

## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6752

AN ORDINANCE amending Sections 3.55.030, 3.56.030, 3.61.030, 3.62.030, 3.63.030, 3.64.030, and 3.100.030 of the Bellevue City Code concerning remote participation and public participation requirements for advisory board and commission meetings.

WHEREAS, the City Council has established the Environmental Services Commission, Arts Commission, Human Services Commission, Parks and Community Services Board, Transportation Commission, Planning Commission, and Bellevue-Redmond Tourism Promotion Area Advisory Board, as boards and commissions that are advisory to the Council; and

WHEREAS, in Title 3 of the Bellevue City Code, the Council has set forth requirements and procedures for how the meetings of those boards and commissions are to be conducted; and

WHEREAS, the Council desires to amend the provisions in Title 3 concerning remote participation in meetings by board and commission members to make remote participation more accessible; and

WHEREAS, the Council also desires to amend provisions in Title 3 to update requirements concerning participation by members of the public in board and commission meetings; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 3.55.030 of the Bellevue City Code is hereby amended to read as follows:

- A. The commission shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the commission may recess for either the month of August or December.
- B. All meetings shall be open to the public; provided, the commission may hold executive sessions as permitted by law. Commission business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.
- C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.

D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.

E. *Remote Participation.*

1. Commission members are encouraged to attend meetings in person when practicable. A member may participate remotely using approved teleconferencing equipment. Any member who wishes to participate in a meeting remotely must notify the presiding officer and the staff liaison of their intent no later than 12:00 p.m. the day prior to the meeting. If more than three members provide timely notice of their intent to participate remotely, the staff liaison will determine who may participate remotely and who may not, and will notify the members.

2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a commission member who is physically present at the meeting.

3. No more than three members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

F. *Public Participation.*

1. Public comment shall be limited to matters relating to City of Bellevue government and to subject matters encompassed within the power and duties of the commission.

2. Public comment may not be used for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition.

3. Persons participating in commission meetings must not engage in speech or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting. Disruptions may include and are not limited to:

a. Addressing the commission while the commission is in session without the permission of the presiding officer;

b. Failure of a speaker to comply with the allotted time established for that speaker's public comments or to speak on topic during a comment period that is limited to a topic;

c. Failure of a speaker to comply with the rules in this code or in the commission bylaws concerning public comment;

- d. Using an allotted comment period for purposeful delay, including remaining silent or engaging in other activity without conveying a discernable message;
  - e. Whistling, handclapping, stomping of feet, shouting or other outbursts from members of the public who have not been recognized by the presiding officer for public comment or testimony;
  - f. Speech or other expression by an individual who has not been recognized by the presiding officer for public comment who is expressing themselves in a volume louder than a low, conversational level appropriate for communication between persons seated next to each other in the commission meeting room, or whose speech or other expressions are audible by others;
  - g. Standing in a location that obstructs the view of meeting attendees, unless speaking as recognized by the presiding officer;
  - h. Approaching commission members or city employees who are staffing the meeting while the commission meeting is in progress, unless permitted to do so by the presiding officer; and
  - i. Affixing a banner or sign to walls or structures in the commission meeting room or holding or placing a sign in a way that endangers others or obstructs the free flow of pedestrians or the view of others attending a commission meeting.
4. Persons participating in commission meetings must also not engage in the following conduct, which may subject them to criminal sanctions in addition to the enforcement of these requirements:
- a. True threats of violence, that purposefully or recklessly place a person in fear of bodily harm, death, or other violence;
  - b. Use of obscene language or gestures; or
  - c. Assault or attempted assault.
5. Ejection From Meeting. Where speech or conduct results in actual disruption of the commission meeting, or is in violation of BCC 3.55.030.F.4, the presiding officer may issue a verbal warning to the person and/or may (a) terminate the person's individual comment period and direct their microphone be turned off; (b) direct security personnel to assist the person to the person's seat; or (c) order the person to leave the meeting room for the remainder of the meeting and have the person removed from the meeting room by security personnel if the person does not leave.
6. Exclusion From Future Meetings.

