and we believe that is the right reason. We are not there to make decisions for the city council but to make recommendations and, in this instance, we did. It is up to the council to make their decisions based on our recommendations. That's a democratic process.

I believe Mr. Smart does not understand the process of the Planning Commission and I take exception to his comments. They were, I believe rude and uncalled for and Chad Utecht, Michael Peterson and I are owed an official apology from John Smart.

The third complaint states:

I am writing to express my formal complaint about John Smart's recent comments and actions regarding the pot shop subject. I am deeply concerned about his lack of education on the topic, his lack of understanding of the planning commission's role, and his inability to comprehend the results of the pot shop survey.

First and foremost, Mr. Smart's comments about the pot shop demonstrate a clear lack of education on the subject. He has shown a complete lack of understanding of the results of the survey and the efforts by the full-time staff to answer planning commission comments. I urge him to educate himself on these issues before making any further comments on the matter.

Second, Mr. Smart's comments about the planning commission as a whole also demonstrate a lack of understanding of its role. The planning commission is responsible for making recommendations to the city council on a variety of land use issues, including the location of pot shops. Mr. Smart's comments suggest that he believes the planning commission should simply rubber-stamp the decisions of the city council, which is not the case. The planning commission has an independent responsibility to make recommendations that are in the best interests of the city.

Third, Mr. Smart's comments about the results of the pot shop survey demonstrate a complete inability to comprehend the data. The survey showed that a majority of respondents are in favor of allowing pot shops in the city, even though many of them did not attend the public meeting. Mr. Smart's suggestion that the results of the survey are invalid because the people who did not show up to the meeting are not representative of the community is simply wrong. The survey results are valid, and they accurately reflect the views of the community on this issue.

Finally, I am deeply concerned about Mr. Smart's attempts to threaten and badger council members who vote on this issue. His statement that he would "take appropriate notice" of any council member who votes for the pot shop is clearly a threat, and his comments about having words with three planning commissioners who voted for the pot shop are also threatening. Mr. Smart's behavior is unacceptable, and it is a clear violation of the city's values of diversity of opinion, balanced growth, and economic vitality.

Per the adopted Council Code of Conduct, City Staff have brought this before the City Council to evaluate the complaints. Councilmember Smart was notified of the complaints and given the option to have the discussion in executive session but opted to hold the discussion in an open session.

The Council has power under general State law to impose punishment on its members, short of removal from office, for violation of State law or Council rules.

- 1) Findings that a Council member has violated adopted Council operating protocols, rules, or ethics shall be determined by a majority vote of the Council. The process for this action shall be consistent with adopted Council procedures.
- 2) If the Council determines that an investigation is required in order to determine a finding, the Council shall, where appropriate, follow generally accepted current City of West Richland practices in conducting personnel investigations.
- 3) Imposing sanctions for violation of operating protocols, rules, or ethics shall be determined by a majority vote of the Council. The process for this action shall be consistent with adopted Council procedures.
 - Consequences and sanctions could include, and range between, a verbal admonition, a written reprimand, censure, or removal of Council member from Council committee chair positions or committee memberships, or removal of intergovernmental duties.
 - The Council shall consider the intent, risk, and severity of the violation to determine the appropriate level of sanction or punishment.
 - Additional consequences may include leadership development. The Council member in question may spend time with the Mayor or Human Resources staff to develop leadership skills and /or develop a corrective action plan that is mutually agreed upon.
- 4) If a Council member is believed to have violated State Law, any individual Council member may choose to refer the alleged violation to the Benton County Prosecuting Attorney's office for appropriate action.

SUMMARY:

The City of West Richland has received three complaints regarding statements made by Councilmember John Smart at the City Council meeting on November 7, 2023. The complaints are being presented to the City Council for their evaluation as to whether Councilmember Smart's comments violated the West Richland City Council Rules of Procedure and Conduct ("Code of Conduct") and, if so, whether any sanctions should be issued. As stated above, an affirmative finding on either of these questions requires a majority vote of the Council (4 votes).

If it is determined through discussion that the Council wishes to move forward with a formal vote affirming a violation(s) and/or sanction(s), Council should identify what specific conduct or statements are believed to have violated the Code of Conduct, which section(s) of the Code of Conduct are believed to have been violated, and the proposed sanction(s) to be imposed. Staff will then prepare a resolution memorializing Council's direction and present it at the December 5th, 2023 City Council Meeting for Council action.

