

ORDINANCE NO. 3921

AN ORDINANCE OF THE CITY OF MOUNT VERNON AMENDING CHAPTER 2.12 OF THE MOUNT VERNON MUNICIPAL CODE.

WHEREAS, the City of Mount Vernon is an Optional Municipal Code City governed by Title 35A RCW and given the broadest powers of local self-government consistent with the Washington State Constitution; and

WHEREAS, RCW 35A.11.020 provides that the City may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government; and

WHEREAS, the City of Mount Vernon's job titles and duties and practices in the City have changed over time requiring the City to amend and update portions of the municipal code relating to City Council.

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. That Chapter 2.12 of the Mount Vernon Municipal Code is hereby amended in its entirety to read as follows:

Chapter 2.12 CITY COUNCIL

Sections:

- 2.12.010 Meetings – General requirements.**
- 2.12.020 Meetings – Agenda.**
- 2.12.030 Meetings – Presiding officer.**
- 2.12.040 Meetings – Calling to order.**
- 2.12.050 Meetings – Quorum.**
- 2.12.060 Meetings – Reading of minutes – Approval.**
- 2.12.070 Meetings – Order of business.**

- 2.12.080 Meetings – Rules of debate.**
- 2.12.090 Meetings – Addressing the council.**
- 2.12.100 Meetings – Decorum during council meeting.**
- 2.12.110 Meetings – Attendance and vacancy filling.**
- 2.12.120 Ordinances – Signature required for validity.**
- 2.12.125 Ordinances – Time for additional consideration.**
- 2.12.130 Committees.**
- 2.12.140 Council decisions – Validity when rules not observed.**
- 2.12.010 Meetings – General requirements.**

A. Open Meetings. All meetings of the Mount Vernon city council shall be open and public in accordance with Chapter 42.30 RCW as it now exists or hereafter is amended, and all persons shall be permitted to attend any meeting of the city council except as otherwise provided in Chapter 42.30 RCW as it now exists or hereafter is amended.

B. Regular Meetings. Regular meetings of the city council shall be held on the second and fourth Wednesdays of each month at the hour of 7:00 p.m., or as soon thereafter as may be convenient; provided, however, that when any of these days falls on a holiday the city council shall meet on the next business day; and provided further, that the second regular council meeting held in the month of November shall be on the Tuesday preceding the fourth Wednesday of the month. The city council may, upon motion duly made and carried at a regular meeting, dispense with, postpone or advance the date of any regular meeting of the city council; provided that in no event shall the city council hold less than one regular meeting in any one calendar month.

C. Meeting Place. The regular meeting place of the city council shall be at the city police and court campus at 1805 Continental Place, Mount Vernon, Washington; provided, that the council may by resolution provide that meetings shall be held at other locations, subject to any notice required by law.

D. Special Meetings. A special meeting may be called at any time by the mayor or mayor pro tempore, as presiding officer of the council, or by a majority of the members of the city council. Notice of such meetings shall be in accordance with RCW 42.30.080 as it now exists or is hereafter amended . Such meetings shall be held at the same location as regular meetings, unless provided otherwise.

E. Adjournment. Any regular, adjourned regular, special or adjourned special meeting may be adjourned in the manner set forth in RCW 42.30.090 as it now exists or is hereafter amended.

F. Continuances. Any hearing being held, noticed, or ordered to be held by the city council may be continued in the manner set forth in RCW 42.30.100 as it now exists or is hereafter amended.

G. Participation. Council members are encouraged to attend all meetings in-person, which shall be considered best practice. However, council members may, from time to time, attend meetings remotely. Individual council members may participate virtually in a council meeting, committee of the whole, or committee meeting that have a virtual attendance option utilizing a City approved virtual platform. If a member is unable to give their full attention to the meeting, they should request an excused absence. Virtual attendance does not require approval; however, the council member must provide notice to the mayor by 5:00 p.m. on the last business day prior to the meeting; the relevant committee chair if virtual attendance will occur at a committee meeting and city clerk. An exception to this policy will be made for an entirely virtual meeting held under circumstances as set forth in RCW 42.30.070 as it now exists or hereafter may be amended. Council members attending remotely must keep their video camera turned on during the meeting unless they are unable to do so because of technical infeasibility (e.g. poor or no internet connection, no video camera available, etc.) and must unmute. Council members attending remotely must either have audio to cast their vote or may vote through a show of hands.

