Council Meeting Date: January 26, 2004 **Agenda Item: 8(a)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Resolution No. 212 amending City Council's Rules of Procedure to clarify actions at Workshop and Special Meetings
DEPARTMENT:	CMO/City Clerk
PRESENTED BY:	Ian Sievers, City Attorney Sharon Mattioli, City Clerk

PROBLEM/ISSUE STATEMENT: State law allows the City Council to take action at regularly scheduled workshops, but the Council's Rules of Procedure defining the scope of Workshops limits final actions. However, there are occasions such as bid awards or toward the end of the year when it is necessary to take action at a Workshop. As a result, special meeting notices are often used to bring workshops under the Special Meeting provisions of the Rules, which allow final action on items specified in the special notice. These notices would not be necessary with a more flexible description of the workshop format.

Under Council's Rules of Procedure, the first and third Monday of each month are designated "workshops." The rules state that workshops are "informal meetings for the purpose of reviewing upcoming agenda items, current and future programs, or projects or other information the City Manager or Council feels is appropriate." (Rule 5.5)

All of these activities are actions as defined by the Open Meetings Act [RCW 42.30.020(3)] but are not final actions. Final action refers to "a collective positive or negative decision, or an actual vote by a majority of the members . . ., upon a motion, proposal, resolution, order, or ordinance." The term 'final action' is primarily used in the context of separating action permitted in executive sessions, such as deliberation, from the final action or decision that is required to be taken in an open session on certain issues. It is also used in the context of special meetings. At a special meeting, state law requires that final actions can only be taken on those items listed in the special meeting notice.

The City has been issuing special meeting notices to allow final action to comply with the Council's own rules that distinguish the workshop items from those acted upon at a regular meeting. However, under State law, both "regular" and "workshop" meetings are "regular meetings" under the Open Meetings Act since they are scheduled by resolution and rule of the Council. Therefore, under the statute, final action may be taken at a workshop on any item including ordinances, resolutions, rules, orders, directives, proposals, contracts and motions. Special meeting notices are unnecessary.

In addition, Council discussion at workshops often concludes with a directive or consensus which is a "final action" under the Open Meetings Act anyway, since it is a "collective positive or negative decision" [RCW 42.30.020(3)] Under the proposed rule change, the format of workshops will continue to emphasize informal discussion and planning for future actions, but will now include motions where appropriate and final action items added to the agenda under Council rules to allow timely actions and efficient use of all weekly meeting times.

The description of Workshops is proposed to be changed to provide this clarification:

> §5.5. The Council shall hold ***Workshops*** on the first and third Monday of each month at 6:30 p.m. in the Shoreline Conference Center, located at 18560 First Ave. N.E., Shoreline, Washington. . . . Workshops will be informal meetings for the purpose of 1) reviewing upcoming agenda items, current and future programs or projects or other information the City Manager or Council feels is appropriate, 2) providing necessary direction or decisions on discussion items , and 3) taking final action on items added to the Workshop Agenda under Rule 3.2[1]

Staff also recommends eliminating an overly restrictive approach to the topics considered at true special meetings (those not routinely scheduled in the Rules of Procedure). The Open Meeting Act does not prohibit taking less than final action with respect to matters not identified in the notice, such as taking public comments, considering Council and staff reports or discussing any item. To preserve this agenda flexibility for special meetings, the following revisions are proposed to Rule 5.7:

> 5.7 ***Special Meetings*** may be held by the Council subject to notice requirements prescribed by State law. Special Meetings may be called by the Mayor, Deputy Mayor, or any four members of the City Council by written notice delivered to each member of the Council at least twenty-four hours before the time specified for the proposed meeting. The notice of such Special Meetings shall state the subjects to be considered for final action by the Council, and ~~no subject other than those specified in the notice shall be considered.~~no final disposition shall be taken on any subject not specified in the notice.

RECOMMENDATION

Staff recommends that Council adopt Resolution No. 212 amending City Council's Rules of Procedure to clarify actions that may be taken by Council at Workshop and Special Meetings.

ATTACHMENTS

Attachment A Proposed Resolution No. 212

[1] §3.2 describes the methods by which items may be placed on the agenda: majority vote or consensus of the Council; by any two Councilmembers in writing or with phone confirmation; by the City Manager; or by the Mayor or Deputy Mayor (in absence of the Mayor).

Approved By: City Manager City Attorney

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RESOLUTION NO. 212

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, AMENDING RESOLUTION NO. 183 BY AMENDING SECTIONS 5.5 and 5.7 OF THE RULES OF PROCEDURE FOR THE CITY COUNCIL TO PERMIT FINAL ACTION AT WORKSHOP MEETINGS AND DISCUSSION ITEMS AT SPECIAL MEETINGS

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 allow final action items to be added to workshop format meetings and addition items to be considered on special meeting agendas; NOW, THEREFORE,

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

Section 1. Amendments to Rules of Procedure, Resolution No. 183. The City Council hereby amends Sections 5.5 and 5.7 of the Rules of Procedure for the City Council to read as follows:

Section 5. Council Meetings.

5.5 The Council shall hold ***Workshops*** on the first and third Monday of each month at 6:30 p.m. in the Shoreline Conference Center, located at 18560 First Ave. N.E., Shoreline, Washington. Workshops will be informal meetings for the purpose of 1) reviewing upcoming agenda items, current and future programs or projects or other information the City Manager or Council feels is appropriate, 2) providing necessary direction or decisions on discussion items , and 3) taking final action on items added to the Workshop Agenda under Rule 3.2 . There will be no Workshop between December 15th and the end of the year.

5.7 ***Special Meetings*** may be held by the Council subject to notice requirements prescribed by State law. Special Meetings may be called by the Mayor, Deputy Mayor, or any four members of the City Council by written notice delivered to each member of the Council at least twenty-four hours before the time specified for the proposed meeting. The notice of such Special Meetings shall state the subjects to be considered for final action by the Council, and ~~no subject other than those specified in the notice shall be considered.~~no final disposition shall be

taken on any subject not specified in the notice.

ADOPTED BY THE CITY COUNCIL ON JANUARY 26, 2004.

Mayor Ronald B. Hansen

ATTEST:

Sharon Mattioli, City Clerk