

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Resolution No. 491 - Repealing Resolution No. 459 – Temporarily Authorizing Meetings and Public Hearings to be Held Electronically Due to the COVID-19 Public Health Emergency
DEPARTMENT:	City Attorney’s Office City Clerk’s Office
PRESENTED BY:	Julie Ainsworth-Taylor, Assistant City Attorney Jessica Simulcik-Smith, City Clerk
ACTION:	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Due to the COVID-19 public health emergency and directives from Public Health Authorities and proclamations of Washington State’s Governor, the City Council adopted Resolution No. 459 directing that all City meetings and hearings be held remotely via the Zoom Platform. On March 24, 2022, the Governor signed Engrossed Substitute House Bill (ESSHB) 1329 into law, which amended the Open Public Meetings Act and requires, among other things, all public meetings to be held at a physical location. Following the signing of ESSHB 1329, on April 29, 2022, the Governor issued Proclamation No. 20-28.16 terminating and rescinding the requirement for public meetings to be held virtually. This termination and rescission will become effective on June 1, 2022. Given these changes, the City will be returning to in-person City Council, Planning Commission and Parks, Recreation and Cultural Services (PRCS)/Tree Board meetings.

Tonight, Council is scheduled to take action on proposed Resolution No. 491 (Attachment A). Proposed Resolution No. 491 would repeal Resolution No. 459 and would initiate the process of returning to in-person meetings. If Council adopts proposed Resolution No. 491, Council will return to in-person meetings on June 6, 2022. The Planning Commission will have its first in-person meeting on June 16th and the PRCS/Tree Board will return on June 23rd.

RESOURCE/FINANCIAL IMPACT:

State law mandates that the City hold meetings and hearings with a physical location as of June 1, 2022. To comply with changes in the Open Public Meetings Act to ensure the public has the ability to listen, watch, and participate in these meetings and hearings without being at the physical location, the City Council approved a budget allocation to address the costs of these changes.

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 491 repealing Resolution No. 459 which temporarily permitted remote meetings and public hearings by the City Council, Planning Commission, and PRCS/Tree Board.

Approved By: City Manager ***DT*** City Attorney ***JAT***

BACKGROUND

Due to the COVID-19 public health emergency and directives from Public Health Authorities and proclamations of Washington State's Governor, including Proclamation Nos. 20-25 (Stay Home Stay Healthy) and 20-28 (Open Public Meetings), the City Council adopted Resolution No. 459 directing that all City meetings and hearings be held remotely via the Zoom Platform. The staff report for this Resolution can be reviewed at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport060120-8b.pdf>.

Proclamation No. 20-25 requires Washington citizens to stay home except for essential functions and Proclamation No. 20-28 required that all public meetings be held virtually. The purpose of conducting remote or "virtual" meetings and hearings is to prohibit the gathering of people together in order to help prevent the spread of COVID-19. Therefore, since the adoption of Resolution No. 459, all City meetings and hearings have successfully been held virtually with councilmembers, commissioners, board members, and the public being able to fully participate.

On March 24, 2022, the Governor signed Engrossed Substitute House Bill (ESSHB) 1329 into law. This law amended the Open Public Meetings Act, chapter 42.30 RCW, and requires, among other things, all public meetings to be held at a physical location. Entirely remote public meetings are no longer allowed unless the City determines that it cannot hold a meeting with councilmembers or public attendance in-person with reasonable safety because of a declared emergency. This law encourages that the City continue the practice of allowing members of the public to listen, watch, and participate in public meetings remotely and requires public comment at all meetings for which final action will be taken. Sections of ESSHB 1329 that impact virtual meetings became effective upon the Governor's signing. The Legislative file can be reviewed at the following link:

<https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bill%20Reports/House/1329-S.E%20HBR%20FBR%2022.pdf?q=20220511142050>.

Following the signing of ESSHB 1329, on April 29, 2022, the Governor issued Proclamation No. 20-28.16, terminating and rescinding the requirement for public meetings to be held virtually. This termination and rescission will become effective at 12:01 AM, June 1, 2022.

DISCUSSION

Knowing that in-person meetings would return at some point in time, both the City Council, with the adoption of Resolution No. 485 on November 1, 2021, and the Planning Commission, by motion on April 7, 2022, have amended their Rules of Procedure to address remote meetings and ensure remote public comment at those meetings. The Parks, Recreation and Cultural Services (PRCS)/Tree Board is anticipated to amend their Rules of Procedure at its next regular meeting.