H. Executive Sessions.

1. The city council may hold an executive session during a regular or special meeting to consider those certain matters set forth in Chapter 42.30 RCW as it now exists or is hereafter amended, except as provided therein. In addition, the city council may meet in executive session for any conference, discussion or deliberation concerning labor negotiations, or any conference, discussion or deliberation between the council and its city attorney concerning claims, settlements, avoidance of or contemplated litigation, settlement offers, and like matters, all of which shall be subject to the statutory attorney-client privilege.

2. No final action shall be taken at any executive session unless otherwise allowed by law.

3. In the event of any executive sessions, and in the absence of a court of law having jurisdiction, no member of the city council, employee of the city, nor any other person present during executive session of the city council shall disclose to any person the content or substance of any discussion or action which took place during the executive session, unless a majority of the city council shall authorize such disclosure.

4. The city clerk shall record the purpose of the announced executive session in the minutes. The city attorney is authorized to act at the direction and on behalf of the mayor, or other presiding officer in the event of the mayor's absence, to publicly announce the purpose for excluding the public from the meeting place and the time when the executive session will be concluded as required by Chapter 42.30 RCW as it now exists or hereafter may be amended.

2.12.020 Meetings – Agenda.

An agenda setting forth the matters to be considered by the city council shall be prepared for each regular meeting in accordance with the provisions of this section.

A. Placing Matters Before the Council.

1. Any city official or member of the public desiring to present any matter for the consideration of the city council at a regular meeting shall notify the city clerk thereof by 5:00 p.m. on the Monday the week that precedes the scheduled council meeting.
2. Any such notification and request so made to the city clerk shall be in writing, and it shall reasonably state the purpose of the requested appearance before the council, the estimated time which will be required to present the matter. City staff shall make best efforts to notify members of the public with whom they are dealing, of the necessity for timely submission of material to be considered.

B. Preparation of Agenda and Review by Mayor.

1. It shall be the duty of the city clerk to keep a record of all matters requested to be placed on the agenda pursuant to subsection A of this section, and from such records prepare an interim agenda which lists those matters to be considered by the council.
2. Upon completion of the interim agenda, the city clerk shall immediately provide a copy thereof to the mayor, excepting such times as he or she may not be available, and the mayor shall thereupon determine whether or not all of the matters may be conveniently heard and be presented to the city council at the next council meeting, or whether any of the items requested to be placed upon the agenda should be extended to the next or succeeding council meeting, the mayor to take into consideration:
 - a. The importance of the subject matter;
 - b. Whether it has or has not an emergency status;
 - c. The possible length of time required for consideration of the matter by the city council;
 - d. The length of time required for the presentation of the subject matter;
 - e. The overall consideration given to the anticipated length of time of the council meeting and the fairness of adequate time to be given to the applicant desiring to be heard;
 - f. Whether the matter involves a public hearing; and
 - g. The time reasonably required by the council to exercise its honest judgment in the matter.
3. The order of items on the final agenda shall be up to the discretion of the mayor and city clerk giving consideration to the above factors. In any situation in which the mayor should elect to continue any matter upon the agenda, the city clerk shall make reasonable efforts

to notify the persons involved, but, in any event, the mayor shall be authorized at the time of the council meeting to continue any of the matters upon the agenda which in his or her judgment should not be heard or should be placed for hearing at another time.

4. The completed and approved final agenda shall thereafter be a matter of public record and available for the inspection of the public by 4:30 p.m. on the Friday preceding the regular meeting of the city council, and copies of such agenda shall be provided to each member of the city council, the mayor, and the city attorney in such time as they shall receive such copy by 12:00 noon of the Monday preceding the date of the council meeting.

C. Advance Public Notice Required – Exceptions. It shall be the duty of the city council to adhere to the policy of advance public notice as declared in this chapter. Matters not placed on the agenda shall be considered only in exceptional circumstances where the necessity of immediate emergency action is deemed by a majority of those council members present to override the policy of advanced public notice.

D. Consent Agenda. When the mayor determines that any item of business requires action by the council but is of a routine and noncontroversial nature, such item may be presented at a regular business meeting of the council as part of a consent agenda. Items appearing on the consent agenda are routine items voted on by a single motion. Typical items include payment of bills, awarding contracts, and adoption of resolutions that do not require a public hearing. Any council member may remove any item from the consent agenda for discussion and separate action. Council members should indicate which items they wish to pull from the consent agenda prior to the council's vote on the full consent agenda.

