

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Resolution to amend the Council's Rules of Procedure regarding Public Comment, Executive Session Confidentiality, and Council Representation
DEPARTMENT: City Manager's Office
PRESENTED BY: Steven C. Burkett, City Manager

On April 14, 2003, Council passed a motion to change the rules of procedure as outlined in Resolution No. 183 and No. 196. Council directed staff to make available to participants at both regular meetings and workshops a comment questionnaire.

The motion modified the format for both regular meetings and workshops as follows:

Regular Meetings

Beginning of the meeting:

- Speaker is able to speak on any subject, which is not of a quasi-judicial nature, for a maximum of three minutes.
- This is limited to a maximum period of 30 minutes.

Workshop Meetings

Beginning of the meeting:

- Speaker is able to speak on any subject, which is not of a quasi-judicial nature, for a maximum of three minutes.
- This is limited to a maximum period of 30 minutes.

At the end of the meeting:

- Speaker is able to speak on any subject, which is not of a quasi-judicial nature, for a maximum of three minutes.

On April 19, at the Council Retreat, the Council added new language to the Council rules as follows:

Confidentiality of Executive Session

If a Councilmember unintentionally discloses Executive Session discussion with another party, that Councilmember shall make full disclosure to the City Manager and/or the City Council in a timely manner.

Council Representation:

Councilmembers who meet with, speak to, or otherwise appear before a community group or another governmental agency or representative must clearly state if his or her statement reflects their personal opinion or if it is the official stance of the City, or if this is the majority or minority opinion of the Council.

When the Councilmember represents the City or attends meetings in an official capacity as Councilmember, they must support and advocate the official City position on an issue, not a personal viewpoint.

Once the City Council has taken a position on an issue, all official City correspondence regarding that issue will reflect the Council's adopted position.

City letterhead shall not be used for correspondence of Councilmembers representing a dissenting point of view from an official Council position.

As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, shall be presented to the full Council in the Council agenda packet prior to publication so that Councilmembers may be made aware of the impending publication.

If the Council, in Executive Session, has given direction or consensus to City staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated City staff representative handling the issue.

All of these proposed revisions have been consolidated in the attached draft Resolution No. 205. Council Rule 9.2 (new 10.2) requires that proposed rule changes be distributed to Council at least one week prior to adoption.

ATTACHMENTS

Attachment A: Proposed Resolution No. 205

Approved By: City Manager  City Attorney 

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RESOLUTION NO. 205

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, AMENDING CERTAIN SECTIONS OF THE RULES OF PROCEDURE FOR THE CITY COUNCIL RELATING TO PUBLIC TESTIMONY AND EXECUTIVE SESSION CONFIDENTIALITY AND ADDING A SECTION ON COUNCIL REPRESENTATION

WHEREAS, Chapter 35A.12.120 RCW gives the City Council of each code city the power to set rules for conducting its business within the provisions of Title 35A RCW; and

WHEREAS, the City Council has reviewed its rules of procedure and wishes to amend provisions relating to public comment to continue timely opportunities for comment at Council meetings while reserving adequate time for council business; now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:

Section 1. Amendments to Rules of Procedure. The City Council hereby amends Sections 4.4, 5.4, 5.6, 5.19 and Section 6.1, 6.2, 6.3 and 6.9 of the Rules of Procedure for the City Council to read as follows:

Section 4. Consent Calendar

~~4.4—If, after the motion is made to approve the agenda, the Council is considering moving an item to the Consent Calendar, the Mayor will first call for public comment on that item to enable members of the audience to provide input if they wish to do so.~~

Section 5. Council Meetings.

5.4 Order of Business for Regular Meetings. The order of business for each Regular Meeting shall be as follows:

Regular Session (7:30 p.m.)

1. Call to Order
2. Flag Salute, Roll Call
3. Report of the City Manager
4. Reports of Boards and Commissions
5. Public Comment
6. Approval of the Agenda
7. Consent Calendar
8. Action Item: Public Hearings (these shall be noticed for and start promptly at 8:00 p.m.)
9. Other Action Items: Ordinances, Resolutions and Motions
10. Unfinished Business
- ~~11. Continued Public Comment~~

- ~~12~~11. New Business
- ~~13~~12. Executive Session
- ~~14~~13. Adjournment

5.6 Order of Business for Workshops. The order of business for each Workshop shall be as follows:

Workshop (6:30 p.m.)