- a. Repeated disruptions, or violations of BCC 3.55.030.F.4, may result in the person being excluded from participating in public comment or from attendance at one or more future commission meetings.
  - b. In deciding whether to issue a notice of exclusion and the terms and length of the exclusion, the presiding officer shall consider the seriousness and number of the disruptions or violations, their impact on the orderly conduct of commission meetings, whether the conduct threatens public safety, and the person's record of conduct at meetings. The presiding officer may issue an exclusion from participating in public comment, or from attendance, at future commission meetings for up to sixty calendar days.
  - c. If the presiding officer issues an exclusion to any person for future meetings, the exclusion shall be in writing and shall inform the person of the specific reasons for the exclusion and the specific terms and length of the exclusion. The written notice shall advise that if the person desires to address the commission during the period of exclusion, they may submit written comments which will be received by the staff liaison and provided to each of the commission members.
  - d. The notice shall be filed with the city clerk, who shall mail it to the person's last known address, if any, or to the person's email address if the city clerk has an email address but does not have a mailing address. The city clerk shall also post the notice on the door of Room 1E-113 in City Hall and on the commission's web page and provide a copy of the notice to all commission members and city councilmembers. The notice is effective when posted on the door of Room 1E-113 and shall remain posted during commission meetings for the duration of the exclusion period.
7. The decision of the presiding officer to eject a person from public comment or attendance at a commission meeting may be overruled by a majority vote of those commission members in attendance at the meeting from which the person was ejected. If the presiding officer issues an exclusion from public comment or attendance at future meetings, that decision may be overruled by a majority vote of those commission members in attendance at the next regular commission meeting following the filing and posting of the exclusion notice or by a majority vote of the city council at the next regular council meeting following the filing and posting of the exclusion notice.
8. Any person excluded from participation in future public comment periods or from attendance at future commission meetings may appeal the exclusion



by submitting a written appeal stating the bases for the appeal to the city clerk within six (6) business days after notice of the exclusion is posted on the door of Room 1E-113. Upon receipt of a written appeal, the city council shall consider the appeal at its next regularly scheduled open public meeting. The person's exclusion from public comment periods or from attendance at commission meetings shall remain in effect during the council's consideration of the appeal.

Section 2. Section 3.56.030 of the Bellevue City Code is hereby amended to read as follows:

A. The commission shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the commission may recess for either the month of August or December.

B. All meetings shall be open to the public; provided, the commission may hold executive sessions as permitted by law. Commission business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.

C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.

D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.

E. *Remote Participation.*

1. Commission members are encouraged to attend meetings in person when practicable. A member may participate remotely using approved teleconferencing equipment. Any member who wishes to participate in a meeting remotely must notify the presiding officer and the staff liaison of their intent no later than 12:00 p.m. the day prior to the meeting. If more than three members provide timely notice of their intent to participate remotely, the staff liaison will determine who may participate remotely and who may not, and will notify the members.

2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a commission member who is physically present at the meeting.

3. No more than three members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

## *F. Public Participation*

1. Public comment shall be limited to matters relating to City of Bellevue government and to subject matters encompassed within the power and duties of the commission.
2. Public comment may not be used for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition.
3. Persons participating in commission meetings must not engage in speech or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting. Disruptions may include and are not limited to:
  - a. Addressing the commission while the commission is in session without the permission of the presiding officer;
  - b. Failure of a speaker to comply with the allotted time established for that speaker's public comments or to speak on topic during a comment period that is limited to a topic;
  - c. Failure of a speaker to comply with the rules in this code or in the commission bylaws concerning public comment;
  - d. Using an allotted comment period for purposeful delay, including remaining silent or engaging in other activity without conveying a discernable message;
  - e. Whistling, handclapping, stomping of feet, shouting or other outbursts from members of the public who have not been recognized by the presiding officer for public comment or testimony;
  - f. Speech or other expression by an individual who has not been recognized by the presiding officer for public comment who is expressing themselves in a volume louder than a low, conversational level appropriate for communication between persons seated next to each other in the commission meeting room, or whose speech or other expressions are audible by others;
  - g. Standing in a location that obstructs the view of meeting attendees, unless speaking as recognized by the presiding officer;
  - h. Approaching commission members or city employees who are staffing the meeting while the commission meeting is in progress, unless permitted to do so by the presiding officer; and

- i. Affixing a banner or sign to walls or structures in the commission meeting room or holding or placing a sign in a way that endangers others or obstructs the free flow of pedestrians or the view of others attending a commission meeting.
- 4. Persons participating in commission meetings must also not engage in the following conduct, which may subject them to criminal sanctions in addition to the enforcement of these requirements:
  - a. True threats of violence, that purposefully or recklessly place a person in fear of bodily harm, death, or other violence;
  - b. Use of obscene language or gestures; or
  - c. Assault or attempted assault.
- 5. Ejection From Meeting. Where speech or conduct results in actual disruption of the commission meeting, or is in violation of BCC 3.56.030.F.4, the presiding officer may issue a verbal warning to the person and/or may (a) terminate the person's individual comment period and direct their microphone be turned off; (b) direct security personnel to assist the person to the person's seat; or (c) order the person to leave the meeting room for the remainder of the meeting and have the person removed from the meeting room by security personnel if the person does not leave.
- 6. Exclusion From Future Meetings.
  - a. Repeated disruptions, or violations of BCC 3.56.030.F.4, may result in the person being excluded from participating in public comment or from attendance at one or more future commission meetings.
  - b. In deciding whether to issue a notice of exclusion and the terms and length of the exclusion, the presiding officer shall consider the seriousness and number of the disruptions or violations, their impact on the orderly conduct of commission meetings, whether the conduct threatens public safety, and the person's record of conduct at meetings. The presiding officer may issue an exclusion from participating in public comment, or from attendance, at future commission meetings for up to sixty calendar days.
  - c. If the presiding officer issues an exclusion to any person for future meetings, the exclusion shall be in writing and shall inform the person of the specific reasons for the exclusion and the specific terms and length of the exclusion. The written notice shall advise that if the person desires to address the commission during the period of exclusion, they may submit written comments which will be received by the staff liaison and provided to each of the commission members.

