

CITY COUNCIL STUDY SESSION

Discussion of updates to City Council rules and amendments to Bellevue City Code for advisory boards and commissions

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DIRECTION NEEDED FROM COUNCIL**DIRECTION**

Staff will present options to the Council for potential Council rule changes and Bellevue City Code (BCC) amendments for the boards and commissions concerning (1) remote participation by Council and board/commission members, and (2) public participation at open public meetings. Staff will also present options for amending the order of business in the Council's rules. Staff will seek direction on any changes to Council rules and the BCC to bring back for future action.

RECOMMENDATION

Direct staff to prepare amendments to the Council's rules of procedure and to the BCC concerning remote participation and public participation, and Council order of business, for action at a future meeting.

BACKGROUND & ANALYSIS

Resolution 10084 sets forth the Council's rules of procedure for the conduct of City Council meetings. At its March 17, 2023 retreat, the Council discussed potential amendments to its rules concerning remote participation by Councilmembers. Also, the Council's rules concerning how the public may participate in Council meetings have not been updated for some time, and Councilmembers have expressed interest in updating those provisions.

On May 16, 2022, the Council adopted Ordinance 6662, amending the remote participation requirements in Title 3 of the BCC for members of the Council's advisory boards and commissions. At that time the Council indicated its intent to revisit the provisions of that ordinance after a year to determine their effectiveness. Staff have received feedback from the boards and commissions concerning Ordinance 6662 and are proposing amendments to the Code based on that feedback. In addition, staff are proposing amendments to the Code for the public participation requirements at board and commission meetings, similar to the amendments proposed for the Council meetings, to ensure consistency on those issues.

A redlined version of Resolution 10084, with staff's recommended changes to the Council's rules, is attached to this memorandum as Attachment A. A redlined version of staff's recommended

amendments to Title 3 of the BCC concerning the advisory boards and commissions is included as Attachment B.

Remote Participation – Council

Staff are proposing amendments to Section 6.E of the Council's rules concerning remote participation by Councilmembers. (See Attachment A.) The proposed amendments:

- Require a Councilmember to notify the City Clerk by noon the day of the meeting if the member wishes to participate remotely;
- Require the presiding officer for the meeting to attend in person, and set out requirements for appointing a temporary presiding officer;
- Allow Councilmembers to participate remotely if out of town on approved city business, without that participation counting toward the four-meeting annual limit for remote participation; and
- Create an expectation that Councilmembers will keep their cameras on while participating remotely, as much as possible, and add a requirement to notify the City Clerk before leaving the meeting if a Councilmember is participating remotely with their camera off to ensure a quorum is maintained.

Remote Participation – Boards and Commissions

With respect to the Environmental Services, Arts, Human Services, Transportation, and Planning Commissions, as well as the Parks and Community Services Board, the Council adopted Ordinance 6662 in May of last year, amending the BCC concerning remote participation by members. That ordinance limited to three the number of board or commission members who could participate remotely at a meeting. Therefore, a process was needed to determine which members would be allowed to participate remotely in the event more than three members wanted to do so at a given meeting. In order to allow the board/commission members to make that decision, the Council adopted a provision in the Ordinance requiring the approval of remote participation by the board or commission in advance of the meeting. Since the boards and commissions may only make decisions in an open public meeting, and since most of the boards/commissions only meet monthly, the effect of that provision has been to require members to know a month in advance if they want to participate remotely at the next month's meeting. Staff have received feedback from the members and the staff liaisons that this provision is unworkable, as members often do not know until close to the meeting date that they may need to participate remotely.

To address that concern, staff are recommending amendments to the BCC that require the board/commission member to notify the presiding officer and the staff liaison of their intent to participate remotely no later than noon the day prior to the meeting. If more than three members wish to participate remotely, the staff liaison will determine which members may and may not participate remotely and will notify them of the decision. (See Attachment B for suggested code amendment language.)

Public Participation – Council

Staff are recommending amendments to the Council's rules to update the provisions concerning participation by the public. The proposed amendments clarify and amend the process and prioritization for oral communication, clarify limits on topics that may be discussed during public comment, and amend the rules of decorum for public comment and conduct at Council meetings.

Key proposed changes to the rules for oral communication include:

- Updates on how to sign in to speak;
- Prioritization of speakers who are speaking on an agenda item and who have not spoken within the last 30 days or are speaking to items anticipated to come on the agenda within the next 30 days; and
- Clarification of options when the number of speakers signed up will exceed the 30-minute oral communications period.

In addition, the proposed rules are amended to clarify that public comment must be limited to matters relating to City of Bellevue government, may not be used to assist a campaign for election or to promote or oppose a ballot proposition, and may not be used to communicate on a quasi-judicial matter being considered by Council.

The proposed rules of decorum are updated and expanded to further clarify the speech or conduct that may disrupt or impede the orderly conduct of a Council meeting. The proposed rule changes also specify conduct or speech that is generally not protected by the First Amendment that is prohibited during meetings, such as true threats of violence, assault and use of obscene language or gestures. Additional clarification has been added concerning the scope and process for ejecting an individual from one meeting and for excluding an individual from public comment or attendance at future meetings. The process includes the right of the Council to overrule the presiding officer and a right of the person excluded to appeal an exclusion from public comment or attendance at future meetings. (See Attachment A for proposed rule change language.) These procedures are similar to ones used by other jurisdictions, such as the City of Seattle and King County.

Public Participation – Boards and Commissions

Staff are also proposing to amend Title 3 of the City code to include in the requirements for board and commission meetings, rules of decorum similar to those being proposed for the Council's meetings.

The main differences from the rule changes being proposed for the Council are:

- In addition to the restrictions in the Council's rules concerning topics that may not be discussed, public comment at a board or commission meeting is limited to matters encompassed within the power and duties of the particular board or commission;
- Each board or commission may decide, in its bylaws, to limit oral communications only to topics on the agenda for the meeting;
- A decision by a presiding officer to exclude an individual from future meetings may be overruled

- not only by a vote of the board or commission, but also by a vote of the City Council; and
- An appeal of an exclusion from future meetings will be considered by the City Council.

Order of Business

Section 7 of Resolution 10084 specifies the order of business to be conducted at each regular meeting of the Council. Staff are recommending adding a standing agenda topic in the Council order of business for the receipt of written reports. Staff propose including Written Reports as item 13 on the agenda.

POLICY & FISCAL IMPACTS

Policy Impact

RCW 35A.12.120 states that “The council shall determine its own rules and order of business and may establish rules for the conduct of council meetings and the maintenance of order.” The City Council operates under special rules of procedure adopted by Council Resolution 10084.

RCW 35A.13.080 authorizes the Council to appoint boards and commissions advisory to the Council, and in Title 3 of the BCC, the Council has set forth requirements and procedures for those boards and commissions.

RCW 42.30, the Open Public Meetings Act, governs the way in which Council and advisory board and commission meetings are conducted.

Fiscal Impact

There is no fiscal impact associated with this action.

OPTIONS

1. Direct staff to prepare legislation for action at a future meeting to amend the Council rules and the City Code related to boards and commissions.
2. Do not direct staff to prepare legislation and provide alternative direction to staff.

ATTACHMENTS

- A. Proposed Amendments to Resolution 10084
- B. Proposed Amendments to BCC Title 3 concerning advisory boards and commission meetings

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N/A