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Monica Martinez Simmons/lh
2011Council Rules Revision Resolution
November 30, 2011
Version #1b

RESOLUTION 31343

A RESOLUTION revising certain City Council rules and procedures; adopting a new set of Rules and Procedures of the Seattle City Council to supersede those adopted by Resolution 31171 and amended by Resolution 31205.

WHEREAS, by Resolution 31171, as amended by Resolution 31205, the Seattle City Council adopted "Rules and Procedures of the City Council" to govern both its internal management and the procedures available to the public, in conformance with the City Charter and the customary practice of legislative bodies; and

WHEREAS, the Council procedures and rules should guide and facilitate Councilmember duties and meeting deliberations as well as provide the public with an understanding of council functions; and

WHEREAS, periodic alterations to the Council's internal procedures are appropriate to better serve the Council's needs;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

Section 1. The "Rules and Procedures of the Seattle City Council" dated December 12, 2011, attached to this Resolution, are adopted as the official rules and procedures of the Seattle City Council, as directed by the City Charter.

Section 2. The "Rules and Procedures of the City Council" adopted by Resolution 31171 in December 2009, and amended by Resolution 31205 in April 2010, are hereby superseded.

Adopted by the City Council the ____ day of _____, 2011, and signed by me in open session in authentication of its adoption this_____ day of _____, 2011.

_____
President _____of the City Council

Filed by me this ____ day of _____, 2011.

_____
Monica Martinez Simmons, City Clerk

Attachment 1: Rules and Procedures of the Seattle City Council

(Seal)

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GENERAL RULES AND PROCEDURES

OF THE SEATTLE

CITY COUNCIL

I. MEMBERS AND OFFICERS

A. Members.

1. The members of the City Council shall establish rules for its proceedings. (City Charter Article IV, Section 4, Second)

2. As the Legislative branch of City government, the City Council shall establish policy for the City.

3. No individual member of the Council shall have or exercise executive or administrative power, except as provided in the Charter. (City Charter Article IV, Section 4, Fifth)

4. Duties and Responsibilities of Members of the City Council include, but are not limited to:

   a) Upholding the public trust, demonstrating integrity, honesty and fairness;

   b) Exercising budget and fiduciary responsibility;

   c) Being responsive to citizens;

   d) Disqualifying themselves from acting on City business when disqualification is required by the City's Code of Ethics (SMC 4.16), by common law, or by the Appearance of Fairness Doctrine. (See also "Council Rules for Quasi-Judicial Proceedings Before the City Council" as adopted by Resolution 31001.) (See also Rule VI.A.1 Voting Required.)

B. President.

1. Biennially, and also whenever the position becomes vacant, the Council shall choose from its members a President, who shall perform the usual functions of a presiding officer. (City Charter Article IV, Section 4, First)

2. The President may be removed by the affirmative vote of not less than two-thirds of all the members. (City Charter Article IV, Section 4, First)

3. Duties and Responsibilities of the President include but are not limited to:

a) The President shall call the Council to order at the hour appointed for meeting, or at the hour to which the Council shall have adjourned at the preceding session, and if a quorum be present in attendance, shall proceed with the order of business and adjourn the Council when business is deemed finished.

b) The President shall, in open session, sign all Bills in authentication of their passage (City Charter Article IV, Section 11); and the President shall sign all Resolutions in authentication of their adoption.

c) The President shall promote efficient operation of the Council, which shall include setting the Full Council agenda and expediting parliamentary debate, or if there is no objection from any other member, expediting the passage of routine motions.

d) The President may speak to points of order, inquiry, or information in preference to other members and shall decide all questions of order subject to an appeal to the Council by any member. (See also Rule V.E. Point of Order.)

e) While speaking upon any question before the Council, the President shall have the right to turn the chair over to the President pro tem.

f) The President shall preserve order and decorum within the Chambers.

g) The President shall appoint the membership to special or non-standing committees as required, or as deemed necessary to efficiently conduct the business of the Council.

h) The President shall monitor standing committee agendas to ensure issues are appropriate to respective committees, and within the scope or work program of said committee, or as otherwise assigned.

i) In the absence from the City, or incapacitation of the Mayor, the President shall act as Mayor. (City Charter Article V, Section 9)

j) The President may simultaneously serve as Council President and act as Mayor; however, when the President, acting as Mayor, is confronted with a conflict of duties and responsibilities so fundamental that the public interest requires it, as to the particular matter he/she shall act as Mayor only.

k) The President shall provide for the orientation of new Councilmembers.

l) The President shall head the Legislative Department. (City Charter Article III, Section 3)

C. President Pro Tem.

1. Biennially the Council will designate by Resolution a list of Presidents pro tem. The list will be based upon seniority and will rotate the position monthly.

2. In the absence of the President Pro Tem, the Councilmember designated for the next month shall assume the role of President Pro Tem.

3. Duties and Responsibilities of the President Pro Tem include but are not limited to:

a) The President Pro Tem will act as President in the case of incapacitation or absence of the President, or if the President is acting as Mayor. (City Charter Article V, Section 9)

b) For the purposes of this section the President is not "absent" when acting as Mayor.

II. MEETINGS

A. Regular Meetings.

1. Full Council Meetings. (City Charter Article IV, Section 6)

a) The Full Council shall meet each Monday with exceptions as listed below.

i. If Monday is a legal holiday, then the regular Full Council meeting shall be held on the next day not a legal holiday.

ii. Regular meetings are not held on the last two Mondays in August and the last two Mondays in December.

iii. Regular meetings shall convene at 2:00 p.m. The time of adjournment shall be entered in the Journal of the Proceedings.

iv. Any regular meeting of the Full Council may be canceled with the concurrence of a majority of the members of the Council.

v. All standing and special council committee meetings shall be noticed both as committee meetings and as Full Council meetings, with the agenda limited to committee business and only rules and procedures applicable to committees in effect (2010 AGO No. 9, Appendix C) (See also Rules II.A.3.j, Regular Meetings, Standing Committee Meetings, and II.B.2.c, Special Meetings, Standing Committees)

b) Preliminary agendas of upcoming regular Full Council meetings, listing items on which action is expected to be taken, will be made available to the public. All reasonable effort will be made to provide the preliminary agenda online and in hard copy at least two business days prior to the meeting.

c) Full Council regular meetings shall be held in the Council Chamber, in Seattle City Hall. The City Council may meet at another location in the event of an emergency or disaster. (City Charter Article IV, Section 6)

d) A quorum shall consist of a majority of all nine Councilmembers, except as set forth in Subsection f of this section. (City Charter Article IV, Section 3, Subsection A)

e) Less than a quorum of Ceouncilmembers may adjourn from day to day, or until the next regular meeting, and may compel the attendance of absent members in such a manner and under such penalties as the Council shall prescribe. (City Charter Article IV, Section 3, Subsection A) (See also Rule X.A.2. Attendance at Sessions of Full Council)

f) Under any of the following circumstances, a quorum shall be determined under this section (Subsection f):

(1) Except when Subsection II.A.f.2 applies, in order to select a person to fill a vacancy on the City Council, a quorum

shall consist of a majority of those Councilmembers holding office at the time the Council makes the selection, and for such purpose a majority of such members holding office at the time the council makes the selection shall constitute a majority of the council. (City Charter Article IV, Section 3, Subsection A)

(2) During a declared emergency under Article V, Section 2 of the City Charter, a quorum shall for all purposes consist of a majority of all those Councilmembers who are available to participate in Council meetings and are capable of performing the duties of office, and a majority of such members available to participate in Council meetings and capable of performing the duties of office shall constitute a majority of the Council. (City Charter Article IV, Section 3, Subsection A)

2. Council Briefings.

a) The Council will hold Council Briefings to discuss and receive briefings on issues of general interest.

b) Regular Council Briefings shall be held at 9:30 a.m. each Monday, or if Monday is a holiday, then on the next day not a legal holiday.

c) Regular meetings are not held on the last two Mondays in August and the last two Mondays in December.

d) The Council President or his/her designee chairs the Council Briefings.

e) No binding votes may be taken at Council Briefings.

f) Preliminary agendas of upcoming regular Council Briefings, listing items for which discussion is expected, will be made available to the public. All reasonable effort will be made to provide the preliminary agenda online and in hard copy at least two business days prior to the meeting.

g) Council Briefings shall be held in Council Chambers, in Seattle City Hall, unless a specific alternate location is established by the President, and appropriate public notice and access are provided.

h) Council Briefings may be canceled by the Council President at any time.

i) There shall be no quorum requirement for Council Briefings.