2.12.030 Meetings – Presiding officer.

A. The mayor shall be the presiding officer at all meetings of the city council in accordance with RCW 35A.12.100 as it now exists or is hereafter amended and MVMC 2.08.050, or in the absence of the mayor, the mayor pro tempore shall preside. The mayor pro tempore shall be selected by the council in the manner provided in MVMC 2.08.040.

B. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the city council, and shall state all questions coming before the council, provide opportunity for discussion from the floor at his or her discretion where not specifically required by ordinance or statute, announce all decisions of the council, and decide all questions of order. The presiding officer shall not have a vote on matters before the city council except as permitted by RCW 35A.12.100 as it now exists or is hereafter amended .

2.12.040 Meetings – Calling to order.

The mayor or presiding officer shall, at the hour appointed, call the city council to order, lead the council and audience in the pledge of allegiance, and before proceeding with the business of the council, the city clerk shall call the roll of the council members. The names of those present shall be recorded in the minutes, and those not present shall be excused or unexcused in accordance with this section.

2.12.050 Meetings – Quorum.

A majority of all of the members of the city council shall constitute a quorum at a regular or special meeting of the council in accordance with RCW 35A.12.120 as it now exists or is hereafter amended.

2.12.060 Meetings – Reading of minutes – Approval.

Unless a reading of the minutes of the previous council meeting is requested by a member of the city council, such minutes may be approved without reading if the city clerk has previously furnished each councilmember a written copy of the minutes prior to the meeting.

2.12.070 Meetings – Order of business.

Following the call to order and approval of the minutes, the order of business of the council meeting shall be as indicated on the official agenda. Council shall approve the official agenda prior to proceeding with items of business. Any item of business on the agenda may be removed, added or changed to a different order during a meeting by a majority of the city council unless contrary to law.

2.12.080 Meetings – Rules of debate.

The mayor shall introduce each item of business and refer it to the appropriate staff person, council person, or council committee spokesman for explanation to the entire council.

A. General. Unless otherwise stated in this chapter, or unless in conflict with state law, the mayor shall have the sole discretion to preserve order, to control the manner of debate among the council, and to decide all questions of order which are not specifically addressed in this chapter.

B. Right to Speak.

1. Each council person desiring to speak shall address the chair, and the mayor shall recognize members of the council in the order that they request the floor. Upon recognition, each council person shall confine their comments to the question under debate.

2. No council member should engage in any indecorous, abusive or inappropriate language and council members should avoid personal attacks on any other members of the council or city officials, nor should members impugn the integrity, honesty or motives of such other official or officials. Likewise, no member of the council should in any manner impugn the integrity or motives of any citizen before them, or should in any way make any slanderous remarks about a person's race, religion, sex, creed, etc.

C. Interruptions. A member of the council, once recognized, shall not be interrupted when speaking unless it is to call them to order.

D. Motions. Any council person may make a motion with respect to the item of business on the floor. Such motion should be prefaced with, or followed by, the reasons or findings that support the motion being made. Upon the motion being made, any other council person may move to second the motion. If the motion is not seconded, the motion dies and further discussion may follow, including further motions. If the motion is seconded, the question can be called for, and a vote taken.

E. Voting.

1. All voting on motions may be done by a voice vote, or by a visual vote by the raising of hands, at the discretion of the mayor. At the desire of any council member, any question shall be voted upon by roll call and the ayes and nos shall be recorded in the minutes.
2. In accordance with RCW 35A.12.120, the passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the council. Any other matter being voted upon shall pass by a majority vote of those present constituting a quorum.
3. Every council member, unless disqualified by reason of a conflict of interest, appearance of fairness or as otherwise provided by law, shall cast a vote upon all matters put to a vote by the legislative body. Any member who disqualifies him or herself shall state the reasons therefor on the record and remove themselves from further consideration of the issue.
4. If any council member is of the opinion that there exists insufficient available information on the issue to cast a knowledgeable vote, such member shall raise the issue prior to any motion, or after a motion at the time the question on the motion is called for. If a majority of the council agrees, the matter shall be continued to the next available regular meeting in order to obtain such information. If a majority of the council feels there exists sufficient information upon which to make a decision, the matter shall be put to a vote.
5. Any council member who abstains from voting without a valid reason or remains silent during a voice vote or show of hands, shall be deemed to have cast his or her vote with the majority on any issue so voted upon.
6. In the event that a disqualification of any member of the council for appearance of fairness would cause a lack of quorum or would result in a failure to obtain a majority vote required by law, such member shall be permitted to fully participate in the proceeding and cast a vote, if such member publicly discloses the basis for such disqualification as required in this subsection.

