

**CITY COUNCIL AGENDA TOPIC**

Discussion of potential changes to City Council rules, the Bellevue City Code, and board and commission bylaws related to exclusion from future meetings and consecutive terms on Council advisory board or commission.

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**EXECUTIVE SUMMARY****DIRECTION**

For Council discussion and consideration, staff will present potential changes to Council rules, the Bellevue City Code (BCC), and board and commission bylaws to increase the maximum exclusion period and to update the timing of processing appeals of exclusions, and to limit service to two consecutive terms on any Council advisory board or commission.

**RECOMMENDATION**

Consider directing staff to prepare a resolution to update Council rules, an ordinance to amend the BCC, and instructions to board and commissions to increase the maximum exclusion period and to update the timing of processing appeals of exclusions, and to limit service to two consecutive terms on any Council advisory board and commission, for action at a future meeting.

**BACKGROUND/ANALYSIS**

In the past several months, Council has expressed an interest in making changes to its rules and to the bylaws and codes of its advisory boards and commissions related to the consequences for violations of decorum and consecutive terms of service. As such, staff is bringing forward potential changes (1) to increase the maximum exclusion period for violations of decorum; and (2) to limit consecutive terms of service on any Council advisory board or commission, along with some contextual and comparative information, for Council discussion.

**Exclusion Period – Council and Board/Commissions**

Council has expressed an interest in updating its rules and those governing City boards and commissions to increase the maximum exclusion period for violations of decorum. The current rules of decorum for public attendance and participation were put in place in 2023 to provide for orderly conduct of Council and board/commission meetings. The rules of decorum for Council meetings are adopted in Resolution 10369; and in respective chapters in Title 3 BCC for boards and commissions. Each advisory board and commission have also adopted the same rules in their bylaws.

Currently, a person who violates the rules may be excluded from participating in and attending future meetings for up to 60 days. A person who is excluded from future meetings may appeal the exclusion

order to Council, and if timely filed, Council must consider the appeal at its next regularly scheduled meeting.

Since two years have passed since the rules of decorum were put in place and keeping in mind Council's interest, staff surveyed surrounding and similarly situated public agencies about their rules of decorum. This survey shows standard use of longer maximum duration of exclusion periods. As examples, Seattle, Everett, Vancouver and Port of Seattle provide for exclusion up to 180 days.

In addition, staff noted that in processing appeals to the exclusion orders, the requirement for Council to consider a timely appeal at its next regularly scheduled meeting did not provide adequate time for staff to perform certain administrative functions, such as including the appeal in the meeting agenda, making and distributing copies of the appeal to councilmembers, and having councilmembers be able to review the materials prior to the meeting.

As such, staff is presenting a potential change to the Council rules to increase from 60 days to 180 days of exclusion period. Although this longer maximum exclusion period is a more stringent consequence, this change still enables flexibility to impose shorter periods for lesser violations. Additionally, staff is proposing building in at least three (3) business days to the next regularly scheduled meeting prior to Council's consideration of any timely appeal. This enables staff to properly perform the necessary tasks for the appeal.

These changes can be implemented to align with the Open Public Meetings Act (OPMA), Chapter 42.30 RCW, which governs Council meetings and Council advisory board and commission meetings, as well as individuals' First Amendment rights. Recalling that the purpose of the OPMA is to ensure that government deliberations and actions are conducted openly, increasing the maximum exclusion period does not compromise Council's ability to do its work openly. Similarly, the First Amendment provides protection to and opportunity for free speech in public forums. A Council or board/commission meeting is considered a "limited public forum," which means the government can regulate the time, place, and manner of speech, and address violations of such rules.

The proposed changes to Council rules in Resolution 10369 are in a strike-draft attached to this memorandum as Attachment A. The same changes would be needed for conformance to BCC chapters for the Environmental Services Commission (BCC 3.55.030.F.6.b), Arts Commission (BCC 3.56.030.F.6.b), Human Services Commission (BCC 3.61.030.F.6.b), Parks and Community Services Board (BCC 3.62.030.F.6.b), Transportation Commission (BCC 3.63.030.F.6.b), Planning Commission (BCC 3.64.030.F.6.b), and Bellevue-Redmond Tourism Promotion Area Advisory Board (BCC 3.100.030.F.6.b). Additionally, Council would have to also instruct advisory board and commissions to adopt new bylaws to include the same changes.

### **Limitation of Service Across Board/Commissions**

During the Council retreat earlier this year, Council expressed an interest in creating more opportunities and broader community participation in Council advisory board and commissions. Council discussed amending the BCC related to service on City board and commissions. There are six advisory board and

commissions:

- Environmental Services Commission
- Arts Commission
- Human Services Commission
- Parks and Community Services Board
- Transportation Commission
- Planning Commission

Currently, if a person serves the maximum number of terms consecutively—two full four-year terms in succession—on a particular board or commission, the person is prohibited from serving again on that board or commission until two years have elapsed from the end of service date. Service to fill an unexpired or partial term of less than two years does not count towards this limitation.

The proposed amendment would apply this two-year break after two consecutive terms of service on any Council advisory board or commissions. This means that the limitation to two consecutive terms applies to service on the same board or commission for two successive terms; or service on one board or commission for one term followed directly by service on another board or commission for another term. A person who has served two consecutive terms has to wait two years before being eligible to serve again as a Council-appointed board or commission member. No change is proposed for serving partial terms.

The proposed amendments to the BCC are in a strike-draft included in this memorandum as Attachment B.

## **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 10369.

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 a resolution to update Council rules, an ordinance to amend the BCC, and instructions to boards and commissions to increase the maximum exclusion period and to update

the timing of processing appeals of exclusions, and to limit service to two consecutive terms on any Council advisory board and commission, for action at a future meeting.

2. Provide alternative direction.

#### **ATTACHMENTS**

- A. Increasing Exclusion Period in City Council Rules Strike-Draft
- B. Limiting Consecutive Terms of Service Code Amendment Strike-Draft

#### **AVAILABLE IN COUNCIL LIBRARY**

N/A