3. Standing Committee Meetings.

a) Standing committee meetings will generally be held twice monthly, in accordance with committee assignment guidelines established by Resolution.

b) Preliminary agendas for upcoming regular standing committee meetings, listing items for which discussion and/or recommendation is expected, will be made available to the public. All reasonable effort will be made to provide the preliminary agenda online and in hard copy at least two business days prior to the meeting.

c) All reasonable effort will be made to make materials that are to be presented in standing committee meetings available online at least 24 hours in advance of the committee meeting, and copies will be made available to those attending the meeting. Materials for Executive Session are exempted where provided for by law.

d) Standing committee meetings are held in the Council Chamber in Seattle City Hall unless a specific alternate location is established by the Chair with the concurrence of a majority of the regular members of that committee, and appropriate public notice and access are provided.

e) The committee Chair may cancel a committee meeting at any time.

f) There shall be no quorum requirement for standing committee meetings.

g) Committee action on any Council Bill, Resolution, or Clerk File shall be limited to recommendations for the Full Council to consider when voting on final action for that~~e~~ item.

h) Standing committees shall not vote on a final recommendation on any Bill, Resolution, or Clerk File on the same day that a public hearing was held on that item, except upon passage of a motion by the Chair to do so.

i) Standing committees that meet after noon on Thursday, or on Friday shall not refer legislation to the next regular Full Council meeting for final action, except upon passage of a motion by the Chair to do so.

j) Regular meetings of standing committees shall be noticed both as committee meetings and as Full Council meetings, with the agenda limited to committee business and only rules and procedures applicable to committees in effect (2010 AGO No. 9, Appendix C) (See also Rules II.A.1.a.v, Full Council Meetings, and II.B.2.c, Standing Committees)

B. Special Meetings.

1. Full Council.

a) The Mayor, the President of the City Council, or any three Councilmembers, may call a special meeting of the Council consistent with the provisions of RCW 42.30.080. (City Charter Article IV, Section 6)

b) Notices of special meetings shall be in accordance with RCW 42.30.080.

c) The only items of business for which final action may be taken at a special meeting shall be those items listed on the written notice.

d) Special meetings are held in the Council Chamber in Seattle City Hall, unless a specific alternate location is established by the party calling the meeting, be that the Mayor, the Council President, or three Councilmembers, and notice as required under RCW 42.30.080 is given.

2. Standing Committees.

a) Special meetings of standing committees may be scheduled by the committee Chair.

b) Preliminary agendas of upcoming special standing committee meetings, listing items for which discussion and/or recommendation is expected, will be made available to the public. All reasonable effort will be made to make the preliminary agenda available online and in hard copy at least two business days prior to the meeting.

c) Special meetings of standing committees shall be noticed both as committee meetings and as Full Council meetings, with the agenda limited to committee business and only rules and procedures applicable to committees in effect (2010 AGO No. 9, Appendix C) (See also Rules II.A.1.a.v, Full Council Meetings, and II.A.3.j,

Standing Committee Meetings)

C. Executive Sessions.

1. Executive sessions may be held during Full Council Meetings, Council Briefings, ~~meetings of the Committee of the Whole, or~~ standing~~,~~ or special committee meetings, whether regular, or special meetings, and at other times as allowed by RCW 42.30.110 and .140, as it now exists or as hereafter amended, and SMC 5.24.020 and .030.

2. An attorney from the Law Department, or outside counsel if appropriate, will be present during all Council Executive Sessions to advise Councilmembers on compliance with the Washington Open Public Meetings Act. (OPMA, RCW 42.30)

3. Issues which may be considered in executive session include, but are not limited to:

   a) Consideration of certain real estate transactions and/or prices;

   b) Evaluation of complaints against a public officer or employee;

   c) Evaluation of qualifications of candidate for appointment to elective office;

   d) Evaluation of qualifications of an applicant for public employment or to review the performance of a public employee;

   e) Discussion with legal counsel regarding litigation or potential litigation to which the City or a Councilmember acting in an official capacity is, or is likely to become, a party;

   f) Planning or adopting the strategy or position to be taken during the course of collective bargaining or reviewing the proposals made in labor negotiations while in progress.

4. The presiding officer or a majority of those Councilmembers in attendance may decide to convene an executive session, during a particular meeting. An executive session may be ended by the presiding officer or by a majority vote of those Councilmembers in attendance.

5. Before convening an executive session, the presiding officer shall announce the purpose of the executive session, and the time when the executive session is expected to conclude.

6. Attendance at executive session shall be limited to:

   a) Councilmembers;

   b) Assistants to Councilmembers representing their Councilmember in the Councilmembers' absence(s) (and this attendance shall be limited to presence, not participation);

   c) City staff members and others representing the City (e.g. consultants) who are directly involved in the issue and who have been invited by the presiding officer to attend;

   d) Legal counsel assigned to the issue;

   e) The City Clerk or designee for clerking purposes.

7. Those persons attending an executive session shall not disclose the contents of discussions held within said session.

8. The Council may choose to waive the attorney-client privilege regarding legal matters discussed with counsel at an executive session only by unanimous agreement of those Members attending said session*.

   [*Editor's note: Discussion of legal matters between City officials and their lawyer, usually the City Attorney, are protected by the attorney-client privilege from being used against the City in court.]

D. Public Hearings.

Public Hearings differ from regular comment periods in that they are more formal opportunities for members of the public to speak on a particular proposed Ordinance, Resolution, or other legislative action. If any public hearings are scheduled for a particular regular or special Council or committee meeting, the agenda for the meeting will specify the proposed Ordinance, Resolution, or other legislative action that is the subject of the public hearing. The agenda may also specify the total time allotted for the public hearing and time limits for individual speakers. (See also III Public Participation, and Rule IX.~~A.~~ Duties of ~~the~~ Committee Chairs ~~of Committees~~.)

1. Public Hearings generally serve the purpose of gathering data and/or opinions from citizens.

2. Public Hearings are not generally required, except for certain types of actions as provided by law.

3. Specific rules apply to certain types of hearings, including but not limited to: certain capital projects; land use actions; budget; street vacations; and surplus property.

4. When not required by law, Public Hearings are at the discretion of the committee Chair or the Council President.

5. Public Hearings may be held as part of a regularly scheduled Full Council, special or standing committee meeting, but the Public Hearing shall be conducted as a separate agenda item.

6. The Chair of the body conducting the Public Hearing shall:

   a) Establish and announce at the beginning of the Public Hearing the specific rules, guidelines and time limits for speakers;~~,~~

   b) Require all speakers to sign in on registers provided by Legislative Department staff;~~,~~

   c) Notify speakers that their oral public comment is being recorded.

E. Town Hall Committee Meetings.

1. Town Hall Committee is a special committee.

2. The purpose of a Town Hall Committee meeting is to afford the public an opportunity to address the Council at a location outside the Council Chambers or City Hall in an informal setting.