- 1. Call to Order
- 2. Flag Salute/Roll Call
- 3. City Manager's Report and Future Agendas
- 4. Council Reports
- 5. Public Comment
- ~~5~~6. Workshop Items
- ~~6~~7. Continued Public Comment
- ~~7~~8. Executive Session
- ~~8~~9. Adjournment

5.19 Councilmembers should keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered to be exempt from disclosure under the Revised Code of Washington. If a Councilmember unintentionally discloses Executive Session discussion with another party, that Councilmember shall make full disclosure to the City Manager and/or the City Council in a timely manner.

Section 6. Public Testimony.

6.1 Workshops. Speakers will be allowed to speak at the beginning and end of the meeting (Agenda Section Nos. 5 and 7) for three minutes. The total public comment period at the beginning of the meeting (Agenda Section No. 5) will be no more than thirty minutes. ~~Speakers are also invited to speak after the staff report on each workshop item for two minutes.~~

6.2 City Council Regular Meetings. The Council will take public testimony at the Regular Meeting only during the Public Comment and Public Hearing Agenda Sections (Nos. 5 and 811) and the Action Item Sections (Nos. 8 and 9). Individuals speaking under the initial Public Comment Section (No. 5) shall speak for no more than two three minutes, or no more than three minutes when presenting the official position of a recognized organization. ~~Section 5 and the total public comment period will be limited to a maximum period of twenty thirty minutes. A maximum of three speakers will be permitted to speak to each side of any one topic. The later Public Comment Section will provide for five minutes of testimony, with no other limitations. All action items on the agenda will begin with a staff report followed by a public comment period of two minutes per person.~~

6.3 Public testimony may be given on any topic shall not be given on except quasi-judicial matters, but no more than three speakers will be permitted to speak to each side of any one topic.

6.4 No person shall be allowed to address the Council while it is in session without the recognition of the Presiding Officer.

6.5 Persons testifying shall identify themselves for the record as to name, city of residence and any organization represented.

6.6 An instruction notice for speakers will be available at the meeting. Speakers will be advised by the Presiding Officer that their testimony is being recorded.

6.7 The following rules shall be observed during any Public Hearing:

A. Individuals will be allowed three minutes to speak or five-minutes when presenting the official position of a recognized organization, and each organization shall have only one five (5) minute presentation. If a speaker purports to speak for an organization, club or others so as to lead Council to believe that a number of persons support a position, then such person shall state how that position was developed by the group.

B. The Presiding Officer may allow additional time for receipt of written testimony when needed.

C. The Clerk shall be the timekeeper.

6.8 Time cannot be donated by one speaker to another.

6.9 Printed forms shall be made available at all Council Meetings to allow for written testimony to Council.

Section 2. Additions to Rules of Procedure. The City Council hereby adds a new Section 9 to the Rules of Procedure for the City Council to read as follows:

Section 9. Council Representation

9.1 Councilmembers who meet with, speak to, or otherwise appear before a community group or another governmental agency or representative must clearly state if his or her statement reflects their personal opinion or if it is the official stance of the City, or if this is the majority or minority opinion of the Council.

9.2 When the Councilmember represents the City or attends meetings in an official capacity as Councilmember, they must support and advocate the official City position on an issue, not a personal viewpoint.

9.3 Once the City Council has taken a position on an issue, all official City correspondence regarding the issue will reflect the Council's adopted position.

9.4 City letterhead shall not be used for correspondence of Councilmembers representing a dissenting point of view from an official Council position.

9.5 As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, shall be presented to the full Council in the Council agenda packet prior to publication so that Councilmembers may be made aware of the impending publication.

9.6 If the Council, in Executive Session, has given direction or consensus to City staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated City staff representative handling the issue.

Section 910. Suspension and Amendment of Rules

910.1 Any provision of these rules not governed by state law or City ordinances may be temporarily suspended by a majority vote of the Council.

910.2 It is the intent of the City Council that the rules of procedure be periodically reviewed as needed. These rules may be amended, or new rules adopted, by a majority vote of the Council, provided that the proposed amendments or new rules shall have been distributed to Council at least one week prior to such action.

ADOPTED BY THE CITY COUNCIL ON APRIL 28, 2003.

Mayor Scott Jepsen

ATTEST:

Sharon Mattioli, CMC,
City Clerk