Here is a sample motion if Council elects to move forward with the preparation of a Resolution sanctioning Councilmember Smart:

I move to direct City Staff to prepare a resolution censuring Councilmember John Smart for violating West Richland City Council Values, Guiding Principles and Operating Protocols section(s): _____ by his conduct or statements made during the November 7th City Council meeting. The resolution should impose the following sanctions: _____.

RECOMMENDATION: None.

FISCAL IMPACT (Indicate amount, fund, and impact on budget): None.

ATTACHMENTS:

- West Richland Resolution #18-21 - City Council Rules of Procedure & Conduct

**CITY OF WEST RICHLAND
RESOLUTION NO. 18-21**

**A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON, AMENDING
CITY COUNCIL RULES OF PROCEDURE AND CONDUCT**

WHEREAS, the City Council desires that meetings be open and responsive to the public;
and

WHEREAS, such meetings should be carried out with efficiency and uniformity in the
manner of Council and public participation; and

WHEREAS, written rules of procedures and conduct best assure an atmosphere
conducive to said efficiency and uniformity;

WHEREAS, the Council desires to allow Citizen Comment earlier in the agenda to reduce
the amount of time Citizens must wait before it appears on the agenda,

NOW, THEREFORE, the City Council of the City of West Richland, Washington, hereby
resolves as follows:

Section 1. The West Richland City Council Rules of Procedure and Conduct, a copy of
which is attached hereto and as adopted by Resolution 15-12, is hereby amended to add an
additional Citizen Public Comment item to the Order of Business section.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,
WASHINGTON**, this 18th day of May, 2021.



Brent Gerry, Mayor

ATTEST:



Stephanie Haug, City Clerk

APPROVED AS TO FORM:



Bronson Brown, City Attorney



VISION

West Richland is a growing city where family values and community responsiveness are important. The city should grow in a balanced way to produce a safe, inviting community having good residential and recreation alternatives and a healthy economic base.

VALUES

The City Council of the City of West Richland sees itself as a values-based organization with beliefs and ideals shared by its members. We have a shared belief that values exert a major influence on the behavior of our Council and serve as broad guidelines in all situations.

The West Richland City Council's values are:

- Personal Accountability
- Honesty and Candor
- Creativity
- Diversity of Opinion
- Public Input
- Integrity
- Leadership
- Respect
- Cooperation
- Trust

Principles that guide Council as a working team are:

- We arrive at meetings on time, prepared and with an open mind for informed dialogue.
- We are engaged advocates of our citizens.
- We are respectful and civil in all of our actions.
- We practice unity, and decisions made by Council as a whole are not undermined by individual Council member, though Council members are free to publicly and respectfully disagree with a Council decision.
- We keep information discussed in Executive Session confidential.
- We are committed to a process to make policy that is workable, cost-effective, creative, and consistent with our Comprehensive Plan.
- We strive for cooperation and believe reasonable people can disagree, yet still work together productively.
- We support each other's leadership by encouraging integrity, accountability, and confidence.

OPERATING PROTOCOLS

- Commit to the “No Surprise” rule. If Council members plan to bring up new information or have questions or comments about issues, they should provide the Mayor and/or City Administrator and/or appropriate department director with as much advance notice as possible prior to the Council meeting.
- Talk to one another. Communication both formal and informal is essential to an effective working relationship.
- Work issues, not people. Council members are expected to work on issues without personalizing them.
- Vote and move on. Once an issue has been voted upon, Council members should accept the vote and continue on with the important work that must be done, though this should not restrict debate on similar or related issues that come up for a future vote. If we are working together, we will achieve the best outcomes.
- Work to build Council credibility. Council is most effective when it works as a whole. Individual Council members should work to promote credibility and a positive image of the full Council.
- Agree to not use the media for personal gain or to make other Council members look bad.
- Agree that requests from Council to City staff for a formal written legal opinion will be brought to the full Council for consideration.

DISCIPLINARY SANCTIONS

The Council has power under general State law to impose punishment on its members, short of removal from office, for violation of State law or Council rules.