To facilitate this change in how the City will be conducting public meetings and hearings in the future, new technology was installed in the Council Chamber that integrates cameras and microphones into a videoconferencing platform that remote participants will use to join the meeting. All staff presentations will be shared in both the Council Chamber and the videoconferencing platform, and each Councilmember will have a monitor at the dais that displays the remote meeting participants and shared content. The new technology will continue to allow for public comments provided remotely by telephone or videoconferencing software as well as in-person from the speaker's podium.

When in-person, both the City Council and Planning Commission will use the Council Chamber for their Regular Meetings and Conference Room 104 (located off the Council Chamber) for Executive Sessions. City Hall Conference Room 303 (located on the third floor of City Hall) is used by Council for its workshop dinner meetings and by the PRCS/Tree Board for its regular meetings. The new technology is expected to be installed in Conference Room 303 in late May/early June and should be available for hybrid meetings by mid-June. Due to supply chain issues affecting the equipment needed for this project, there is a chance this date could be pushed back, and staff will continue to update Council on its status.

Tonight, Council is scheduled to take action on proposed Resolution No. 491 (Attachment A). Proposed Resolution No. 491 would repeal Resolution No. 459, which temporarily permitted remote meetings and public hearings by the City Council, Planning Commission, and PRCS/Tree Board. This would initiate the process of returning to in-person meetings. If Council adopts proposed Resolution No. 491, Council will return to in-person meetings on June 6, 2022. The Planning Commission will have its first in-person meeting on June 16th and the PRCS/Tree Board will return on June 23rd.

RESOURCE/FINANCIAL IMPACT

State law mandates that the City hold meetings and hearings with a physical location as of June 1, 2022. To comply with changes in the Open Public Meetings Act to ensure the public has the ability to listen, watch, and participate in these meetings and hearings without being at the physical location, the City Council approved a budget allocation to address the costs of these changes.

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 491 repealing Resolution No. 459 which temporarily permitted remote meetings and public hearings by the City Council, Planning Commission, and PRCS/Tree Board.

ATTACHMENTS

Attachment A: Proposed Resolution No. 491

RESOLUTION NO. 491

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, REPEALING RESOLUTION NO. 459 WHICH TEMPORARILY PROVIDED FOR MEETINGS AND PUBLIC HEARINGS TO BE HELD ELECTRONICALLY DUE TO COVID-19 PUBLIC HEALTH EMERGENCY.

WHEREAS, on June 1, 2020, consistent with Washington State Governor's Proclamation Nos. 20-25 and 20-28, the City Council passed Resolution No. 459; and

WHEREAS, Resolution No. 459 directed the City Council, Planning Commission, and Parks, Recreation and Cultural Services/Tree Board to hold all meetings or public hearings virtually, by electronic means, and to provide for attendance by members of the public, in real time, allowing the public to listen, watch, and provide public comment; and

WHEREAS, on March 24, 2022, the Governor signed Engrossed Substitute House Bill (ESSHB) 1329 into law which amended the Open Public Meetings Act, chapter 42.30 RCW, and requires all public meetings to be held at a physical location; entirely remote public meetings are no longer allowed unless the City determines that it cannot hold in-person meetings with reasonable safety because of a declared emergency; and

WHEREAS, on April 29, 2022, the Governor issued Proclamation No. 20-28.16, recognizing ESSHB 1329 and terminating and rescinding Proclamation 20-28 as of 12:01 AM on June 1, 2022; and

WHEREAS, on November 1, 2021, the City Council adopted Resolution No. 485, amending its Rules of Procedures to address remote attendance and public comment at its meetings; the Planning Commission amended its Rules of Procedures on April 7, 2022; and the Parks, Recreation and Cultural Services/Tree Board is anticipated to do the same at its next regular meeting; and

WHEREAS, in compliance with ESSHB 1329 and the rescission of Proclamation No. 20-28.16, the City Council desires to repeal Resolution No. 459;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES:

Section 1. Repeal of Resolution No. 459. The City Council hereby repeals in its entirety Resolution No. 459 adopted on June 1, 2020.

Section 2. Severability. If any one or more sections, subsections, or sentences of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect.

Section 3. Effective Date of Resolution. This Resolution shall take effect and be in full force immediately upon passage by the City Council. This Resolution shall remain in effect until further action of the City Council amends this Resolution or declares an end to the emergency.

ADOPTED BY THE CITY COUNCIL ON MAY 23, 2022

Mayor Keith Scully

ATTEST:

Jessica Simulcik Smith, City Clerk