d. The notice shall be filed with the city clerk, who shall mail it to the person's last known address, if any, or to the person's email address if the city clerk has an email address but does not have a mailing address. The city clerk shall also post the notice on the door of Room 1E-113 in City Hall and on the commission's web page and provide a copy of the notice to all commission members and city councilmembers. The notice is effective when posted on the door of Room 1E-113 and shall remain posted during commission meetings for the duration of the exclusion period.

7. The decision of the presiding officer to exclude a person from public comment or attendance at a commission meeting may be overruled by a majority vote of those commission members in attendance at the meeting from which the person was excluded. If the presiding officer issues an exclusion from public comment or attendance at future meetings, that decision may be overruled by a majority vote of those commission members in attendance at the next regular commission meeting following the filing and posting of the exclusion notice or by a majority vote of the city council at the next regular council meeting following the filing and posting of the exclusion notice.

8. Any person excluded from participation in future public comment periods or from attendance at future commission meetings may appeal the exclusion by submitting a written appeal stating the bases for the appeal to the city clerk within six (6) business days after notice of the exclusion is posted on the door of Room 1E-113. Upon receipt of a written appeal, the city council shall consider the appeal at its next regularly scheduled open public meeting. The person's exclusion from public comment periods or from attendance at commission meetings shall remain in effect during the council's consideration of the appeal.

Section 3. Section 3.61.030 of the Bellevue City Code is hereby amended to read as follows:

A. The commission shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the commission may recess for either the month of August or December.

B. All meetings shall be open to the public; provided, the commission may hold executive sessions as permitted by law. Commission business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.

C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.

D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.

E. *Remote Participation.*

1. Commission members are encouraged to attend meetings in person when practicable. A member may participate remotely using approved teleconferencing equipment. Any member who wishes to participate in a meeting remotely must notify the presiding officer and the staff liaison of their intent no later than 12:00 p.m. the day prior to the meeting. If more than three members provide timely notice of their intent to participate remotely, the staff liaison will determine who may participate remotely and who may not, and will notify the members.

2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a commission member who is physically present at the meeting.

3. No more than three members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

F. *Public Participation*

1. Public comment shall be limited to matters relating to City of Bellevue government and to subject matters encompassed within the power and duties of the commission.

2. Public comment may not be used for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition.

3. Persons participating in commission meetings must not engage in speech or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting. Disruptions may include and are not limited to:

a. Addressing the commission while the commission is in session without the permission of the presiding officer;

b. Failure of a speaker to comply with the allotted time established for that speaker's public comments or to speak on topic during a comment period that is limited to a topic;

c. Failure of a speaker to comply with the rules in this code or in the commission bylaws concerning public comment;

- d. Using an allotted comment period for purposeful delay, including remaining silent or engaging in other activity without conveying a discernable message;
  - e. Whistling, handclapping, stomping of feet, shouting or other outbursts from members of the public who have not been recognized by the presiding officer for public comment or testimony;
  - f. Speech or other expression by an individual who has not been recognized by the presiding officer for public comment who is expressing themselves in a volume louder than a low, conversational level appropriate for communication between persons seated next to each other in the commission meeting room, or whose speech or other expressions are audible by others;
  - g. Standing in a location that obstructs the view of meeting attendees, unless speaking as recognized by the presiding officer;
  - h. Approaching commission members or city employees who are staffing the meeting while the commission meeting is in progress, unless permitted to do so by the presiding officer; and
  - i. Affixing a banner or sign to walls or structures in the commission meeting room or holding or placing a sign in a way that endangers others or obstructs the free flow of pedestrians or the view of others attending a commission meeting.
4. Persons participating in commission meetings must also not engage in the following conduct, which may subject them to criminal sanctions in addition to the enforcement of these requirements:
- a. True threats of violence, that purposefully or recklessly place a person in fear of bodily harm, death, or other violence;
  - b. Use of obscene language or gestures; or
  - c. Assault or attempted assault.
5. Ejection From Meeting. Where speech or conduct results in actual disruption of the commission meeting, or is in violation of BCC 3.61.030.F.4, the presiding officer may issue a verbal warning to the person and/or may (a) terminate the person's individual comment period and direct their microphone be turned off; (b) direct security personnel to assist the person to the person's seat; or (c) order the person to leave the meeting room for the remainder of the meeting and have the person removed from the meeting room by security personnel if the person does not leave.
6. Ejection from Future Meetings.