- 1) Findings that a Council member has violated adopted Council operating protocols, rules, or ethics shall be determined by a majority vote of the Council. The process for this action shall be consistent with adopted Council procedures.
- 2) If the Council determines that an investigation is required in order to determine a finding, the Council shall, where appropriate, follow generally accepted current City of West Richland practices in conducting personnel investigations.
- 3) Imposing sanctions for violation of operating protocols, rules, or ethics shall be determined by a majority vote of the Council. The process for this action shall be consistent with adopted Council procedures.
 - Consequences and sanctions could include, and range between, a verbal admonition, a written reprimand, censure, or removal of Council member from Council committee chair positions or committee memberships, or removal of intergovernmental duties.
 - The Council shall consider the intent, risk, and severity of the violation to determine the appropriate level of sanction or punishment.
 - Additional consequences may include leadership development. The Council member in question may spend time with the City Manager, Mayor, or Human Resources staff to develop leadership skills and /or develop a corrective action plan that is mutually agreed upon.
- 4) If a Council member is believed to have violated State Law, any individual Council member may choose to refer the alleged violation to the Benton County Prosecuting Attorney's office for appropriate action.

ETHICS RULES AND ETHICS LAWS

Washington State Law

Washington State statutes contain provisions designed to prevent local officials from using elected office for personal benefit.

RCW 42.23 provides that:

1. No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.
2. No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
3. No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
4. No municipal officer may disclose confidential information gained by reason of the officer's position nor may the officer otherwise use such information for his or her personal gain or benefit.

RCW 42.23 provides that:

No Council member shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision of such Councilmember, in whole or in part, or which may be made for the benefit of his/her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested there in.

Appearance of Fairness Doctrine

From time to time, the City Council will act in a quasi-judicial role, which is distinct from the Council's usual legislative role. Maintaining a clear appearance of fairness is crucial to maintaining a trusting relationship with the citizens of West Richland. While local elected officials may have communication with interested citizens in matters that could potentially come before them in the form of a quasi-judicial proceeding, RCW 42.36 provides that:

While a quasi-judicial proceeding is pending, council members may not engage in ex parte communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Council member:

- Places on the record the substance of such oral or written communications, and
- Provides that a public announcement of the content of the communication of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is taken or considered on that subject.

Gifts

- As a general matter, all City employees and Council members are discouraged from accepting gifts from any entity that conducts business with the City of West Richland or seeks to do business with the City of West Richland.
- Council members shall not receive a salary or anything of monetary value from a private source as compensation for services to the City of West Richland
- Council members shall not accept gifts, gratuities, or anything of value if it could be perceived to influence his/her vote, judgment, or actions.
- This policy does recognize that circumstances may arise in conducting City business where declining receipt of some gifts, meals, beverages, or hosted items can be socially awkward or culturally inappropriate. In these instances, the provisions of this policy relating to the receipt and disposal of gifts shall apply.
- The disposal of gifts, items of entertainment or favors of more than de minimus value may be properly handled under the following procedure:
 - Decline and explaining City Policy in rejecting the item, entertainment or favor
 - Accept the item and ask the Mayor or City Administrator to approve of the disposition. Examples of disposition might include auctioning item off, sharing contents with City employees, or displaying the item in City Hall.
- Council members may accept payment of travel, lodging, and meal expenses by another governmental entity in connection with a presentation or trade mission made in the Council member's official capacity of the City of West Richland.
- Council members may accept other gifts as follows:
 - Unsolicited advertising or promotional items such as pens or promotional items given to all attendees at an event.
 - Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item or similar item.
 - Items from friends or family members not given to gain or maintain influence at the City of West Richland.
 - Items of de minimus value.

Conflicts of Interest

- Council members may not have interests, financial or otherwise, direct or indirect, or engage in a business transaction or professional activity, or incur an obligation of any nature that is in conflict with the proper discharge of the Council member's official duties as a Council member.
- A Council member shall not falsely represent himself/herself as performing acts or giving information on behalf of the City of West Richland, or engage in outside personal or private activities, that could reasonably be construed to be official acts of the City of West Richland.
- No Council member shall intentionally engage in any act which conflicts with his or her performance of City duties.



Governmental, Non-Governmental and Civic Organizations

Involvement in civic organizations is encouraged and desired for City Council members. Council members shall, however, fully disclose any association he or she may have with any civic organizations when that organization has dealings with the City of West Richland. When a Council member is designated by the West Richland City Council to serve on the board of or as a representative to a local, regional, state, national, or international association or nongovernmental organization for the purpose of representing the City of West Richland's interests, such appointments are considered part of the Council member's official duties. A Council member may participate in City Council decisions relating to such organizations so long as participation is consistent with requirements of RCW 42.23 and a full disclosure of the Council member's participation in the organization is provided at the meeting and reflected in the minutes.