3. The Council shall hold two Town Hall Committee meetings per calendar year.

4. The Council President shall determine the date, time and location of the Town Hall Committee meetings and will establish a rotation schedule for chairing the meetings.

5. The Council President may, when announcing the date, time and location of each such meeting, establish the subject or subjects to which public comment shall be limited.

6. Public comment at Town Hall Committee meetings shall be in accordance with the Legislative Department Policy Regarding Public Comment at Full Council and Standing and Special Committee Meetings, attached as ~~an~~ Appendix A to these Rules, or as later amended or adopted by Resolution.

7. Council shall take no vote or other final action at a Town Hall Committee meeting.

8. Town Hall Committee meetings are required to be electronically recorded.

F. Emergency Meetings.

1. Special Emergency Meetings may be called by the President, or by a majority of the Councilmembers. (RCW 42.30.070) (Except as set forth in Rule II.A.1.f ~~Regular~~Full Council Meetings.)

2. Meeting time, location, and notice requirements do not apply to emergency meetings called for emergency matters as permitted by RCW 42.30.070, RCW 42.30.080, and RCW 42.14.075.

3. Emergency Meetings are open to the public unless exempt under RCW 42.30.

G. Attendance During an Emergency.

In the event that a natural disaster, fire, flood, earthquake, enemy attack, imminent enemy attack, or other catastrophic emergency renders a Member's physical attendance at a meeting impracticable, such Member may attend and vote by any electronic means (e.g. multi-party telephone or video conferencing) utilized by the Council for such purpose.

III. PUBLIC PARTICIPATION.

A. Public Sessions.

1. All meetings of the Council, and all meetings of standing and special committees (except executive sessions or as otherwise permitted by law), shall be open to the public, and shall be conducted in a manner which provides the opportunity for attendees to hear and see the proceedings of those Members physically present and to hear those Members, if any, attending by electronic means, as provided by these rules. (See also Rule X.I~~H~~. Equal Access and Participation.)

2. The Council shall not adjourn its regular Full Council Meetings to any place other than its regular meeting place, which is the Council Chamber~~s~~ in Seattle City Hall, except as provided by law. (See also Rule II.A.1.c Full Council Meetings, and Rule III.C.2 Interruptions to Council Meetings and Committee Meetings.) (City Charter Article IV, Section 6)

~~Meetings of the Committee of the Whole shall not convene in or adjourn to any place other than its regular meeting place, which is the Council Chamber in Seattle City Hall, unless a specific alternate location is established by the Chair, and appropriate public notice and access are provided.~~

3. Meetings of standing committees shall not convene in or adjourn to any place other than that committee's regular meeting place, which is the Council Chamber in Seattle City Hall, unless a specific alternate location is established by the Chair with the concurrence of a majority of the regular members of that committee and appropriate public notice and access are provided.

4. Meetings of special committees may be held in the Council Chambers in Seattle City Hall, or an alternate location as established by the Council President in the case of Town Hall Committee meetings or by the committee chair so long as appropriate public notice and access are provided.

B. Public Comment at the Full Council and Committee Meetings.

Public Comment Periods differ from Public Hearings in that they are brief opportunities, usually held at the beginning of regular council and standing committee meetings, for members of the public to comment on items on that day's agenda. The agenda for a particular regular meeting may specify the total time allotted for the comment period and for time limits for individual comments. (See also Rule II.D. Public Hearings)

1. The Council shall not accept public comment at special meetings of the Full Council.

2. The Council shall accept public comment at regular Full Council Meetings:

   a) Public comment is limited to matters on the Introduction and Referral Calendar and Committee Reports on that day's regular Full Council meeting agenda;~~.~~

   b) Speakers must sign up prior to the start of the meeting;

   c) The Chair shall set time limits for speakers and for the total comment period;

   d) The Council President shall ensure that all public comment is in accordance with the Legislative Department Policy Regarding Public Comment at Full Council and Standing and Special

Committee Meetings, attached as ~~an~~ A~~a~~ppendix A to these Rules, or as later amended or adopted by Resolution, and in accordance with Rule III.B. Public Comment, and Rule IX.~~A.~~ Duties of Committee Chairs.

3. Standing and Special Committees shall accept~~allow~~ public comment at committee meetings in accordance with the Legislative Department Policy Regarding Public Comment at Full Council and Standing and Special Committee Meetings, attached as ~~an~~ A~~a~~ppendix A to these Rules, or as later amended or adopted by Resolution, and in accordance with Rule III. B. Public Comment, and Rule IX.~~A~~ Duties of Committee Chairs.

4. The Council is not required to allow public comment at Council Briefings.

5. Persons speaking before the Full Council, ~~the Committee of the Whole,~~ or any standing or special committee, will identify themselves for the record.

6. At the Chair's discretion,~~The Chair of the meeting, at his/her discretion, may waive~~ Rule III.B.5 Public Comment, may be waived in the interest of personal safety of the person speaking.

C. Interruption(s) to Council Meetings and Committee Meetings.

1. It shall be the responsibility of the Chair to maintain order and adjourn any meeting as he/she deems necessary.

2. In the event that any meeting is interrupted by any person or by a group or groups of persons so as to render the orderly conduct of such meeting not feasible, and order cannot be restored by the removal of individuals who are interrupting the meeting, the Members of the Council or the committee conducting the meeting may order the meeting room cleared and continue in session, or may adjourn the meeting and re-convene at 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. (See also RCW 42.30.050.)

3. The Council or the committees may establish procedures for re-admitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

4. When a meeting is adjourned due to an interruption, Councilmembers and staff shall leave the meeting room until the meeting is reconvened.

IV. COUNCIL BUSINESS.

A. Business Brought Before the Full Council.

1. All Bills, Resolutions, and Clerk Files brought before the Full Council shall be prepared for introduction according to established policies and procedures of the Legislative Department.

2. A Resolution cannot be adopted at the same meeting at which it is introduced except by a two-thirds vote of the members present.

3. A Bill cannot be introduced and passed at the same meeting, except for the weekly Bill for payment of bills, salaries and claims. (City Charter Article IV, Section 8)

4. No Bill shall become an Ordinance unless on its final passage at least a majority of all nine Councilmembers vote in its favor. (City Charter Article IV Section 8)

   In some cases, passage requires more than a majority vote.

5. Amendments to Bills may not be presented at a Full Council meeting unless previously circulated to Councilmembers and reviewed by the Law Department at least two hours before the meeting; except in cases including but not limited to amendments to development regulations subject to the Growth Management Act, where statutes may require additional public notice and comment before amendments may be made.

6. The only items of business for which final action may be taken at a special meeting of the Full Council are those listed on the written notice.

B. Order of Business.

1. The President shall announce the business of the Council at regular Full Council meetings, which shall ordinarily be disposed of in the following order:

   a) Call to Order

   b) Roll Call

   c) Approval of the Agenda

   d) Approval of the Journal

e) Presentations

f) Public Comment

g) Ratification of Referral Calendar (Introduction and Referral of Bills, Resolutions, and Clerk Files)

h) Payment of Bills, Claims, and Salaries

i) Committee Reports (Discussion and vote on Bills, Resolutions, and Clerk Files)

j) Adoption of Other Resolutions

k) Other Business

l) Adjournment

2. Upon the passage of each Bill, the President shall announce that he/she is signing the Bill, and if so requested by any Councilmember, that Bill shall be read at length so as to ensure its correctness before it shall become enrolled. (City Charter Article IV, Section 11)

C. Vetoed Bills.

1. The Council shall reconsider and vote again on the passage of any Bill which is vetoed by the Mayor, in accordance with the City Charter. (City Charter Article IV, Section 12)

2. Reconsideration shall occur not less than five days after the Mayor's publication of said veto, and not more than 30 days after the return of said Bill by the Mayor. (City Charter Article IV, Section 12)

3. Passage of a Bill during reconsideration shall be by two-thirds vote of all the members of the Council. (City Charter Article IV, Section 12)

4. Any Bill presented to Council for reconsideration which does not pass during the first vote of reconsideration shall be deemed finally lost. (City Charter Article IV, Section 12)

D. Journal of the Proceedings of the Seattle City Council.

1. The City Clerk shall record into the Journal of the Proceedings of the Seattle City Council the proceedings of the Full Council at its regular and special meetings, and reports to the Full Council by committees.

