

RESOLUTION 2023 432

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AMENDING THE BYLAWS AND RULES OF PROCEDURE FOR THE BOARD OF BENTON COUNTY COMMISSIONERS; REPEALING AND SUPERSEDING RESOLUTION 2023-039

WHEREAS, on January 10, 2023, per Resolution 2023-039, the Board of Benton County Commissioners amended section 3.1 relating to "Regular Commission Meetings" to allow regular meetings outside the county seat, but within the county, no more than once per calendar quarter, per RCW 36.32.080(3); and

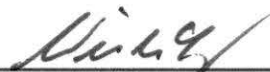
WHEREAS, the Board of Benton County Commissioners desires to further amend section 3.1 relating to "Regular Commission Meetings", in the interest of supporting greater citizen engagement, to allow regular meetings outside the county seat, once per calendar month, per RCW 36.32.080(3) and House Bill 1645, effective July 23, 2023; and


WHEREAS, the Board of Benton County Commissioners desires to amend section 3.1 relating to "Regular Commission Meetings", to meet on the second Tuesday of each month at 9:00 a.m. in the Commissioners' Hearing Room 303 on the 3rd Floor of the Benton County Administration Building at 7122 W. Okanogan Place, Bldg. E, Room 303, Kennewick, WA, beginning August 8, 2023; NOW, THEREFORE,

BE IT RESOLVED, the Board shall meet on the second Tuesday of each month at 9:00 a.m. in the Commissioners' Hearing Room 303 on the 3rd Floor of the Benton County Administration Building at 7122 W. Okanogan Place, Bldg. E, Room 303, Kennewick, WA, beginning August 8, 2023; and

BE IT FURTHER RESOLVED, the Board adopts this Resolution and the attached Bylaws and Rules of Procedure, and that such replaces the Bylaws and Rules of Procedure adopted by the Board pursuant to Resolution 2023-039 and that Resolution is hereby repealed and superseded by this Resolution.

Dated this 6 day of June, 2023.


Chairman of the Board


Chairman Pro Tem


Commissioner

Attest: 
Clerk of the Board

Constituting the Board of County Commissioners of Benton County, Washington

June
2023



BOARD OF BENTON COUNTY COMMISSIONERS

**BYLAWS AND RULES
OF PROCEDURE**

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1. AUTHORITY

- 1.1 **Resolution:** The Board of Benton County Commissioners (the "Commission" or "Board") may by resolution determine its own rules of conduct and rules of procedure for meetings in accordance with state law. The following set of rules shall be in effect upon their adoption by the Commission and until they are amended, or new rules adopted in the manner provided by these rules.

2. GENERAL RULES

- 2.1 **Meetings to be Public:** All meetings of the Commission shall be open to the public except for the executive sessions, as allowed by law.
- 2.2 **Quorum:** Except as otherwise allowed by state law, two commissioners shall be in attendance to constitute a quorum and be necessary for the transaction of business.
- 2.3 **Commissioners' Meeting Minutes:** Minutes of all proceedings of the Commission shall be kept by the Clerk of the Board and shall be the official record of the Commission (see Section 6). Media recordings of such meetings shall be made and kept for as long a period as required by state law.
- 2.4 **Right of Floor:** Any member desiring to speak on the subject under consideration shall be recognized at a time determined by the Chair.
- 2.5 **County Administrator:** The County Administrator shall attend all meetings of the Commission unless excused by the Commission. The County Administrator shall keep the Commission fully advised as to the general condition, finances, and needs of Benton County (the "County"). At the discretion of the Commission, the County Administrator may make recommendations to the Commission and may take part in discussion on all matters concerning the welfare of the County.
- 2.6 **Clerk of the Board:** The Clerk of the Board (the "Clerk") shall keep minutes of the meeting and perform such other duties as may be required by the County Administrator. The Clerk shall decide on all matters regarding parliamentary procedure. However, he or she may seek the advice of the Prosecuting Attorney's Office and/or a Registered Parliamentarian.
- 2.7 **Rules of Order:** The current edition of "Robert's Rules of Order Newly Revised", in the possession of the Clerk shall govern the meetings and deliberations of the Commission, except as they may conflict with these rules.
- 2.8 **Adjournment; Motion to Adjourn:** A motion to adjourn shall be in order at any time, except as follows:
 - 2.8.1 When made as an interruption of a member while speaking;
 - 2.8.2 When the previous question has been ordered or called for; or
 - 2.8.3 When a vote is being taken.