- a. Repeated disruptions, or violations of BCC 3.61.030.F.4, may result in the person being excluded from participating in public comment or from attendance at one or more future commission meetings.
  - b. In deciding whether to issue a notice of exclusion and the terms and length of the exclusion, the presiding officer shall consider the seriousness and number of the disruptions or violations, their impact on the orderly conduct of commission meetings, whether the conduct threatens public safety, and the person's record of conduct at meetings. The presiding officer may issue an exclusion from participating in public comment, or from attendance, at future commission meetings for up to sixty calendar days.
  - c. If the presiding officer issues an exclusion to any person for future meetings, the exclusion shall be in writing and shall inform the person of the specific reasons for the exclusion and the specific terms and length of the exclusion. The written notice shall advise that if the person desires to address the commission during the period of exclusion, they may submit written comments which will be received by the staff liaison and provided to each of the commission members.
  - d. The notice shall be filed with the city clerk, who shall mail it to the person's last known address, if any, or to the person's email address if the city clerk has an email address but does not have a mailing address. The city clerk shall also post the notice on the door of Room 1E-113 in City Hall and on the commission's web page and provide a copy of the notice to all commission members and city councilmembers. The notice is effective when posted on the door of Room 1E-113 and shall remain posted during commission meetings for the duration of the exclusion period.
7. The decision of the presiding officer to exclude a person from public comment or attendance at a commission meeting may be overruled by a majority vote of those commission members in attendance at the meeting from which the person was excluded. If the presiding officer issues an exclusion from public comment or attendance at future meetings, that decision may be overruled by a majority vote of those commission members in attendance at the next regular commission meeting following the filing and posting of the exclusion notice or by a majority vote of the city council at the next regular council meeting following the filing and posting of the exclusion notice.
8. Any person excluded from participation in future public comment periods or from attendance at future commission meetings may appeal the exclusion by submitting a written appeal stating the bases for the appeal to the city clerk within six (6) business days after notice of the exclusion is posted on the door of Room 1E-113. Upon receipt of a written appeal, the city council shall consider the appeal at its next regularly scheduled open public meeting. The person's exclusion from public

comment periods or from attendance at commission meetings shall remain in effect during the council's consideration of the appeal.

Section 4. Section 3.62.030 of the Bellevue City Code is hereby amended to read as follows:

- A. The board shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the board may recess for either the month of August or December.
- B. All meetings shall be open to the public; provided, the board may hold executive sessions as permitted by law. Board business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.
- C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.
- D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.
- E. *Remote Participation.*
  - 1. Board members are encouraged to attend meetings in person when practicable. A member may participate remotely using approved teleconferencing equipment. Any member who wishes to participate in a meeting remotely must notify the presiding officer and the staff liaison of their intent no later than 12:00 p.m. the day prior to the meeting. If more than three members provide timely notice of their intent to participate remotely, the staff liaison will determine who may participate remotely and who may not, and will notify the members.
  - 2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a board member who is physically present at the meeting.
  - 3. No more than three members may participate remotely during any one board meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

F. *Public Participation*

- 1. Public comment shall be limited to matters relating to City of Bellevue government and to subject matters encompassed within the power and duties of the board.

2. Public comment may not be used for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition.
3. Persons participating in board meetings must not engage in speech or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting. Disruptions may include and are not limited to:
  - a. Addressing the board while the board is in session without the permission of the presiding officer;
  - b. Failure of a speaker to comply with the allotted time established for that speaker's public comments or to speak on topic during a comment period that is limited to a topic;
  - c. Failure of a speaker to comply with the rules in this code or in the board bylaws concerning public comment;
  - d. Using an allotted comment period for purposeful delay, including remaining silent or engaging in other activity without conveying a discernable message;
  - e. Whistling, handclapping, stomping of feet, shouting or other outbursts from members of the public who have not been recognized by the presiding officer for public comment or testimony;
  - f. Speech or other expression by an individual who has not been recognized by the presiding officer for public comment who is expressing themselves in a volume louder than a low, conversational level appropriate for communication between persons seated next to each other in the board meeting room, or whose speech or other expressions are audible by others;
  - g. Standing in a location that obstructs the view of meeting attendees, unless speaking as recognized by the presiding officer;
  - h. Approaching board members or city employees who are staffing the meeting while the board meeting is in progress, unless permitted to do so by the presiding officer; and
  - i. Affixing a banner or sign to walls or structures in the board meeting room or holding or placing a sign in a way that endangers others or obstructs the free flow of pedestrians or the view of others attending a board meeting.
4. Persons participating in board meetings must also not engage in the following conduct, which may subject them to criminal sanctions in addition to the enforcement of these requirements:

- a. True threats of violence, that purposefully or recklessly place a person in fear of bodily harm, death, or other violence;
- b. Use of obscene language or gestures; or
- c. Assault or attempted assault.