RULES OF PROCEDURE

Open Public Meetings Act

The Council shall comply with the provisions of the Open Public Meetings Act, Chapter 42.30 RCW, in the conduct of all meetings to which said Act is applicable.

Adoption of Ordinances or Resolutions

The City Council shall not adopt any ordinance or resolution except in a meeting open to the public and then only at a meeting, the date of which is fixed as provided in this resolution, or at a meeting of which notice has been given according to the provisions of this resolution.

Regular Meetings

The regular meeting of the City Council shall be held the first and third Tuesday evenings of the month, commencing at the hour of 7:00 p.m., in a location designated by the Mayor. In the event the regular meeting falls on a legal holiday, then the regular meeting shall be held on the next succeeding day; provided, however, that the Council, by affirmative vote of at least four members thereof, may, upon good cause being shown not less than seven days prior thereto, reschedule a regular meeting with appropriate notice as may be required by law.

Special Meetings

The City Clerk shall call special meetings of the Council upon written request of the Mayor or any four members of the Council at a prior meeting. Notice of any such special meeting shall be given to members of Council by delivering personally or by emailing written notice to each member of the Council. Notice shall likewise be given to each local newspaper of general circulation and to each local radio or television station which has on file with the City a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally or by email at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final dispositions shall not be taken on any other matter at such meeting by the Council.

The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

Attendance

Pursuant to RCW 35A.12.060, a Councilmember shall forfeit his/her office upon failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. To be excused, the member shall contact the Mayor or City Clerk before the meeting and give the reason for his/her inability to attend the meeting. The Chair shall inform the Council of the member's absence and ask if there is a motion to excuse the member. The Council may excuse an absent member by a majority vote.

Oath of Office

All Council Members shall not violate the oath of office: "To support the Constitution of the United States and the Constitution and laws of the State of Washington, and faithfully and impartially perform and discharge the duties of the office of Council Member for the City of West Richland, Washington, according to law, to the best of your ability."

Decorum

All members shall preserve order, decency and decorum at all times while the Council is in session. No member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council, nor disturb any member who is speaking. No member shall refuse to obey an order of the Chair. Members shall confine their remarks to one subject under consideration or to be considered. Discussion shall relate to the subject under consideration and shall be relevant and pertinent thereto so as to provide for the expeditious disposition and resolution of the City's business. No member shall use any impertinent, degrading or slanderous language as to any other member, staff, or public. There shall be no lectures, speeches or grandstanding. For purposes of this section, "member" includes the Mayor.

City Staff Decorum

City staff and employees shall observe the same rules of order and decorum as are applicable to the Council.

Conduct of Audience

All audience members shall abide by the rules of decorum contained in section 5 above. No audience member shall disrupt the conduct of the meeting or clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so shall be determined out of order and the Presiding Officer may have such person removed from the Council chambers immediately. Such person shall not be permitted to attend the remainder of that Council meeting.

Interruptions – Procedures

In the event that any meeting is interrupted by a group or groups of person so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, a majority of the members of Council present may order the meeting room cleared and continue in session, or may adjourn the meeting and reconvene in another location selected by majority vote of the members present. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the Council from establishing a procedure for re-admitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

Council Roles

The City Council is to work through the Mayor when dealing with administrative services of the City. Members of the City Council must avoid intrusion into those areas that are the responsibility of staff. Individual council members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect the staff from undue influence and pressure from individual council members, and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal. If a council member wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that member must prevail upon the whole Council to do so as a matter of Council policy.

No council member, directly or indirectly, shall become involved in or attempt to influence personnel matters that are under the direction of the Mayor. The Council is not prohibited, while in open session, from fully and freely discussing with the Mayor anything pertaining to appointments and removals of City officers and employees and City affairs.

Presiding Officer

The Mayor shall preside at meetings of the Council, and be recognized as the head of the City for all ceremonial purposes. In case of the Mayor's absence or temporary disability, the Mayor Pro Tem shall act as Mayor during the continuance of the absence. In case of the absence or temporary disability of the Mayor and Mayor Pro Tempore, the City Clerk will call the meeting to order and then the members of the Council shall select a member to act as Mayor during the continuance of the absences. When the Mayor Tem or a Council member presides over the meeting in the absence of the Mayor, that Council member retains his right to vote.