2. The Journal of the Proceedings shall be presented to the Council for approval at the next regular Full Council Meeting.

3. The Journal of the Proceedings shall be a public document.

V. PARLIAMENTARY PROCEDURES

If the current General Rules and Procedures of the City Council are silent on a matter of parliamentary procedure, the ~~then-current edition~~ 11th Edition of Robert's Rules of Order Newly Revised will govern the Council in all cases to which they are applicable.

A. Rules of Debate.

1. When any Councilmember wishes to speak, he/she shall rise and address the Chair.

2. When recognized, the Member shall, in a courteous manner, confine comments to the question under debate.

3. The Councilmember who sponsors a Bill, Resolution, or motion shall have the privilege of speaking first and last upon it.

4. No Councilmember shall impugn the motives of any other Member, or speak more than twice except for explanation during the consideration of any one question.

B. Consideration of Motions.

1. No motion shall be entertained or debated until duly seconded and announced by the Chair.

2. The motion shall be recorded and, if requested by any Councilmember, it shall be read by the City Clerk before it is debated.

3. Until the Chair states the question, the maker of the motion has the right to modify or withdraw it. If the motion is modified by the maker before the Chair states the question, the Councilmember who seconded the motion may withdraw their second.

4. Motions shall be entertained in the order of precedence outlined in the 11th Edition of Robert's Rules of Order Newly Revised.

MOTION TO:	Second?	Debatable	Amendable?	Vote?	May be reconsidered?
Adjourn	Yes	No	No	Maj	No
Recess	Yes	No	Yes	Maj	No
Reconsideration ~~(except on final passage of legislation)~~ (See also ~~Rule V.B.8, and~~ Rule VI.G)	Yes	Yes	No	Maj	No
Lay on the Table (See also Rule V.~~B.7~~H)	Yes	No	No	Maj	~~No~~Yes
Take from the Table	Yes	No	No	Maj	No
Call the Question	Yes	No	No	2/3	Yes
Hold to a Certain Time (See also Rule V.G~~B.5~~)	Yes	Yes	Yes	Maj	Yes
Commit to a Committee	Yes	Yes	Yes	Maj	Yes
Amend or Substitute	Yes	Yes	Yes	Maj	Yes
Hold Indefinitely (See also Rule V.J~~B.6~~)	Yes	Yes	No	Maj	Affirmative vote may be reconsidered

C. Recognition by the Chair.

1. When two or more Councilmembers rise at the same time, the Chair to shall designate the one who shall speak first.

D. Division of a Question.

1. Any Councilmember may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away, a substantive proposition shall remain for the decision of the Council.

E. Point of Order.

1. The Chair shall decide all points of order.

2. If dissatisfied with the decision of the Chair, any Member may appeal the decision.

3. In all cases of appeal, the question shall be: "Shall the decision of the Chair be sustained?"

4. No Member may speak more than once on an appeal without the consent of a majority of the Councilmembers in attendance.

5. The decision in response to the appeal shall be by majority vote of the Councilmembers in attendance. In case of a tie vote, the decision of the Chair shall stand.

F. Call the Question.

1. A Councilmember may make a motion to *Ceall the Qquestion* (also known as *Previous Qquestion*) to end debate on an immediate pending motion. This motion requires a second and a two-thirds vote in favor.

G. Hold to a Certain Time

1. To postpone a question to a certain time, and within limits, the motion shall state a definite date, meeting, or hour, or until after a certain event.

H. Lay on the Table

1. A majority of the Council may decide to temporarily halt consideration of a question immediately and without debate during a meeting. The maker of a motion to *Lay on the Table* must state the reason for the motion. A motion that has been laid on the table may be brought back by a motion to *Take from the Table* until the end of the following meeting.

I. Take from the Table

1. Once a question has been laid on the table, it can be taken from the table by a majority vote of those present, as soon as the interrupting business has been disposed of or whenever no other question is pending.

J. Hold Indefinitely

1. The Council can decide not to take a direct vote or position on a main question by disposing it with a motion to *Hold Indefinitely*. The question may not be brought back again for at least 60 days.

VI. VOTING AT SESSIONS OF THE FULL COUNCIL.

A. Voting Required.

1. Every Councilmember in attendance shall participate in the voting process for all actions before the Full Council, except that Councilmembers must disqualify themselves from voting if disqualification is required by either the City's Code of Ethics (SMC 4.16) or the Washington State Appearance of Fairness Doctrine, and members may disqualify themselves from voting to avoid the appearance of a conflict of interest, unless a majority of those present vote that there is no conflict. (See also Rule VI.D.2 Announcing and Recording Votes.)

2. Abstentions are not allowed. Members not having disqualified themselves pursuant to Rule VI.A.1 Voting Required, shall vote "Aye" or "No."

3. All votes shall be recorded by the City Clerk in the Journal of Proceedings. (City Charter Article IV, Section 4, Third).

B. Roll Call Voting.

1. A roll call vote is required when voting on final passage of Bills.

2. A roll call vote on other business will be taken when requested by a Councilmember, or at the initiative of the President, with a majority of those present voting in favor.

3. Roll for a roll call vote is called in alphabetical order, except for the President, provided that each week that the Full Council meets, the name at the beginning of the roll is moved to the end of the roll in a systematic rotation.

4. The President's name is called last.

C. Voice Vote.

1. A voice vote may be taken on any matter of business before the Council except for the final passage of a Bill, unless a roll call vote has been requested as provided in Rule VI.B.2 Roll Call Voting.

D. Announcing and Recording Votes.

1. Upon the conclusion of the roll call or voice vote, the City Clerk shall announce the "ayes" and "nos" and "disqualifications" for all votes and enter them into the Journal of the Proceedings. The announcement of the result of any vote shall not be postponed.

2. When a Councilmember is in attendance, and has disqualified him/herself from voting under Rule I.A.4.D, the Clerk shall record and announce "in attendance, but disqualified from voting." (See also Rule VI.A.1 Voting Required.)

E. Proxy Votes.

1. There shall be no proxy votes. A Member may only cast a vote if he/she is in attendance to do so at the time the vote is taken, except as provided for in Rule II.G. Attendance During an Emergency~~Meetings~~.

F. Tie Vote.

1. In the event of a tie vote, the motion does not pass.

G. Reconsideration.

1. After the final vote on any motion, Resolution, or Bill, and before the adjournment of that meeting, any Member who voted with the prevailing side may move for reconsideration of the original motion. Seconds to motions for reconsideration may be from either side.

   a) When the result of the final vote is to pass any motion, Resolution, or Bill, any reconsideration vote must take place before adjournment of that day's session, or else there shall be no reconsideration vote.

   b) When the result of the final vote is to not pass a motion, Resolution, or Bill, the reconsideration shall not be acted upon before the next meeting. (City Charter Article IV Section 10)

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn.

3. Motions to reconsider a vote upon amendments to any pending question shall be made and decided at once.

4. A motion that does not pass in a standing or special committee cannot be reconsidered, however may be brought back at another meeting of the Full Council.