A formal motion to adjourn and terminate the meeting is required if there is not clear consensus to adjourn a meeting via an implicit motion. To adjourn a meeting for continuation to a later time, a formal motion shall be made specifying the requested time and place for the continuation. A motion to adjourn is debatable only as to whether the adjournment is proper and as to the time to which the meeting is adjourned.

- 2.9 **Reconsideration:** After decision by the Commission on any question, any member who voted with the prevailing side may move a reconsideration of any action during the same meeting or at a subsequent meeting.
- 2.10 **Recusal:** If a member decides to recuse himself or herself from an issue, his or her recusal and the reasons therefore shall be stated on the record by the recusing member and shall remain in effect for all discussions and decisions on that issue until such issue is resolved. The member shall state their recusal on the record each time the issue is before the Board and shall not be present during any executive sessions regarding the issue.

3. MEETINGS

- 3.1 **Regular Commission Meetings:** The Commission shall meet every Tuesday at 9:00 a.m. in the Commissioners' Conference Room of the Benton County Courthouse in Prosser for a regular Commission meeting, except that in the interest of supporting greater citizen engagement, the Commission shall meet on the second Tuesday of each month at 9:00 a.m. in the Commissioners' Hearing Room 303 on the 3rd Floor of the Benton County Administration Building at 7122 W. Okanogan Place, Bldg. E, Room 303, Kennewick, WA. When a holiday falls on a Monday or Tuesday, the regular Commission meeting for that week shall automatically be canceled. The Commission may cancel other regular meetings by a motion or by written notice issued by the Clerk or Executive Assistant for the Board at the direction of the County Administrator.

Notice of all regular meetings held at 7122 W. Okanogan Place, Bldg. E, Room 303, Kennewick, WA pursuant to RCW 36.32.080(3) shall be given at least thirty (30) days prior to the time of the meeting specified in the notice by the means set forth in RCW 36.32.080(3) as now in effect or hereafter amended.

- 3.2 **Special Meetings:** Special meetings may be called by the Chair or the majority of the Board of Commissioners. At the request of the Chair or two members of the Board, the Clerk or Executive Assistant shall prepare a written notice of the special meeting, stating the time, place, and subject, and deliver written notice personally by mail, by fax, or by electronic mail, upon each of the Commissioners at least 24 hours before the time of such meeting.

Although not required for the meeting to be valid, the Clerk or Executive Assistant shall also attempt to notify each member of the Commission by telephone or otherwise, of the special meeting. The required written notice shall be waived for any member who arrives at the meeting at the time it convenes or who provides a written waiver of the notice to the Clerk or Executive Assistant at or prior to the time the meeting convenes.

The Clerk or Executive Assistant shall also give written notice of the special meeting to local media (TV, radio, and newspaper) which has filed with the Clerk or Executive Assistant a written request to be notified of special meetings, to be delivered personally by mail, by fax, or by electronic mail at least 24 hours before the time of such meeting. The Board of Commissioners **shall not** discuss or make final disposition of any matter not mentioned in the notice. The notices required herein may be dispensed with under the circumstances set forth in RCW 42.30.080 as now in effect or as hereafter amended.

- 3.3 **Adjourned Sessions:** Any session of the Commission may be continued or adjourned from day to day or for more than one day in accordance with the terms of Section 2.8 hereof and RCW

42.30.090 as now in effect or as hereafter amended, including any requirement of posting an order or notice of adjournment.

3.4 Executive Sessions: Executive sessions will be held in accordance with the provisions of the Washington State Open Meetings Act. No executive sessions will be held pursuant to RCW 42.30.110(1)(i), unless an attorney employed or appointed by the Prosecuting Attorney's Office is present.

3.5 Attendance at Meetings by Conference Telephone: Members of the Board may participate at any Special Meeting (including emergency meetings) by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting and in the audience, if any, can hear each other at the same time. Members may also participate at Regular Meetings by such means unless objected to by a majority of the Board. Participation in a meeting by such means shall constitute presence in person at such meeting.

4. CHAIR AND DUTIES

4.1 Chair: The Chair shall satisfy his or her duties set forth in RCW 36.32.100 as now in effect or as hereafter amended. Despite the duty of the Chair to sign on behalf of the County, all members voting in the majority to approve an action or document have the authority to also sign such document in addition to the Chair.

4.2 Call to Order: The meetings of the Board shall be called to order by the Chair or, in his or her absence, by the Chair Pro Tem.

4.3 Preservation of Order: The Chair shall preserve order and decorum and confine debate to the question under discussion (i.e., order of the day). The Chair should keep the meeting on time but be flexible when necessary.

4.4 Points of Order: The Chair shall consider and rule on all points of order, subject to the right of any member to appeal the Chair's decision to the entire Board. Prior to the Board appealing the decision, it can seek the advice of the Clerk. An appeal to reverse the decision of the Chair requires a second and must be voted on.