5. Ejection From Meeting. Where speech or conduct results in actual disruption of the board meeting, or is in violation of BCC 3.62.030.F.4, the presiding officer may issue a verbal warning to the person and/or may (a) terminate the person's individual comment period and direct their microphone be turned off; (b) direct security personnel to assist the person to the person's seat; or (c) order the person to leave the meeting room for the remainder of the meeting and have the person removed from the meeting room by security personnel if the person does not leave.

6. Exclusion From Future Meetings.

- a. Repeated disruptions, or violations of BCC 3.62.030.F.4, may result in the person being excluded from participating in public comment or from attendance at one or more future board meetings.
- b. In deciding whether to issue a notice of exclusion and the terms and length of the exclusion, the presiding officer shall consider the seriousness and number of the disruptions or violations, their impact on the orderly conduct of board meetings, whether the conduct threatens public safety, and the person's record of conduct at meetings. The presiding officer may issue an exclusion from participating in public comment, or from attendance, at future board meetings for up to sixty calendar days.
- c. If the presiding officer issues an exclusion to any person for future meetings, the exclusion shall be in writing and shall inform the person of the specific reasons for the exclusion and the specific terms and length of the exclusion. The written notice shall advise that if the person desires to address the board during the period of exclusion, they may submit written comments which will be received by the staff liaison and provided to each of the board members.
- d. The notice shall be filed with the city clerk, who shall mail it to the person's last known address, if any, or to the person's email address if the city clerk has an email address but does not have a mailing address. The city clerk shall also post the notice on the door of Room 1E-113 in City Hall and on the board's web page and provide a copy of the notice to all board members and city councilmembers. The notice is effective when posted on the door of Room 1E-113 and shall remain posted during board meetings for the duration of the exclusion period.

7. The decision of the presiding officer to exclude a person from public comment or attendance at a board meeting may be overruled by a majority vote of those board members in attendance at the meeting from which the person was excluded. If the presiding officer issues an exclusion from public comment or attendance at future meetings, that decision may be overruled by a majority vote of those board members in attendance at the next regular board meeting following the filing and posting of the exclusion notice or by a majority vote of the city council at the next regular council meeting following the filing and posting of the exclusion notice.

8. Any person excluded from participation in future public comment periods or from attendance at future board meetings may appeal the exclusion by submitting a written appeal stating the bases for the appeal to the city clerk within six (6) business days after notice of the exclusion is posted on the door of Room 1E-113. Upon receipt of a written appeal, the city council shall consider the appeal at its next regularly scheduled open public meeting. The person's exclusion from public comment periods or from attendance at board meetings shall remain in effect during the council's consideration of the appeal.

Section 5. Section 3.63.030 of the Bellevue City Code is hereby amended to read as follows:

A. The commission shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the commission may recess for either the month of August or December.

B. All meetings shall be open to the public; provided, the commission may hold executive sessions as permitted by law. Commission business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.

C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.

D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.

E. *Remote Participation.*

1. Commission members are encouraged to attend meetings in person when practicable. A member may participate remotely using approved teleconferencing equipment. Any member who wishes to participate in a meeting remotely must notify the presiding officer and the staff liaison of their intent no later than 12:00 p.m. the day prior to the meeting. If more than three members provide timely notice

of their intent to participate remotely, the staff liaison will determine who may participate remotely and who may not, and will notify the members.

2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a board member who is physically present at the meeting.

3. No more than three members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

#### *F. Public Participation*

1. Public comment shall be limited to matters relating to City of Bellevue government and to subject matters encompassed within the power and duties of the commission.

2. Public comment may not be used for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition.

3. Persons participating in commission meetings must not engage in speech or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting. Disruptions may include and are not limited to:

a. Addressing the commission while the commission is in session without the permission of the presiding officer;

b. Failure of a speaker to comply with the allotted time established for that speaker's public comments or to speak on topic during a comment period that is limited to a topic;

c. Failure of a speaker to comply with the rules in this code or in the commission bylaws concerning public comment;

d. Using an allotted comment period for purposeful delay, including remaining silent or engaging in other activity without conveying a discernable message;

e. Whistling, handclapping, stomping of feet, shouting or other outbursts from members of the public who have not been recognized by the presiding officer for public comment or testimony;

f. Speech or other expression by an individual who has not been recognized by the presiding officer for public comment who is expressing themselves in a volume louder than a low, conversational level appropriate for communication



between persons seated next to each other in the commission meeting room, or whose speech or other expressions are audible by others;

g. Standing in a location that obstructs the view of meeting attendees, unless speaking as recognized by the presiding officer;

h. Approaching commission members or city employees who are staffing the meeting while the commission meeting is in progress, unless permitted to do so by the presiding officer; and

i. Affixing a banner or sign to walls or structures in the commission meeting room or holding or placing a sign in a way that endangers others or obstructs the free flow of pedestrians or the view of others attending a commission meeting.