VII. STANDING COMMITTEES - To Facilitate Legislative Functions of the Council. (City Charter Article IV Section 4)

A. Formation of Committees.

1. Standing committees are formed after the biennial selection of a Council President.

2. Formation of standing committees, i.e. the identification of committees' scopes of work, meeting schedules and membership and Chair assignments, is accomplished by a process of discussion and consensus among Councilmembers, which shall be submitted to the members for ratification by Resolution.

3. If no consensus is reached, the President shall poll the members and make a decision, which shall be submitted to the Members for ratification by Resolution.

B. Membership of Standing Committees.

1. Membership of a standing committee generally consists of a Chair, two members and an alternate, but may be established as resolved by the Council.

2. In the event of a vacancy of a Council position which requires the appointment and/or election of a replacement Councilmember, the committee duties and responsibilities of the replacement Councilmember shall be proposed by the Council President, and shall be established by Council Resolution to be adopted within 45 days of the date the replacement Councilmember takes office.

3. Any Councilmember may attend a standing committee meeting.

4. There shall be no quorum requirement for standing committee meetings.

C. Duties and Responsibilities of Standing Committees and Members.

1. Members of standing committees shall acquaint themselves with the interests of the City specifically represented by that committee, and shall make recommendations to the Full Council on Council Bills, Resolutions, and Clerk Files, and such other reports as in their judgment(s) will advance the interests and promote the welfare of the people of the City.

2. It shall be the duty of each member of a standing committee to attend the committee meetings. The attendance policy for standing committees shall be as follows:

   a) Members of standing committees are expected to attend all meetings of said committees.

   b) A committee member may obtain a leave of absence or be excused with the consent of the committee Chair.

   c) Members attending standing committees shall not leave standing committee meetings without notifying the committee Chair.

   d) If a committee member is unable to attend a committee meeting, it is the responsibility of the committee member's office to inform the committee Chair and committee alternate as soon as it is established on the Councilmember's schedule.

3. Any Councilmember attending a standing committee meeting may vote, or abstain from voting, on issues before the committee.

4. Committee Reports:

   a) Standing committees shall have a written record of final recommendations on any legislation reported out to the Full Council. The record shall include the names of members voting for, against, and abstaining.

   b) Reports of standing committees shall be entered in the Journal of the Proceedings of the City Council.

   c) Divided Reports:

      (1) A Divided Report containing the different recommendations from the committee shall be made available after said committee meeting for signing by those attending Councilmembers wishing to subscribe to it.

(2) At least three days before scheduled presentation of the recommendation to the Full Council, the signed report shall be made available to all Councilmembers.

(3) Only those Councilmembers having attended a discussion of the Bill or Resolution which is the subject of the committee's recommendation, and having voted "aye" or no" on the recommendation, shall subscribe to the report.

(4) Unless authorized by the Council President and the committee Chair, a divided report shall not be presented to Full Council until one week has elapsed from the divided committee vote, in order to allow Councilmembers time to review said report.

(5) When reporting recommendations to the Full Council:

(a) The position signed by the majority shall be considered first;

(b) When there is no majority position, the position of the chair shall be considered first, if so desired.

5. Standing committees shall not vote on a final recommendation on any Council Bill, Resolution, or Clerk File on the same day that a public hearing was held on that item, except upon passage of a motion by the Chair to do so.

VIII. SPECIAL COMMITTEES.

A. Budget Committee.

1. The Budget Committee is a special committee, comprised of all Councilmembers and chaired by the Chair of the finance committee.

B. Town Hall Committee.

1. The Town Hall Committee is a special committee comprised of at least four Councilmembers and chaired on a rotation schedule established by the Council President.

~~C. Committee of the Whole.~~

~~1. Committee of the Whole is a special committee comprised of all Councilmembers; the chair is designated by the Council President.~~

~~D.~~C. **Other Special Committees.**

1. The President may appoint other special committees from time to time as the need arises.

~~E.~~D. **Special Committee Agendas.**

1. Preliminary agendas of special committee meetings, listing items for which discussion and/or recommendation is expected, will be made available to the public. All reasonable effort will be made to provide the preliminary agenda online and in hard copy at least two business days prior to the meeting.

~~F.~~E. **Special Committee Quorum.**

1. A quorum for convening meetings of a special committee, or for making recommendations, or taking committee action, shall be determined by the Council President at the time the special committee's assignments are made, or in the case of Town Hall Committee, ~~or Committee of the Whole,~~ at the time of scheduling.

~~G.~~F. **Voting at Special Committee Meetings.**

1. Special committees shall not vote on a final recommendation on any Council Bill, Resolution, or Clerk File on the same day that a public hearing was held on that item, except upon passage of a motion by the Chair to do so.

~~H.~~G. **Duration of Special Committees.**

1. Special committees may be of limited duration or focus.

~~I.~~H. **Record of Special Committee Reports~~Action~~.**

1. Special committees must have a written record of final ~~action~~recommendation on any legislation reported out to the Full Council.

IX. DUTIES OF COMMITTEE CHAIRS.

~~A. Duties of the Chairs of Committees:~~

A~~1~~. Provide at each meeting a comment period for members of the public to address the committee on matters on that day's agenda for that meeting, in accordance with Legislative Department policy regarding public comment at meetings.

B~~2~~. Call the meetings to order at the appointed times,.

C~~3~~. Determine and state the amount of time allowed for speakers, and announce instructions to the speakers at the start of each meeting. The Chair may allow additional time for the submission of written comment from the public.

D4. Announce Councilmembers in attendance at the call to order and as they join the meeting.

E~~5~~. Advise speakers that their oral public comments are being recorded.

F~~6~~. Recognize Councilmembers and, in accordance with these General Rules and Procedures, others who wish to speak.

G~~7~~. Keep the meeting to the time schedule.

H~~8~~. Stop oral public comment when repetitive or irrelevant.

I.~~9.~~ Set the committee's agenda consistent with the committee's assigned scope of work.

J.~~10~~. Preserve order and decorum.

H.~~11~~. Present to the Council each year at a Full Council meeting in January as designated by the Council President, the committee's Annual Legislative Report. The report will identify accomplishments of the committee in the preceding year and objectives of the committee for the coming calendar year, in a report format as determined by the Council President.

X. MISCELLANEOUS.

A. Attendance at Sessions of the Full Council.

1. Councilmembers must attend all regular Full Council Meetings, unless excused by the Full Council. (City Charter Article IV, Section 3)

2. Three Councilmembers, including the President or President pro tem acting in the capacity of the President, or four members in the President's or President pro tem's absence, shall be authorized to compel the

attendance of absent unexcused members at the Full Council meeting, but may adjourn from day to day if necessary until a quorum can be convened. (City Charter Article IV, Section 3)

3. A Councilmember may obtain a leave of absence or be excused from a particular meeting by vote of the Full Council.

4. No more than four Councilmembers may be excused from any one Full Council Meeting, except during the month of November, when no more than two Councilmembers may be excused from any one Full Council Meeting.

5. When the maximum number of Councilmembers has been excused for any one particular meeting, the last Councilmember having requested an excused absence for that meeting will be considered "on call". A Councilmember "on call" may arrange with any other excused Councilmember to trade places in the order of excused absences for a particular meeting.

6. Emergency absences may be authorized by the Council President, who will announce the emergency absence at the meeting.

7. The City Clerk shall record the attendance and requests for excused absence(s) from Full Council Meetings in the Journal of Proceedings.

B. Committee Attendance Policy for Members and Alternates.

1. Members of Council committees and external committees (governing or advisory bodies to which Councilmembers are appointed by Council Resolution~~vote~~) are expected to attend committee meetings unless the Councilmember is
unavailable.

2. If a committee member is unable to attend a Council committee meeting, it is the responsibility of the committee member's office to inform the committee Chair and committee alternate as soon as the planned absence is established on the Councilmember's schedule.

