



INFORMATIONAL MEMORANDUM

TO: **Finance and Governance Committee**
FROM: **Laurel Humphrey, Legislative Analyst**
DATE: **March 16, 2021**
SUBJECT: **City Council Rules of Procedure Update**

ISSUE

Introduction of project to update City Council Rules of Procedure

DISCUSSION

The City Council's procedures for conduct of its business are largely included in TMC 2.04. This Chapter hasn't been updated since 2003 and contains some outdated sections, such as reference to the old standing committees, that need to be addressed. This presents a good opportunity for a thorough review to ensure practices and procedures are timely, modern, and reflect good governance.

In alignment with previous discussions, staff has prepared an ordinance to re-enact Tukwila Municipal Code 2.04 by removing much of the current content and retaining key pieces. Staff has also prepared a draft Rules of Procedure document as well as a resolution that would adopt the new Rules following City Council review. These legislative pieces are still in the review phase with the City Attorney and City Clerk. In the meantime, staff would like to brief the Committee on certain areas that are being proposed for removal from the Code while also NOT being incorporated into the new Rules of Procedure document. Those areas are listed along with justifications for their removal as follows:

TMC 2.04.090 and TMC 2.04.110(A)(2)

These sections describe City Clerk administrative procedures for processing agendas, and do not belong in a municipal code or in City Council rules.

TMC 2.04.110(C)(3)

This describes an outdated practice that does not make sense in the context of current work flow and agenda procedures. Councilmembers must give direction in public meetings, and if there is an issue that an individual Councilmember would like the City to consider, they may seek consensus during a meeting. Removing this would not interfere with that right.

TMC2.04.110(D)

The City Council President has the authority to approve the Committee of the Whole and Regular Meeting agendas, which includes providing input into the amount of time given to specific items. Calling this out specifically seems unnecessary.

TMC 2.04.120(B)(1)

TMC 2.04.120 combines speaking procedures for the City Council and for the public in the same section, which is totally inappropriate. Subsection B is outdated and does not match current public comment procedures or best practices. The new draft Rules of Procedure separates public comment into its own section and provides better description on how it works.

TMC 2.04.120(B)(4)

This section is not appropriate or in alignment with current laws and best practices as it interferes with First Amendment rights. The new draft Rules document does have a section about how to handle interruptions in the Council Chamber.

TMC 2.04.180(B)

This describes an obsolete practice that should be removed. The City Council adopted a comprehensive new Purchasing Policy at the end of 2020 that outlines appropriate spending procedures and authorities.

RECOMMENDATION

Staff is seeking Committee concurrence and will return with the legislative documents at the next meeting.

ATTACHMENTS

- TMC 2.04

CHAPTER 2.04
CITY COUNCIL

Sections:

- 2.04.010 Meetings Declared Open and Public
- 2.04.020 Regular Meetings
- 2.04.030 Committee of the Whole Meetings
- 2.04.040 Special Meetings
- 2.04.050 Quorum
- 2.04.060 Seating
- 2.04.070 Council President—Mayor Pro Tempore
- 2.04.080 Presiding Officer
- 2.04.090 Agenda for Regular or Special Council Meetings
- 2.04.100 Agenda Format
- 2.04.110 Miscellaneous Agenda Procedures
- 2.04.120 Speaking Procedures
- 2.04.130 Voting
- 2.04.140 Executive Sessions
- 2.04.150 Continuances
- 2.04.160 Adjournment
- 2.04.170 Questions of Parliamentary Procedure
- 2.04.180 Council Committees and Representatives
- 2.04.190 Filling Council Vacancies

2.04.010 Meetings Declared Open and Public

All meetings of the Tukwila City Council and its committees shall be open and public, and all persons shall be permitted to attend any meeting of these bodies, except as otherwise provided in TMC 2.04.140.

(Ord. 2024 §1 (part), 2003)

2.04.020 Regular Meetings

The City Council shall meet regularly on the first and third Mondays of each month at 7:00PM, unless an alternative starting time is set and notice is provided to the public pursuant to TMC 2.04.040. If at any time any Regular Meeting falls on a holiday, the Council shall meet on the next business day at the same hour. The City Council shall meet at Tukwila City Hall, unless otherwise publicly announced.

(Ord. 2024 §1 (part), 2003)

2.04.030 Committee of the Whole Meetings

A. The Council shall sit as a Committee of the Whole on the second and fourth Monday of each month at 7:00PM, unless an alternate starting time is published; except, if at any time any committee meeting falls on a holiday, the Council shall meet on the next business day at the same hour. The City Council shall meet at Tukwila City Hall, unless otherwise publicly announced.