4. Persons participating in commission meetings must also not engage in the following conduct, which may subject them to criminal sanctions in addition to the enforcement of these requirements:

a. True threats of violence, that purposefully or recklessly place a person in fear of bodily harm, death, or other violence;

b. Use of obscene language or gestures; or

c. Assault or attempted assault.

5. Ejection From Meeting. Where speech or conduct results in actual disruption of the commission meeting, or is in violation of BCC 3.63.030.F.4, the presiding officer may issue a verbal warning to the person and/or may (a) terminate the person's individual comment period and direct their microphone be turned off; (b) direct security personnel to assist the person to the person's seat; or (c) order the person to leave the meeting room for the remainder of the meeting and have the person removed from the meeting room by security personnel if the person does not leave.

6. Exclusion From Future Meetings.

a. Repeated disruptions, or violations of BCC 3.63.030.F.4, may result in the person being excluded from participating in public comment or from attendance at one or more future commission meetings.

b. In deciding whether to issue a notice of exclusion and the terms and length of the exclusion, the presiding officer shall consider the seriousness and number of the disruptions or violations, their impact on the orderly conduct of commission meetings, whether the conduct threatens public safety, and the person's record of conduct at meetings. The presiding officer may issue an

exclusion from participating in public comment, or from attendance, at future commission meetings for up to sixty calendar days.

c. If the presiding officer issues an exclusion to any person for future meetings, the exclusion shall be in writing and shall inform the person of the specific reasons for the exclusion and the term of the exclusion. The written notice shall advise that if the person desires to address the commission during the period of exclusion, they may submit written comments which will be received by the staff liaison and provided to each of the commission members.

d. The notice shall be filed with the city clerk, who shall mail it to the person's last known address, if any, or to the person's email address if the city clerk has an email address but does not have a mailing address. The city clerk shall also post the notice on the door of Room 1E-113 in City Hall and on the commission's web page and provide a copy of the notice to all commission members and city councilmembers. The notice is effective when posted on the door of Room 1E-113 and shall remain posted during commission meetings for the duration of the exclusion period.

7. The decision of the presiding officer to exclude a person from public comment or attendance at a commission meeting may be overruled by a majority vote of those commission members in attendance at the meeting from which the person was excluded. If the presiding officer issues an exclusion from public comment or attendance at future meetings, that decision may be overruled by a majority vote of those commission members in attendance at the next regular commission meeting following the filing and posting of the exclusion notice or by a majority vote of the city council at the next regular council meeting following the filing and posting of the exclusion notice.

8. Any person excluded from participation in future public comment periods or from attendance at future commission meetings may appeal the exclusion by submitting a written appeal stating the bases for the appeal to the city clerk within six (6) business days after notice of the exclusion is posted on the door of Room 1E-113. Upon receipt of a written appeal, the city council shall consider the appeal at its next regularly scheduled open public meeting. The person's exclusion from public comment periods or from attendance at commission meetings shall remain in effect during the council's consideration of the appeal.

Section 6. Section 3.64.030 of the Bellevue City Code is hereby amended to read as follows:

A. The commission shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the commission may recess for either the month of August or December.

B. All meetings shall be open to the public; provided, the commission may hold executive sessions as permitted by law. Commission business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.

C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.

D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.

E. *Remote Participation.*

1. Commission members are encouraged to attend meetings in person when practicable. A member may participate remotely using approved teleconferencing equipment. Any member who wishes to participate in a meeting remotely must notify the presiding officer and the staff liaison of their intent no later than 12:00 p.m. the day prior to the meeting. If more than three members provide timely notice of their intent to participate remotely, the staff liaison will determine who may participate remotely and who may not, and will notify the members.

2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a board member who is physically present at the meeting.

3. No more than three members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

F. *Public Participation*

1. Public comment shall be limited to matters relating to City of Bellevue government and to subject matters encompassed within the power and duties of the commission.

2. Public comment may not be used for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition.

3. Persons participating in commission meetings must not engage in speech or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting. Disruptions may include and are not limited to:

- a. Addressing the commission while the commission is in session without the permission of the presiding officer;
  - b. Failure of a speaker to comply with the allotted time established for that speaker's public comments or to speak on topic during a comment period that is limited to a topic;
  - c. Failure of a speaker to comply with the rules in this code or in the commission's bylaws concerning public comment;
  - d. Using an allotted comment period for purposeful delay, including remaining silent or engaging in other activity without conveying a discernable message;
  - e. Whistling, handclapping, stomping of feet, shouting or other outbursts from members of the public who have not been recognized by the presiding officer for public comment or testimony;
  - f. Speech or other expression by an individual who has not been recognized by the presiding officer for public comment who is expressing themselves in a volume louder than a low, conversational level appropriate for communication between persons seated next to each other in the commission meeting room, or whose speech or other expressions are audible by others;
  - g. Standing in a location that obstructs the view of meeting attendees, unless speaking as recognized by the presiding officer;
  - h. Approaching commission members or city employees who are staffing the meeting while the commission meeting is in progress, unless permitted to do so by the presiding officer; and
  - i. Affixing a banner or sign to walls or structures in the commission meeting room or holding or placing a sign in a way that endangers others or obstructs the free flow of pedestrians or the view of others attending a commission meeting.
4. Persons participating in commission meetings must also not engage in the following conduct, which may subject them to criminal sanctions in addition to the enforcement of these requirements:
- a. True threats of violence, that purposefully or recklessly place a person in fear of bodily harm, death, or other violence;
  - b. Use of obscene language or gestures; or
  - c. Assault or attempted assault.

5. Ejection From Meeting. Where speech or conduct results in actual disruption of the commission meeting, or is in violation of BCC 3.64.030.F.4, the presiding officer may issue a verbal warning to the person and/or may (a) terminate the person's individual comment period and direct their microphone be turned off; (b) direct security personnel to assist the person to the person's seat; or (c) order the person to leave the meeting room for the remainder of the meeting and have the person removed from the meeting room by security personnel if the person does not leave.

6. Exclusion From Future Meetings.

a. Repeated disruptions, or violations of BCC 3.64.030.F.4, may result in the person being excluded from participating in public comment or from attendance at one or more future commission meetings.

b. In deciding whether to issue a notice of exclusion and the terms and length of the exclusion, the presiding officer shall consider the seriousness and number of the disruptions or violations, their impact on the orderly conduct of commission meetings, whether the conduct threatens public safety, and the person's record of conduct at meetings. The presiding officer may issue an exclusion from participating in public comment, or from attendance, at future commission meetings for up to sixty calendar days.

c. If the presiding officer issues an exclusion to any person for future meetings, the exclusion shall be in writing and shall inform the person of the specific reasons for the exclusion and the specific terms and length of the exclusion. The written notice shall advise that if the person desires to address the commission during the period of exclusion, they may submit written comments which will be received by the staff liaison and provided to each of the commission members.

d. The notice shall be filed with the city clerk, who shall mail it to the person's last known address, if any, or to the person's email address if the city clerk has an email address but does not have a mailing address. The city clerk shall also post the notice on the door of Room 1E-113 in City Hall and on the commission's web page and provide a copy of the notice to all commission members and city councilmembers. The notice is effective when posted on the door of Room 1E-113 and shall remain posted during commission meetings for the duration of the exclusion period.

7. The decision of the presiding officer to exclude a person from public comment or attendance at a commission meeting may be overruled by a majority vote of those commission members in attendance at the meeting from which the person was excluded. If the presiding officer issues an exclusion from public comment or attendance at future meetings, that decision may be overruled by a majority vote of those commission members in attendance at the next regular commission meeting following the filing and posting of the exclusion notice or by a majority vote of the

city council at the next regular council meeting following the filing and posting of the exclusion notice.

8. Any person excluded from participation in future public comment periods or from attendance at future commission meetings may appeal the exclusion by submitting a written appeal stating the bases for the appeal to the city clerk within six (6) business days after notice of the exclusion is posted on the door of Room 1E-113. Upon receipt of a written appeal, the city council shall consider the appeal at its next regularly scheduled open public meeting. The person's exclusion from public comment periods or from attendance at commission meetings shall remain in effect during the council's consideration of the appeal.

Section 7. Section 3.100.030 of the Bellevue City Code is hereby amended to read as follows:

- A. The advisory board shall meet at least once a quarter.
- B. All meetings shall be open to the public; provided, the advisory board may hold executive sessions as permitted by law. Advisory board business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.
- C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.
- D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.
- E. *Remote Participation.*
  - 1. Advisory board members are encouraged to attend meetings in person when practicable. A member may participate remotely using approved teleconferencing equipment. Any member who wishes to participate in a meeting remotely must notify the presiding officer and the staff liaison of their intent no later than 12:00 p.m. the day prior to the meeting. If more than three members provide timely notice of their intent to participate remotely, the staff liaison will determine who may participate remotely and who may not, and will notify the members.
  - 2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to an advisory board member who is physically present at the meeting.