F. Motion to Reconsider.

1. A motion to reconsider any action taken by the council may be made only on the day such action was taken, or at the next regularly scheduled council meeting. Such a motion may be made by any council member regardless of such member's vote on the original motion. Such a motion to reconsider cannot be renewed if lost. Nothing herein shall be construed to prevent any council member from making or remaking the same or any other motion at a subsequent meeting of the council.
2. This provision shall govern unless it conflicts with any other ordinance dealing with reconsideration of specific items.

2.12.090 Meetings – Addressing the council.

A. In matters not involving public hearings or meetings that do not allow for public comments when consistent with state law, the mayor may, at his or her discretion, prohibit any member of the public from addressing the council, but may permit the entry into the record of any written communication received on the issue or issues before the council. In the event a regular meeting at which final action is taken requires an opportunity for public comment, the council shall provide such opportunity for public comment pursuant to RCW 42.30.240 as it now exists or is hereafter amended.

B. If the agenda item is one requiring a public hearing, or is a meeting at which the mayor permits members of the public to address the city council, the following provisions of this subsection shall apply:

1. **Secure Permission.** Any person desiring to address the council shall first secure the permission of the mayor, unless the mayor decides otherwise.

2. **Manner of Addressing Council – Time Limit.** Each person addressing the council shall stand and shall give his or her name and city or county of residence for the record and unless further time is granted by the council, shall limit their remarks to three minutes. All remarks shall be made to the council as a body and not to any individual member, and shall be pertinent to the subject matter at hand.

3. **Spokesman for Group of Persons.** In order to expedite matters and to avoid repetitious presentation, delay or interruption of the orderly business of the council, whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the mayor to request that a spokesman be chosen by the group to address the council and, in case additional members are to be presented by any other member of said group, to limit the number of persons addressing the council.

4. **After Motion.** After a motion has been made or a public hearing has been closed, no member of the public shall address the council from the audience on the matter under consideration without first securing the permission to do so from the mayor or a majority of the council members.

2.12.100 Meetings – Decorum during council meeting.

A. By Council Members and the Mayor.

1. While the council is in session, all members must preserve order, decency and decorum at all times, and no member shall by conversation or otherwise delay or interrupt the proceeding or the peace of the council, nor disturb any member while speaking nor refuse to obey the order of the mayor.

2. No member of the city council shall use any impertinent, degrading or slanderous language as to any other member of the council or member of the public, nor shall any member of the council make any remark or comment which directly or by implication is offensive to any particular race, religion or ethnic background.

B. **Employees.** Members of the city staff and employees shall observe the same rules of order and decorum as are applicable to members of the city council.

C. By Citizens.

. No person shall by his or her action impede or interrupt the proceedings of the council, or disturb any member while speaking, nor engage in disorderly conduct, including yelling, whistling, stamping of feet, use of profane language and similar acts or demonstrations, which conduct disturbs the orderly business of the council, nor shall any person refuse to comply with any lawful order of the council.

D. Enforcement of Decorum.

1. Any person who violates any of the provisions of this subsection may be immediately barred from further attendance before the city council and may be removed from the council chambers at the direction of the mayor by any police officer present or summoned for that purpose. In addition, any conduct or behavior which constitutes the criminal offense of disorderly conduct under Chapter 9.21 MVMC may result in a citation being issued to the offending person.

2. Any council member may move to require the mayor to enforce these rules and the affirmative vote of a majority of the council shall require the mayor to do so.

2.12.110 Meetings – Attendance and vacancy filling.

A. All council members are required to be in attendance at regular, special and public hearing meetings of the city council, absent good cause. Any council member who cannot attend a meeting shall notify the mayor and state the reasons therefor.

B. If a council member absents himself or herself for three consecutive regular council meetings, the city council shall, at the end of the third such meeting, entertain a motion to excuse the council member from any such meeting or meetings as there may be shown to have been good cause for the absence. If three such meetings be missed without good cause, the council shall, at the end of the third such meeting, declare the office vacant, in accordance with the provision of RCW 35A.12.060. Such vacancy shall be filled in accordance with the provisions of RCW 35A.12.050. Any motion to excuse shall pass by a majority vote of those present constituting a quorum.

2.12.120 Ordinances – Signature required for validity.

All ordinances to become valid after passage of the council must be presented to the mayor for signature. The procedure for mayoral approval or veto of ordinances, and the procedure for city council override of a mayoral veto is set forth in MVMC 2.08.060.