B. Meetings of the Committee of the Whole shall be held primarily for the purpose of considering current issues of the City, coordinating the work of the City Council, and discussing draft ordinances, resolutions and policy issues in detail. The Committee of the Whole will have no power to take final actions, including but not limited to adopting ordinances or passing motions or resolutions.

C. The Committee of the Whole may meet in a retreat setting to plan their work at the beginning of the year or at any time beneficial to in-depth deliberations by the Council. Results of the Committee of the Whole's retreats will be discussed with the Mayor and administration in order to establish and understand City goals. A report summarizing the proceedings will be made available following each retreat. No official action will be taken at a retreat.

(Ord. 2024 §1 (part), 2003)

2.04.040 Special Meetings

Special meetings may be called by the Mayor, or any three Councilmembers, by written notice delivered by City employee(s) to each member of the Council at least 24 hours before the time specified for the proposed meeting and with public notice made pursuant to RCW 42.30.080.

(Ord. 2024 §1 (part), 2003)

2.04.050 Quorum

At all meetings of the City Council, four members shall constitute a quorum for the transaction of business.

(Ord. 2024 §1 (part), 2003)

2.04.060 Seating

A. Members of the City Council will be seated at the Council table according to seniority of the Council, except that the Council President will be seated at the right of the Mayor.

B. Seniority shall be determined by the:

1. Greatest consecutive number of years served.
2. Greatest consecutive number of years plus months or years served prior to the current term(s).
3. Number of votes when elected.

(Ord. 2024 §1 (part), 2003)

2.04.070 Council President--Mayor Pro Tempore

A. At the first Regular Meeting in January of each year, members of the City Council shall elect from their number a Council President who shall hold office at the pleasure of the Council. The general policy of the City Council is to elect presidents in a rotating order, based upon seniority. If a vacancy occurs in the office of Council President, the City Council, at their next Regular Meeting, shall select a new Council President to serve the remainder of the year.

B. In the absence of the Mayor, the Council President shall become the Mayor Pro Tempore and perform the duties of the Mayor, except that the Council President shall not have the power to appoint or remove any officer or to veto any ordinance. If a vacancy occurs in the office of the Mayor, the City Council – at their next Regular Meeting – shall elect from their number a Mayor who shall serve until a Mayor is elected and certified at the next municipal election.

(Ord. 2209 §1, 2009; Ord. 2024 §1 (part), 2003)

2.04.080 Presiding Officer

A. All Regular and Special Meetings of the City Council shall be presided over by the Mayor or, in his/her absence, by the Mayor Pro Tempore. If neither the Mayor nor the Mayor Pro Tempore is present at a meeting, the presiding officer for that meeting shall be elected by a majority of the vote of those Councilmembers present, provided there is a quorum.

B. All Committee of the Whole meetings shall be presided over by the Council President. If the Council President is temporarily absent, the Council shall elect a Councilmember to serve in that capacity until the Council President returns.

C. The City Clerk or his/her designee will staff Regular and Special Council meetings and Committees of the Whole meetings. In the absence of the Clerk, Deputy Clerk or other qualified staff member appointed by the Clerk, the Mayor or Council may appoint a staff person to act in that capacity.

D. The appointment of a Councilmember as Mayor Pro Tempore shall not in any way abridge his/ her right to vote on matters coming before the Council at such meeting.

E. The presiding officer shall preserve strict order and decorum at all meetings of the Council. The presiding officer shall state all questions coming before the Council, provide opportunity for discussion on each item on the table, and announce the decision of the Council on all subjects. Procedural decisions made by the presiding officer may be overruled by a majority vote of the Council.

(Ord. 2024 §1 (part), 2003)

2.04.090 Agenda for Regular or Special Council Meetings

All items to be included on the agenda for Council consideration must be submitted to the City Clerk in full by 12:00PM noon on the Wednesday preceding each Council meeting. The City Clerk shall then prepare a proposed agenda, with attachments, according to the order of business. After the proposed agenda has been approved by the Council President or, in his/her absence, by his/her designated member of the City Council, the City Clerk shall prepare the final agenda, which shall be distributed to the Mayor, Councilmembers, City Attorney and Department Heads no later than Noon on the Friday preceding the Council Meeting. A copy of the agenda and subsequent documents shall be posted on the lobby bulletin board at City Hall. A copy of the Agenda face sheet will be posted on the City's website.