3. If a committee member is unable to attend an external committee meeting, it is the responsibility of the committee member's office to inform the committee alternate(s) as soon as this is established on the Councilmember's schedule.

4. When a committee alternate is notified of the absence of a committee member, the alternate is expected to attend the committee meeting unless the alternate is also unavailable. If the alternate is unable to attend,

it is the responsibility of the alternate's office to notify the committee Chair for Council committee meetings, and other members or alternates (if there are any) for external committee meetings.

C. Suspension of General Rules and Procedures.

1. Any rule or procedure, except as noted below, may be temporarily suspended for a special purpose by a two-thirds vote in open session of the Members present.

2. The following rules or procedures established by this document may not be suspended:

   a) This section, and Rule X.K;

   b) Reconsideration section, VI.G;

   c) Executive Session subsection, II.C.7;

   d) Those required by Charter;

   e) Those required by the Seattle Municipal Code;

   f) Those required by state law;

   g) The City Clerk is directed to provide a guide for compliance with Rule X.C, which ~~shall be~~is attached as ~~an~~ Appendix B to these Rules.

3. When the suspension of a rule or procedure is requested, and no objection is offered, the President or Chair shall announce the rule or procedure suspended, and the Council or committee may proceed accordingly.

D. Action Requirement.

1. In March of each year, the Council shall consider for retiring any Clerk File, Resolution or Bill which has been in a standing committee or before the Council for at least one year prior to that date.

E. Breach of Decorum.

1. The City Council shall have authority to punish its Members and others for disorderly or otherwise contemptuous behavior in its presence, and to expel for such behavior in its presence any Member by the affirmative vote of not less than two-thirds of its Members, specifying in the order of

expulsion the cause thereof. (City Charter Article IV, Section 4)

F. Councilmember Objection to an Action of the Council.

1. Any Councilmember may protest against the action of the Council upon any question and have the oral objection entered upon the Journal.

2. If the protesting Councilmember wishes the Journal to contain a written objection, he/she shall file that objection with the City Clerk within forty-eight hours following the action being objected.

G. Electronic Recording.

1. Public meetings of the City Council will be electronically recorded whenever feasible. Executive sessions and those meetings exempted from the provisions of RCW 42.30 will not be recorded.

2. The President or committee Chair is responsible for notifying speakers that their oral public comment is being recorded. (See also Rule IX. ~~A~~ Duties of ~~the Chairs of~~ Committees Chairs.)

3. The City Clerk shall maintain custody of these recordings.

H. Public Access.

1. Members of the Public:

   a) No individual other than the Legislative Department staff may approach the Councilmembers or the Clerks while the Council or committee is in session, unless permitted to do so by the President or Chair.

   b) During committee meetings and Council Briefings, no persons other than Legislative Department staff shall join Councilmembers at the committee table, unless specifically invited by the committee Chair to provide information necessary to committee business.

   c) Physical access to Councilmember office areas is limited and provided only in accordance with established policies and procedures of the Legislative Department.

   d) Persons desiring to electronically tape (audio, video, etc.) or photograph a Councilmember within the Councilmember office area(s) may only do so with the permission of the respective Councilmember(s) or their respective staff members, when so

delegated.

2. Members of the Media:

   a) Access by media shall be in accordance with Legislative Department policy.

3. Extraordinary Circumstances:

   a) In the event of extraordinary circumstances, the Council President or his/her designee, may suspend or modify provisions in this section~~,~~ (XI.H~~G~~) , to protect the safe and responsible functioning of the Council.

I. Equal Access and Participation - Requests for Reasonable Accommodation.

1. Upon request, reasonable accommodations will be made to enable persons with disabilities to attend all public City Council meetings.

2. Because sufficient lead time is often crucial to the Council's ability to respond to a request for reasonable accommodation, anyone desiring an accommodation for a given meeting should make his/her request at the earliest possible opportunity.

3. Any individual wishing to request auxiliary aids or services or other reasonable accommodations should direct his/her request to the Office of the City Clerk.

4. Legislative Department staff will evaluate all requests and make accommodations that are reasonable under all the circumstances.

J. Use of Council Chambers.

1. Council business shall take precedence over other uses of the Council Chambers.

2. The Council President or his/her designee shall review and decide whether to approve proposed uses of the Council Chambers for other City business or by other public entities.

K. Biennial Review of General Rules and Procedures.

1. The Council President and the City Clerk shall conduct biennial reviews of ~~Council~~the General Rules and Procedures of the Seattle City Council.

L. Amendment of General Rules and Procedures.

1. Amendments to these General Rules and Procedures shall be by majority vote of the Members, and, if applicable, pursuant to SMC 3.02.030.

Appendix A: Legislative Department Policy Regarding Public Comment ~~A~~at Full Council and Standing and Special Committee Meetings

Appendix B: List of Rules and Procedures ~~T~~that ~~M~~may ~~N~~not be Suspended

Appendix C: Washington State Attorney General Opinion 2010 No. 9

December 12, 2011

APPENDIX A

Effective Date: September 8, 2004
Re-issued: March 31, 2006

LEGISLATIVE DEPARTMENT POLICY

Cancels: New
See Also: General Rules and Procedures of the City Council

Approved by: _____
Council President Nick Licata

POL-D-612 PUBLIC COMMENT AT FULL COUNCIL AND STANDING COMMITTEE MEETINGS

The City Council welcomes comment from citizens on legislation on agendas at regular meetings of the Full Council and its standing committees.

In order to provide for such comment and for timely consideration of its regular business, the Council adopts the following policy:

1. A public comment period of not more than 20 minutes shall be provided at the beginning of each regular Full Council meeting and standing committee meeting.

2. Persons wishing to speak may address the Council or the committee on any item of legislation on that meeting's agenda.

3. Persons wishing to speak may sign up beginning 15 minutes prior to the scheduled start of the meeting.

4. Sign up sheets will be provided by Legislative Department staff and will be placed inside the Council Chambers within the public area.

5. Persons signing up to speak shall identify the item(s) of legislation to which he/she will speak.

6. Each speaker is limited to two (2) minutes total speaking time (regardless of the number of items of legislation he/she wishes to address).

7. Speakers will generally be invited to speak in the order in which they signed up on the sign-in sheet.

8. If no speakers sign up to address the Council or the committee, or if the public comments conclude before the 20 minute time period has elapsed, the comment period will be closed, and the Council or committee shall resume its business, with no further opportunity for public comment at that meeting.

9. Council and committee proceedings are electronically recorded. Therefore, speakers wishing to address the Council or committee during the established public comment period shall speak only from the microphones provided for public speakers

10. This policy does not apply to quasi-judicial matters before the Council, as defined by Council Rules and Procedures for Quasi-Judicial Matters.