4.5 Introduction of Motions: The purpose of a motion is to bring the subject before the Board. All debate and discussion regarding a motion must wait until after the motion has been introduced, seconded, and the Chair has called for discussion. All motions shall be clearly stated in full. "So moved" is not a motion. The Clerk may request that long motions be presented in writing.

4.6 Powers of the Chair: The Chair may move, second, and debate from the chair, subject to the same considerations imposed on all members by Robert's Rules and shall not be deprived of any of the rights and privileges of a member because of his or her acting as the Chair.

4.7 Press Conferences/Special Dedications - Notice to Members: The Chair, or any individual member of the Board at the direction of the Chair or the majority of the Board, may convey a formal opinion or decision of the Commission at press conferences and special dedications, and shall give at least 24-hour notice to all members of his or her intent to hold any such press conference or make special dedication on behalf of the County. Each member of the Board must approve any exceptions to the 24-hour notice verbally or in writing.

- 4.8 **Correspondence:** Any correspondence going out under the direction of the Board shall be on Board letterhead. Any correspondence authored by an individual commissioner and not approved by the Board shall go out on letterhead with that commissioner's name and not be on Board letterhead.
- 4.9 **Committee Appointments:** The Chair may make recommendations for committee appointments.

5. ORDER OF BUSINESS AND AGENDA

- 5.1 **Order of Business:** The business of all regular meetings of the Board shall be transacted in the following order unless the Board, by a majority vote of the members present, suspends the rules and changes the order:

1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes
4. Review Agenda
5. Public Comment
6. Review and Approval of Consent Agenda
7. Public Hearings
8. Scheduled Business
9. Other Business
10. Executive Sessions
11. Adjournment

The consent agenda may contain items that are of a routine and non-controversial nature and may be accepted by consent of the Board by a single vote without reading. If a member of the Board requests such reading, such a request shall be granted. Any item on the consent agenda may be removed and considered separately at the request of any individual Board member.

The other business agenda may not include any monetary or contractual obligations to be approved without County Administrator or Office of Budget and Finance prior review.

- 5.2 **Agenda:** The County Administrator is responsible for placing and removing all items on the agenda. Complete agenda packets must be submitted for review to the Commissioners' Office in electronic format only, as a single PDF file, to commissioners.review@co.benton.wa.us no later than 5:00 p.m. on the Friday prior to the final deadline.

Once approved for final submission, the complete agenda packet must be submitted in electronic format AND hard copy no later than 5:00 p.m. on the Tuesday preceding the meeting date; hard copies must be submitted to the Commissioners' Office at the Prosser Courthouse and electronic copies must be submitted as a single PDF file to commissioners.agenda@co.benton.wa.us.

Failure to comply with these deadlines without the consent of the County Administrator shall result in removal of the agenda item. The County Administrator shall arrange a list of such matters according to the order of business and, at the request of the Chair, may review such matters with the Chair before final approval.

The Executive Assistant shall furnish each member of the Board, the County Administrator, County personnel, and all news media (pursuant to a written request) a copy of the agenda by 5:00 p.m. on the Thursday preceding the meeting.

6. MINUTES POLICY

6.1 Content of the Minutes

- 6.1.1** The first paragraph should contain the following information: type of meeting, name of the board, date, time, and place of the meeting, and the members and parties present.
- 6.1.2** The minutes generally should contain a summarized record of what was done at the meeting, not what was said by the members. Minutes will not usually be typed verbatim; however, verbatim excerpts can be inserted at the Clerk's discretion. Members of the Commission can request additional verbatim excerpts from the Clerk, but they will not be considered part of the minutes nor attached to the minutes, unless typed by the Clerk during the meeting. No individual member shall instruct the Clerk as to the contents of the minutes. Any corrections or suggestions shall be in writing, presented at the time of approval, and approved by the Board.
- 6.1.3** The body of the minutes should contain a separate paragraph for each subject matter. Motions will name the mover, seconder, and show how each motion was adopted with the facts as to whether the motion may have been debated or amended. Motions will be indicated in bold and underlined and resolutions will be listed separately at the end of the minutes. The minutes should identify the item of business before the board, summarize discussions on the item, and describe the exact disposition of any action, clearly indicating what was done, by whom, and why.
- 6.1.4** The last paragraph contains the time of adjournment.
- 6.1.5** The minutes are closed with the signature and title of the Chair and Clerk.
- 6.1.6** An action follow-up sheet, if one is necessary, will be attached to the draft minutes as a reminder to the Board and employees in the Commissioners' office.