City Clerk

The City Clerk or other qualified person, appointed by the Mayor or City Clerk, shall attend all meetings of the City Council. This person shall keep a journal of all proceedings and enter in the journal the "yeses" and "noes" taken on all ordinances and on any other question when desired by any member of the City Council. The City Clerk shall arrange for publication in the newspaper of such resolutions, orders, notices, petitions and other instruments as the City Council may direct.

Setting Agenda

The City Clerk shall arrange a list of proposed matters according to the order of business and prepare an agenda for the Council. After the proposed agenda has been approved by the Presiding Officer, a copy of the agenda and supporting materials shall be prepared for Council members, Department Directors, and the press on or before 5:00 p.m. on the Thursday before a regular Council meeting. The Presiding Officer shall have the option of deleting any item from the agenda until the next regular Council meeting when the full Council shall vote on whether to place the item on the current agenda or schedule it for a subsequent Council meeting. The Presiding Officer, or four (4) Council members may introduce a new item to the agenda.

Order of Business

The order of business for each regular meeting shall be as follows:

1. Meeting Called to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Presentations
6. Consent Agenda
7. Citizen Public Comment (for items not on the agenda)
8. Ordinance, Resolutions, Motions, and Public Hearings
9. Unfinished Business
10. New Business
11. Citizen Public Comment
12. Staff and Council Announcements, Reports, and Comments
13. Executive Session
14. Adjournment

Adjournment

If in the judgment of the presiding officer it becomes apparent at the time of the meeting that substantial public interest exists in certain items scheduled for consideration late in the prepared agenda, the presiding officer may, at his or her discretion, move such items to an earlier position on the agenda by verbally announcing such change to the assembly. Such agenda changes may also be made at the discretion of the presiding officer, where it is brought to their attention that items relating to individuals who have traveled substantial distances to participate, appear late on the agenda and may not be addressed in the same meeting.

In the event the hour of 10:30 p.m. is reached, and it appears evident in the judgment of the presiding officer that the whole agenda cannot be concluded by the hour of 11:00 p.m., the presiding officer shall at his discretion, and with the concurrence of a majority of the members present, first dispose of the (7) Consent Agenda items and then continue the remaining portion of a meeting to a date certain, agreeable to the majority.

Voting

- (a) Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Council member, the Clerk shall take a roll call vote. The Presiding Officer shall determine the order of the roll call vote.
- (b) Council members shall vote on all matters before the Council unless a statutory conflict of interest exists. If there is a conflict of interest, that Council member shall abstain from voting. If any Council member refuses to vote "aye" or "nay", their vote shall be determined to be an aye vote, and their conduct shall be considered disorderly and malfeasance of office. Council members may not abstain from voting except in the event of a statutory conflict of interest, which must be stated for the record. Abstentions shall be treated as the absence of a vote and the abstaining member shall not be counted as present.

Mayor - Voting Powers

The Mayor may vote to break a tie vote of the Council except with respect to the passage of any ordinance, grant, revocation of a franchise or license, or any resolution for the payment of money (RCW 35A.12.100 as now enacted or hereafter amended). The Mayor may veto an ordinance, but the Mayor's veto can be overruled by a majority plus one of the entire council membership (RCW 35A.12.130 as now enacted or hereafter amended).

Presiding Officer -- Questions of Order

The presiding officer shall decide all questions of order, subject to the right of appeal to the Council by any member.

Non-Member Speaking

No person, nor a member of the City Council, shall be allowed to address the City Council while it is in session without the permission of the presiding officer.

Motion in Writing

Motions shall be reduced to writing when required by the presiding officer or any member. All resolutions and ordinances shall be in writing.

Motions to Reconsider

Motions to reconsider must be made by a member who voted with the majority on the principal motion and at the same or next succeeding meeting.