Appendix B

THE FOLLOWING RULES AND PROCEDURES GENERALLY CANNOT BE SUSPENDED

(These Rules and Procedures are based on Charter, RCW, or SMC provisions, and should not be suspended without consulting applicable provision(s))

CITY CHARTER PROVISIONS	RULE NO.	PAGE NO.	CHARTER REFERENCE
Councilmembers establish the rules for their proceedings	I. A. 1	Pg. 1	Article IV, Section 4
Individual Councilmembers shall not have or execute executive or administrative power.	I. A. 3	Pg. 1	Article IV, Section 4, Fifth
Council chooses President from among members	I. B. 1	Pg. 1	Article IV, Section 4, First
President performs usual functions of presiding officer	I. B. 1	Pg. 1	Article IV, Section 4, First
Removal of President	I. B. 2	Pg. 1~~2~~	Article IV, Section 4, First
Council Bills are signed in open session (by President)	I. B. 3. b	Pg. 2	Article IV, Section 11
The President acting as Mayor	I. B. 3. i	Pg. 3	Article V, Section 9
The President heads the Legislative Department	I. B. 3. I~~L~~	Pg. 3	Article III, Section 3
President Pro-Tem acts as President	I. C. 3. a	Pg. 3	Article V, Section 9
Regular Full Council meeting dates and times	II. A. 1	Pg. 3 and 4	Article IV, Section 6
Quorum for Full Council (majority of all members)	II. A. 1. d~~h~~	Pg. 4	Article IV, Section 3
Provisions for Full Council Special Meetings	II. B. ~~1 a and b~~	Pg. 7~~5~~	Article IV, Section 6, *also RCW 42.30.080*
Meeting location for Full Council Regular meetings	III. A. 2	Pg. 11~~9~~	Article IV, Section 6
Council Bills cannot be introduced and passed at same meeting	IV. A. 3~~2~~	Pg. 14~~11~~	Article IV, Section 8
Council Bills require at least a majority of all members votes to pass	IV. A. 4~~3~~	Pg. 14~~11~~	Article IV, Section 8
President announces he/she is signing Council Bills when they are passed	IV. B. 2	Pg. 15~~12~~	Article IV, Section 11
Council Bills to be read upon passage, if requested by a member	IV. B. 2	Pg. 15~~12~~	Article IV, Section 11
Council Bills vetoed by the Mayor are voted on again by Council	IV. C. 1	Pg. 15~~12~~	Article IV, Section 12
Reconsideration of vetoed bills must occur w/in 5 days of veto	IV. C. 2	Pg. 15~~12~~	Article IV, Section 12
2/3 vote is required to pass a reconsidered bill that was vetoed	IV. C. 3	Pg. 15~~12~~	Article IV, Section 12
Vetoed Bills cannot be reconsidered again if lost on reconsideration vote	IV. C. 4	Pg. 15~~12~~	Article IV, Section 12
A roll call vote may be demanded by any two Councilmembers or President	V1. B. 2	Pg. 19~~16~~	Article IV, Section 4, Third

THE FOLLOWING RULES AND PROCEDURES GENERALLY CANNOT BE SUSPENDED

(These Rules and Procedures are based on Charter, RCW, or SMC provisions, and should not be suspended without consulting applicable provision(s))

CITY CHARTER PROVISIONS (Continued)	RULE NO.	PAGE NO.	CHARTER REFERENCE
When passage of a Bill fails in Full Council by vote, it cannot be reconsidered before the next regular Full Council meeting	VI. G. 1. b	Pg. 20~~17~~	Article IV, Section 10
~~Quorum for Committee of the Whole is majority of all members~~	~~V11. B. 5~~	~~Pg. 18~~	~~Article IV, Section 3~~
Standing Committees are to facilitate legislative functions of the Council	VIII~~111~~	Pg. 21~~18~~	Article IV, Section 4
Councilmembers must attend all regular Full Council meetings unless excused	X~~1~~. A. 1	Pg. 25~~22~~	Article IV, Section 3
Attendance at Full Council meeting can be compelled	X~~1~~. A. 2	Pg. 25~~22~~	Article IV, Section 3
Councilmembers have authority to punish members	X~~1~~. ~~D~~E. 1	Pg. 27~~23~~	Article IV, Section 4

RCW PROVISIONS	RULE NO.	PAGE NO.	RCW REFERENCE
Who can call a special meeting and how it shall be noticed	II. B. 1. a	Pg. 7~~5~~	RCW 42.30.080, *also Charter Article IV, Section 6*
When an Executive Session can be held	II. C. 1	Pg. 8~~6~~	RCW 42.30.140
How an Executive Session is conducted	II. C. 1	Pg. 8~~6~~	RCW 42.30.110
Calling Special Emergency Meetings; mtg notice requirements	II. F	Pg. 11~~9~~	RCW 42.30.070; 42.30.80; and 42.14.075
Notices of Special Meetings of the Full Council ~~Special Meetings~~	II. B. 1. b	Pg. 7~~5~~	RCW 42.30.80
Disrupted meetings can be adjourned and reconvened elsewhere	III. C. 2	Pg. 13~~11~~	RCW 42.30.050

SMC PROVISIONS	RULE NO.	PAGE NO.	SMC REFERENCE
Appearance of Fairness disqualifications	I. A. 4. d	Pg. 1	SMC 4.16
Councilmembers must disqualify themselves from acting on certain City business	V1. A. 1	Pg. 19~~15~~	SMC 4.16
Amendment of Rules and Procedures	X~~1~~. K	Pg. 30~~26~~	SMC 3.02.030

OPINIONS Rob McKenna | 2005-2010 | Attorney General of Washington

OPEN PUBLIC MEETINGS ACT—Meetings Of Committee Attended By Other Members Of Governing Body

The Open Public Meetings Act requires that notice be properly given of a meeting of the governing body. This requirement is not satisfied by notice given for a meeting of a standing committee of a city council as a governing body, where a quorum of members of the city council attend the meeting and take action as defined in the act, such that a meeting of the city council as a governing body takes place.

****

November 30, 2010

The Honorable Barbara Bailey
State Representative, District 10
PO Box 40600
Olympia, WA 98504-0600

Cite As:
AGO 2010 No. 9

Dear Representative Bailey:

By letter previously acknowledged, you requested our opinion on four questions, which we have consolidated into two as follows:

1. **If a meeting of a standing committee of a city council is regularly scheduled, noticed, and open to the public, and a majority of the city council members attend, but do not participate in, the standing committee meeting, is there both a standing committee meeting and a council meeting; and must notice for a special meeting be provided separately for the council meeting, in addition to the notice for the standing committee meeting, in order for the meeting to comply with the Open Public Meetings Act?**

2. **If a meeting of a standing committee of a city council is regularly scheduled, noticed, and open to the public, and a majority of the city council members attend and participate in the meeting, is there both a standing committee meeting and a council meeting; and must notice for a special meeting be provided separately for the council meeting, in addition to the notice for the standing committee meeting, in order for the meeting to comply with the Open Public Meetings Act?**

[original page 2]

BRIEF ANSWER

The answers to your questions depend on whether a meeting of the city

council takes place when notice has been given only of a standing committee meeting. A meeting of the city council may occur if a quorum of the city council members take action at the standing committee meeting, as action is defined in RCW 42.30.020(3). If so, a separate meeting of the city council has occurred (in addition to the standing committee's meeting). In that case, the additional meeting must comply with the Open Public Meetings Act's notice requirements. Where the city council takes action at a standing committee's meeting, it is not sufficient to rely on the notice that was provided for the standing committee meeting.

BACKGROUND

Before turning to your precise questions, we explain the general legal framework of the Open Public Meetings Act (Act), RCW 42.30, which governs our answers to your questions. The Act requires that all meetings of the governing body of a public agency shall be open and public. RCW 42.30.030. "Public agency" includes any "subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act . . . ." RCW 42.30.020(1)(c). "Governing body" may include the "policy or rule-making body of a public agency [such as the city council], or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment." RCW 42.30.020(2). The Act is only concerned with a meeting where action is taken. RCW 42.30.020(4). "'Action' means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions." [1] RCW 42.30.020(3).

There are two types of meetings contemplated under the Act: regular and special meetings. Regular meetings are scheduled by ordinance, resolution, bylaws, or rule. RCW 42.30.070. The Act does not require that public agencies provide an agenda as part of the notice requirements for a regular meeting. *Hartman v. State Game Comm'n*, 85 Wn.2d 176, 181, 532 P.2d 614 (1975); *Dorsten v. Port of Skagit Cnty.*, 32 Wn. App. 785, 789–90, 650 P.2d 220, review denied, 98 Wn.2d 1008 (1982). [2] Special meetings are meetings other than regular meetings. *See Mead Sch. Dist. 354 v. Mead Educ. Ass'n*, 85 Wn.2d 140, 142, 530 P.2d 302 (1975). They may be called with at least twenty-four hours' notice to each member of the governing body and to each local newspaper and radio or television station which has previously requested in writing to be notified of special meetings. RCW 42.30.080. The notice for special

[original page 3]

meetings must specify the time and place of the special meeting and the business to be transacted. RCW 42.30.080.