2.12.125 Ordinances – Time for additional consideration.

It is the intent of the council that whenever the efficient conduct of city business will permit:

A. Any ordinance imposing a tax; or

B. Any ordinance establishing fees or charges for city services; or

C. Any ordinance regulating the conduct of business; or

D. Any other ordinance which, in the opinion of the council, may best be acted upon after additional opportunity for public input and/or staff or council consideration, shall be first introduced at a regular meeting of the council or study session with action upon such measure to be taken at a subsequent meeting; provided, however, that this section shall be considered as an expression of council intent only, and shall not be read as imposing any mandatory procedure for the adoption of any ordinance. Failure to follow the procedure set forth in this section shall not in any case affect the validity of any ordinance.

2.12.130 Committees.

A. Special Committees. The mayor, in his or her discretion, may establish and organize any special committee to address a particular topic or issue of interest to the city.

B. Standing Committees of the City Council.

1. There are established the following standing committees of the city council, which shall be appointed by and serve at the pleasure of the mayor during his or her term of office:

- a. Finance and Parks and Recreation committee;
- b. Public Works and Library committee;
- c. Public Safety committee;
- d. Development Services committee; and
- e. Committee of the Whole.

2. Each standing committee shall consist of a quorum or greater of council members and shall meet as a regular open public meeting of the city council pursuant to the Open Public Meetings Act. Each standing committee may make recommendation on all matters referred to it, and minutes of committee meetings shall be kept, maintained and distributed to the mayor, council members and appropriate staff members. Recommendations of standing committees to the full council may be in writing. If the committee takes "final action" as defined in RCW 42.30.020 (3), it shall provide an opportunity for public comment pursuant to RCW 42.30.240 as it exists now or is hereafter amended. The mayor pro tem shall be the chairperson of the committee of the whole. The mayor shall annually appoint the chairperson of all other standing committees prior to the first committee meeting of the new calendar year; provided however a council member shall not chair more than one committee at a time.

3. Regular meetings of the public safety committee shall be held on the first Wednesday of every month at the hour of 6:00 p.m.

4. Regular meetings of the public works and library committee shall be held on the second Wednesday of every month at the hour of 6:00 p.m.

5. Regular meetings of the development services committee shall be held on the third Wednesday of every month at the hour of 6:00 p.m.

6. Regular meetings of the finance and parks and recreation committee shall be held on the fourth Wednesday of every month at the hour of 6:00 p.m.

7. Regular meetings of the committee of the whole shall be held on the fifth Wednesday of each month containing more than four Wednesdays, at the hour of 6:00 p.m.

8. Standing committees shall meet at the Mount Vernon Public Safety Campus, 1805 Continental Place, Mount Vernon, Washington, in the council chambers or court room, as designated by signs posted on the doors of the respective rooms.

9. When the date of any committee meeting falls on a holiday, the committee shall meet on the next business day at the same time and place.

10. Any committee may, upon motion duly made and carried at a regular meeting, dispense with, postpone, or advance the date of any regular meeting of that committee. In the event no items appear on the agenda for any scheduled committee meeting, such meeting may be canceled by notification by the mayor or his or her designee to members of the committee and other affected parties.

12. Any city council member may attend any standing committee meeting including but not limited to a quorum or greater of the city council.

13. The purpose of the standing committees is to receive information for educational purposes, make recommendations, and prepare for matters to come before the city council. No final action of the city council shall be taken at a standing committee meeting other than committee recommendations which may or may not be in writing.

2.12.140 Council decisions – Validity when rules not observed.

Except as noted herein, the rules adopted in this chapter are procedural and intended to smoothly and efficiently expedite the city council in their deliberations and actions. These rules are not intended to bestow any rights on third parties to attack decisions of the city council for their failure to follow or abide by any one of these rules. The failure of the council to strictly observe the provisions set forth in this chapter shall not affect the jurisdiction of the council or invalidate any decision made or any other action taken, which is otherwise legally sufficient. The city council reserves its authority to repeal, amend or suspend the rules adopted herein.

SECTION TWO. Severability. If any section, subsection, paragraph, sentence, clause, word, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION THREE. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED AND ADOPTED this 8th day of October, 2025.

SIGNED AND APPROVED on this 9th day of October, 2025.



Peter Donovan, Mayor



Becky Jensen, City Clerk

Approved as to form:



Kevin Rogerson, City Attorney

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