Executive Session

The Council may hold executive sessions during the regular or special meeting to consider matters specifically enumerated in RCW 42.30.110 (as amended by Chapter 66, Laws of 1973 as well as to consider sensitive areas of legal advice, particularly with reference to pending or contemplated litigation, settlement offers and similar matters; provided, however, that nothing contained herein shall prohibit the Council from considering, in closed session, the strategy or position to be taken during the course of any collective bargaining, professional negotiations, grievance or mediation proceeding, or reviewing the proposals made in such negotiations or proceedings when in progress, nor shall it prevent the Council from considering, in closed session, those additional items recognized by Washington State Legislature in RCW 42.30.140 (as amended by Chapter 66, Laws of 1973) as being applicable to the

requirement of an open public meeting. Everything which is discussed during an executive session, and all written materials which are reviewed during an executive session, shall be considered confidential and no Council member shall publicly disclose any such information.

Parliamentary Guide

Matters of procedure not otherwise provided for herein shall, insofar as practical, be determined by reference to Robert's Rules of Order, Newly Revised.

Validity of the Meeting

Except where otherwise required by law, the failure to observe these rules shall not affect the validity of any such action of the City Council of the City of West Richland.

Essential Duties

Prepares for and attends regular City Council meetings, special meetings, workshops and retreats.

Serves as City Council liaison on city subcommittees and boards and commissions of other outside agencies as appointed by the Mayor.

Reviews and approves an annual budget and tax levy.

Reviews and approves a capital improvements program for the city.

Attend community events as possible.

**WEST RICHLAND CITY COUNCIL
Special Meeting
NOVEMBER 20, 2023 | 6:00 PM**

3100 Belmont Boulevard, West Richland, WA 99353

Notice to the Public: This meeting will be an in-person meeting with a remote attendance option via Zoom. During comment periods, if listed on the agenda, in-person comments will be heard prior to those via the Zoom option.

AGENDA

- 1. Meeting Called to Order**
- 2. Roll Call**
- 3. Citizens' Public Comment (for items not on the agenda)**
- 4. Receive and evaluate complaints or charges brought against a public officer.**
- 5. Citizens' Public Comment**
- 6. Conclusion**

On November, 15, 2023, a citizen of West Richland contacted me telephonically regarding comments made by Councilmember Smart during the City Council meeting on November 7, 2023. The citizen described Mr. Smart's comments regarding the upcoming vote on allowing retail cannabis sales within the City as inappropriate, intimidating and threatening, especially when Mr. Smart stated he would "take appropriate notice" of any councilmember who voted in support of this request.

The citizen was further alarmed at Mr. Smart's comments in which he questioned whether the Planning Commission members were "doing their job" and that the city needed to ensure citizens who serve on the Planning Commission and other city boards "are there for the right reason." As Mr. Smart also stated he would speak to Council regarding this concern in the future, the citizen was very concerned Mr. Smart believes only like-minded individuals with views and opinions similar to his own should be appointed to such roles.

Stephanie Haug

From:
Sent: Monday, November 20, 2023 2:15 PM
To: Rich Bloom; May Hays; Ken Stoker; David Fetto; John Smart; Kate Moran; Frederick Brink; bgarry@westrichland.org; Stephanie Haug; Jfoltz@westrichland.oreg
Subject: Sanctioning of John Smart

Good afternoon all--I am writing to express my concern with this open meeting, considering the sanctioning of Councilman John Smart. I was absolutely taken aback when I heard Councilman Smart openly threaten his fellow council members in the meeting of November. Mr. Smart, when you make a threat and then use verbal gymnastics to try to cover your tracks, it's called gaslighting. I was also saddened to see a large number of supporters cheering his threats. I administrate a very large local social media group in which issues pertaining to our city are discussed daily. In this group, there is vigorous diversity of thought and expression. We have rules governing our discourse with one another. Civility must be upheld or the democracy we all hold dear breaks down. I am doing my part, Mr. Smart, in trying to heal the wounds of a divided community. I ask that you do yours.

I am also concerned that Councilman Smart is on a path to subjecting the city and its citizens to a lawsuit for slander and libel. We have only to look at the city of Richland recently to see the financial consequences of what a recall would entail. Please take this into consideration, Councilman Smart, as you express your opinions in upcoming meetings.

Lastly, I am respectfully requesting that Councilman Smart voluntarily issue a verbal AND written apology to the citizens of West Richland and his fellow council members.. Although you have compromised your credibility with this constituent, Mr. Smart, I also believe that mistakes can be rectified and relationships can be reconciled. Any more serious discipline should be reserved for future infractions.

Regards,
Lisa Nelson
Bird Hill

This is an external email and did not originate from the City of West Richland's email system.