6.2 Approval of Minutes

- 6.2.1** Minutes must be approved as read or as corrected.
- 6.2.2** If minutes are approved by general consent, no motion is required unless a member specifically requests one. The Chair may assume this motion and indicate that if there are no corrections, the minutes are approved, or that if there are no further corrections, the minutes are approved as corrected.
- 6.2.3** Once the minutes are approved, the Clerk shall post the approved minutes on the Benton County website.

- 6.2.4 The approved minutes are then printed onto the journal pages and prepared for signature by the Chair and Clerk.
- 6.2.5 Approved minutes may be corrected by motion whenever a typographical or clerical error is found, regardless of the time elapsed. Correction of minutes after they have been approved requires a "Motion to Amend Something Previously Adopted" and majority vote.
- 6.2.6 Nothing may be erased from the journal. Corrections must be made in the margin along with a notation, which states: "Amended, see minutes of _____." (Write in the meeting date at which the Motion to Amend Something Previously Adopted was made and approved.) If material is expunged (stricken from the record), a line is drawn through the words that are expunged.

7. ORDINANCES, RESOLUTIONS, AND MOTIONS

- 7.1 **Form:** Ordinances, resolutions, and accompanying documents shall be presented to the Board in writing following proper format.
- 7.2 **Funding:** All resolutions authorizing the expenditure of money shall include the exact source of the funds to be expended.
- 7.3 **Ordinances - Introduction:** All proposed ordinances must be prepared under the direction of and approved as to form by the Prosecuting Attorney's Office. The department requesting the ordinance shall attach a summary of the provisions thereof and any proposed amendments to an existing ordinance; such summary shall indicate the change to be made and the name of the department or party requesting the proposed ordinance.
- 7.4 **Recording of Votes:** The ayes and nays shall be recorded upon the passage of all ordinances and resolutions in the official record of the Board.
- 7.5 **Tie Vote:** In the event of a tie on any motion when only two members are present at the meeting, the motion shall be postponed to the next appropriate meeting.
- 7.6 **Numbering Ordinances and Resolutions:** The Clerk shall assign a number (in consecutive order) to each ordinance or resolution.
- 7.7 **Ordinance and Resolution Passage Procedure:** When passed by the Board, an ordinance or resolution shall be signed by a majority of the Board members or the Chair and be attested to by the Clerk. It shall immediately be filed and thereafter preserved in the office of the Commissioners.
 - 7.7.1 Absent. If a commissioner is absent, the Clerk shall affix their name stamp stating "absent" on the signature line on all documents approved on that date.
 - 7.7.2 Opposed. If a commissioner opposes the ordinance, resolution, or document, the Clerk shall affix their name stamp stating "opposed" on the signature line.

8. LEGAL ADVICE AND CONFIDENTIAL INFORMATION

- 8.1 **Requests for Legal Opinions:** Upon receipt of a written legal opinion from the Prosecuting Attorney's Office relating to County business addressed to any Board member, the written legal

opinion shall be distributed to all members of the Board, except those that have recused themselves from deliberations on the subject matter of the opinion.

- 8.2 Confidentiality:** No member of the Commission may make a disclosure of confidential information gained because of the member's position on the Board without a motion by the Commission approving such disclosure. If there is any uncertainty whether information is confidential, the Board member shall seek advice from the Prosecuting Attorney's Office.

9. CITIZENS' RIGHTS

- 9.1 Public Comment:** Any member of the public not scheduled on the agenda but desiring to address the Board by oral communication may do so during the Public Comment portion of the agenda.
- 9.2 Manner of Addressing the Board During Public Comment:** Each person addressing the Board shall step up to the microphone, give his or her name and address in an audible tone of voice for the record and, unless further time is granted by the Board, shall limit their remarks to three minutes. All remarks shall be addressed to the Board as a body, and not to any member thereof. No questions shall be asked of the Board members, except through the Chair. The Board would then determine the proper disposition of the issue.
- 9.3 Scheduled Business – Public Comment:** If the Board allows public comment during scheduled business, the comments should be limited to the time allotted on the agenda for the scheduled business.
- 9.4 Written Communications:** Interested parties, or their authorized representatives, may address the Board by written communication regarding any matter concerning the County's business at any time by mail or through the Clerk or Executive Assistant. Copies must be distributed to the Board members and are subject to public review and request.

10. AMENDMENT OF THESE RULES

- 10.1 Amendment of These Rules:** These rules may be amended, or new rules adopted, by the Board; provided, the proposed amendments or new rules may only be passed at a Board meeting with all members present at the time the issue is initially discussed.