In your request, you provide factual background that frames the scope of our opinion. For purposes of analyzing your questions, we assume these facts. First, you indicate that city councils have created a number of standing committees by ordinance. You explain that the ordinance requires regularly-scheduled and noticed committee meetings. You further state, in your letter, that "[t]he requirements for standing committee meetings are intended to be the same as or substantially similar to the requirements for full council meetings in order to ensure compliance with the [Act]."

Additionally, as you describe in your letter, the applicable ordinance

provides that standing committees are composed of less than a quorum of city council members, however, city council members may attend the standing committee meetings if desired. No votes or final actions may be taken at standing committee meetings.

ANALYSIS

1. If a meeting of a standing committee of a city council is regularly scheduled, noticed, and open to the public, and a majority of the city council members attend, but do not participate in, the standing committee meeting, is there both a standing committee meeting and a council meeting; and must notice for a special meeting be provided separately for the council meeting, in addition to the notice for the standing committee meeting, in order for the meeting to comply with the Open Public Meetings Act?

The Act's requirements are triggered at any point that the governing body of a public agency has a meeting as defined by the Act. RCW 42.30.030. Since, according to your request, standing committee meetings are already regularly noticed and scheduled, [3] a concern arises under the Act only if an additional meeting results from the attendance or participation of other city council members at the standing committee meetings.

A city council is a distinct entity from a standing committee. RCW 42.30.020(3) (defining a "governing body" both as a council and a committee acting on behalf of the

[original page 4]

council). Although a standing committee may be created by and made up of members of the city council, it is a "governing body" when it "acts on behalf of the governing body, conducts hearings, or takes testimony or public comment." RCW 42.30.020(2); *see also* AGO 1971 No. 33, at 8-9. Meetings of the city council must comply with the Act, and may not rely upon the notice provided of a standing committee meeting.

Your question, therefore, depends on whether a meeting of the city council occurs, despite the fact that notice was given for only a committee meeting. This would occur only if a quorum of the full council takes an "action," as that term is defined in statute. RCW 42.30.020(4). The statutory definition of "action" is quite broad. *Miller v. City of Tacoma*, 138 Wn.2d 318, 327, 979 P.2d 429 (1999); AGO 1971 No. 33, at 19. The Act defines "action" as "the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions." RCW 42.30.020(3). As noted by the court in *Eugster v. City of Spokane*, 110 Wn. App. 212, 39 P.3d 380 (2002), the definition includes a list that is not exhaustive of conduct that might constitute action. If an additional meeting occurs because the city council—a governing body distinct from the standing committee—attends and takes action, that new meeting requires separate compliance with the requirements of the Act. To put the matter differently, the Act is not satisfied by giving notice of a meeting of a standing committee, if the meeting turns out to constitute a meeting of the city council itself. Such notice would not satisfy the purpose of the Act—to assure advance notice to the public of meetings of a governing body, so that the actions of a governing body are "taken openly and . . .

deliberations [are] conducted openly." RCW 42.30.010 (declaration of legislative intent). Therefore, in answering your questions, we consider whether either of the described scenarios constitutes a "meeting" of the city council implicating the Act.

Although your request frames the question based on whether or not the council members "participate" in the standing committee's meeting, the relevant inquiry is whether the council members take action while attending the meeting. RCW 42.30.020(4) (defining a meeting as a meeting at which action is taken). We concluded in 2006 that a quorum of city or county council members could attend a public meeting called by a third party without violating the Act, as long as the council members did not take action. AGO 2006 No. 6. [4] We emphasized that whether members take action depends on whether the particular circumstances fall within the "transaction of the official business" of the governing body." AGO 2006 No. 6, at 2. For example, council members are taking action where they deliberate or discuss a decision they might eventually make. AGO 2006 No. 6, at 2 (citing *In re Recall of Beasley*, 128 Wn.2d 419, 908 P.2d 878 (1996)).

Additionally, for example, action occurs where a governing body receives public testimony. AGO 2006 No. 6, at 2. As we cautioned in the 2006 opinion, council members

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would need to consider whether they are receiving public testimony or taking other action while attending the meeting. Ultimately, whether a quorum of the city council is taking action is a fact-specific analysis that cannot be answered in the abstract, and accordingly, cannot be answered in the context of this opinion.

However, it bears mentioning that it is more likely in the scenarios you present, than in the situation discussed in the 2006 opinion, that the council members would be taking action while attending the standing committee meeting. In the questions that you present, the standing committee is a subpart of the city council—it is created by the city council and the business it is transacting is almost certainly within the scope of the city council's official business. That makes the present scenario quite different from attendance at a completely unrelated third party's meeting discussed in the 2006 opinion. It is more likely that city council members attending a meeting of the council's own standing committee could be receiving public testimony, considering proposals, or performing other types of action.

This is not to suggest that council members cannot attend committee meetings. We do not conclude that council members who are not members of the committee are disqualified from attending what is otherwise an open public meeting; we merely conclude that if such a meeting is one at which the council takes "action," then compliance with the Open Public Meetings Act is required. Moreover, even where the council members' attendance constitutes a meeting of the council under the Act, they are not prohibited from attending the standing committee meetings by the Act. Rather, as long as the council follows the requirements for a special meeting under RCW 42.30.080, the members may attend and take action at the standing committee meeting. AGO 2006 No. 6, at 3.

2. If a meeting of a standing committee of a city council is regularly scheduled, noticed, and open to the public, and a

majority of the city council members attend and participate in the meeting, is there both a standing committee meeting and a council meeting; and must notice for a special meeting be provided separately for the council meeting, in addition to the notice for the standing committee meeting, in order for the meeting to comply with the Open Public Meetings Act?

As mentioned above, the relevant question for purposes of analyzing whether the city council members' attendance triggers additional notice requirements under the Act depends on whether the city council takes action (as it is defined by RCW 42.30.020(3)) at the standing committee meeting. Assuming it does, a meeting of the city council has occurred in addition to a meeting of the standing committee. In such a situation, the Act requires notice of the city council's meeting in addition to notice of the standing committee's meeting.

When a quorum of the city council takes action at a standing committee meeting, a city council meeting has occurred, and the city council must provide notice of its meeting consistent with the Act. The standing committee meeting is a separate governing body from the

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city council. It is not sufficient to rely on the notice that was provided for the standing committee meeting.

We trust that the foregoing will be useful to you.

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Attachment 1

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[1] "'Final action' means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance." RCW 42.30.020(3).
[2] However, other statutes may impose additional notice requirements. For example, RCW 35.23.221 requires second class cities to notify the public of the preliminary agenda for the forthcoming council meeting. *See also* RCW 35A.12.160.
[3] Because the ordinances you reference treat standing committee meetings as regular meetings under the Act, we need not explore under what circumstances such meetings would be subject to the Act. For general reference, however, such meetings would be subject to the Act if the standing committee constitutes a public agency under RCW 42.30.020(1)(c) ("public agency" defined to include any "subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act"). *See also* AGO 1971 No. 33, at 8–9 (concluding

subcommittees created by statute or ordinance are agencies under the Act). Even if the standing committee does not constitute a public agency, it would be subject to the Act when it acts as a governing body by either acting on behalf of the city council or by conducting hearings, or taking testimony or public comment. RCW 42.30.020(2).

[4] Because we cite our 2006 opinion several times during the course of this analysis, a copy is attached for ease of reference.