3. No more than three members may participate remotely during any one advisory board meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

*F. Public Participation.*

1. Public comment shall be limited to matters relating to City of Bellevue government and to subject matters encompassed within the power and duties of the advisory board.
2. Public comment may not be used for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition.
3. Persons participating in advisory board meetings must not engage in speech or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting. Disruptions may include and are not limited to:
  - a. Addressing the board while the board is in session without the permission of the presiding officer;
  - b. Failure of a speaker to comply with the allotted time established for that speaker's public comments or to speak on topic during a comment period that is limited to a topic;
  - c. Failure of a speaker to comply with the rules in this code or in the board bylaws concerning public comment;
  - d. Using an allotted comment period for purposeful delay, including remaining silent or engaging in other activity without conveying a discernable message;
  - e. Whistling, handclapping, stomping of feet, shouting or other outbursts from members of the public who have not been recognized by the presiding officer for public comment or testimony;
  - f. Speech or other expression by an individual who has not been recognized by the presiding officer for public comment who is expressing themselves in a volume louder than a low, conversational level appropriate for communication between persons seated next to each other in the board meeting room, or whose speech or other expressions are audible by others;
  - g. Standing in a location that obstructs the view of meeting attendees, unless speaking as recognized by the presiding officer;

- h. Approaching board members or city employees who are staffing the meeting while the board meeting is in progress, unless permitted to do so by the presiding officer; and
  - i. Affixing a banner or sign to walls or structures in the board meeting room or holding or placing a sign in a way that endangers others or obstructs the free flow of pedestrians or the view of others attending a board meeting.
- 4. Persons participating in board meetings must also not engage in the following conduct, which may subject them to criminal sanctions in addition to the enforcement of these requirements:
  - a. True threats of violence, that purposefully or recklessly place a person in fear of bodily harm, death, or other violence;
  - b. Use of obscene language or gestures; or
  - c. Assault or attempted assault.
- 5. Ejection From Meeting. Where speech or conduct results in actual disruption of the board meeting, or is in violation of BCC 3.100.030.F.4, the presiding officer may issue a verbal warning to the person and/or may (a) terminate the person's individual comment period and direct their microphone be turned off; (b) direct security personnel to assist the person to the person's seat; or (c) order the person to leave the meeting room for the remainder of the meeting and have the person removed from the meeting room by security personnel if the person does not leave.
- 6. Exclusion From Future Meetings.
  - a. Repeated disruptions, or violations of BCC 3.100.030.F.4, may result in the person being excluded from participating in public comment or from attendance at one or more future advisory board meetings.
  - b. In deciding whether to issue a notice of exclusion and the terms and length of the exclusion, the presiding officer shall consider the seriousness and number of the disruptions or violations, their impact on the orderly conduct of board meetings, whether the conduct threatens public safety, and the person's record of conduct at meetings. The presiding officer may issue an exclusion from participating in public comment, or from attendance, at future board meetings for up to sixty calendar days.
  - c. If the presiding officer issues an exclusion to any person for future meetings, the exclusion shall be in writing and shall inform the person of the specific reasons for the exclusion and the specific terms and length of the exclusion. The written notice shall advise that if the person desires to address the board

during the period of exclusion, they may submit written comments which will be received by the staff liaison and provided to each of the board members.

d. The notice shall be filed with the city clerk, who shall mail it to the person's last known address, if any, or to the person's email address if the city clerk has an email address but does not have a mailing address. The city clerk shall also post the notice on the door of Room 1E-113 in City Hall and on the board's web page and provide a copy of the notice to all board members and city councilmembers. The notice is effective when posted on the door of Room 1E-113 and shall remain posted during board meetings for the duration of the exclusion period.

7. The decision of the presiding officer to eject a person from public comment or attendance at a board meeting may be overruled by a majority vote of those board members in attendance at the meeting from which the person was ejected. If the presiding officer issues an exclusion from public comment or attendance at future meetings, that decision may be overruled by a majority vote of those board members in attendance at the next regular board meeting following the filing and posting of the exclusion notice or by a majority vote of the city council at the next regular council meeting following the filing and posting of the exclusion notice.

8. Any person excluded from participation in future public comment periods or from attendance at future board meetings may appeal the exclusion by submitting a written appeal stating the bases for the appeal to the city clerk within six (6) business days after notice of the exclusion is posted on the door of Room 1E-113. Upon receipt of a written appeal, the city council shall consider the appeal at its next regularly scheduled open public meeting. The person's exclusion from public comment periods or from attendance at board meetings shall remain in effect during the council's consideration of the appeal.

Section 8. Effective Date. This Ordinance shall take effect and be in force five (5) days after its passage and legal publication.

Passed by the City Council this 7<sup>th</sup> day of AUGUST, 2023 and signed in authentication of its passage this 7<sup>th</sup> day of AUGUST, 2023.

(SEAL)



A handwritten signature in black ink, appearing to read "Lynne Robinson", written over a horizontal line.

Lynne Robinson, Mayor

Approved as to form:

A handwritten signature in black ink, appearing to read "Kathryn L. Gerla", written over a horizontal line.

Kathryn L Gerla, City Attorney

Attest:

A handwritten signature in black ink, appearing to read "Charmaine Arredondo", written over a horizontal line.

Charmaine Arredondo, City Clerk

Published: 8/10/23