(Ord. 2024 §1 (part), 2003)

2.04.100 Agenda Format

The format of a Regular or Special City Council agenda shall be as follows:

1. *Call to Order.*
2. *Pledge of Allegiance.*
3. *Roll Call.*
4. *Special Presentations on key agenda items.*
5. *Appointments and Proclamations of the Mayor.*
6. *Citizens' Comments.* This is an opportunity for the audience to comment on items not listed on the agenda.
7. *Consent Agenda:*

a. Contains all consent agenda items approved by the Council President, from a Committee of the Whole, or forwarded by unanimous committee action, and routine items such as, but not limited to, approval of minutes and approval of vouchers. No ordinances, resolutions or bid awards, will be included on the consent agenda.

b. The following rules shall apply to the consent agenda:

(1) Any member of the City Council may, by request and without a Council vote, have any items removed from the consent agenda. That item will, by automatic procedure, be placed under New Business for further discussion.

(2) The remaining items shall be approved by motion.

8. *Bid Awards.* All competitive bid awards shall comply with RCW Title 39, and those that require Council approval shall include the contractor/vendor name, the project name, and the total dollar amount of the award. The award may or may not include Washington State Sales Tax.

9. *Public Hearings:*

a. For public hearings required by City, State or Federal law or as the Council may direct. Examples may include, but not be limited to:

- (1) LID
- (2) Zoning

- (3) Budget
- (4) Revenue sharing grants
- (5) Annexation
- (6) Moratoria
- (7) Quasi-judicial decisions

b. The following procedures shall apply to public hearings, except public hearings subject to TMC Chapters 18.104 through 18.116, which shall be subject to the procedures specified therein:

(1) The presiding officer may exercise a change in the procedures, but said decision may be overruled by a majority vote of the City Council.

(2) The proponent spokesman shall speak first and be allowed 15 minutes. The Council may ask questions.

(3) The opponent spokesman shall be allowed 15 minutes for presentation and the Council may ask questions.

(4) Each side shall then be allowed 5 minutes for rebuttal.

(5) After the proponents and opponents have used their speaking time, Council may ask further questions of the speakers, who may respond.

c. At public hearings and for issues where a public meeting is required or requested, and a general audience is in attendance to present arguments for or against a public issue:

(1) A signup sheet for speakers will be available, and all citizens considering speaking will be asked to write their name and address legibly. If they speak without signing up, they will be asked to sign in after speaking.

(2) A person may speak for five minutes. No one may speak for a second time until everyone wishing to speak has had an opportunity to speak.

(3) After the speaker has used the allotted time, Council may ask questions of the speaker and the speaker may respond, but may not engage in further debate.

(4) Speakers should address their comments to the City Council and should not address other audience members. No disparaging remarks or remarks directed to opponents will be allowed.

(5) The hearing will then be closed to public participation by the presiding officer and open for Councilmember discussion.

10. *Unfinished Business.* This section of the agenda shall include items of a general nature, including resolutions and ordinances previously discussed at a Council meeting. The following procedures shall apply during this section of the agenda:

a. The item will be put on the table by motion.

b. The committee chair, sponsor or a designated spokesman of each item may give a presentation.

c. If a resolution or ordinance, the City Attorney or City Administrator may read the item by title only or, if requested by any Councilmember, the document may be read in its entirety. A motion by Council shall rule.

d. The Council may then question the sponsor or designated spokesman of the presented item.

e. When discussions conclude, the Council, by motion, will act upon the resolution, ordinance or other item.

11. *New Business.* This section of the agenda shall include all items of a general nature -- including resolutions and ordinances previously discussed at a Committee Meeting and put forward to the Regular Meeting -- and items that have been removed from the consent agenda. The procedures that apply during this section shall be the same as those under Unfinished Business.

12. *Reports.* Reports on special interest items from the Mayor, City Council, staff, City Attorney, and intergovernmental representatives.

13. *Miscellaneous.*

14. *Executive Session.*

15. *Adjournment.*

(Ord. 2024 §1 (part), 2003)

2.04.110 Miscellaneous Agenda Procedures

A. The City Council desires to provide adequate time for administration and staff analysis, fact finding and presentation.

1. Items to come before the City Council should first be placed on the agenda of the appropriate committee for discussion before they are placed on the agenda of a Regular Council Meeting.

2. All items that are not routine in nature and presented shall include a completed Council Agenda Synopsis (CAS), a staff report, and Committee Minutes. The City Clerk or a designated person shall be responsible for attaching a CAS number, keeping the original CAS, and maintaining an index for future reference.

B. The agenda and provision for the Committee of the Whole shall be citizen comments, committee reports, discussion of items referred from committees, items referred by three Councilmembers, and items set by the Council President. The agenda and any attachments will be approved by the Council President or his/her designee, and shall be prepared by the City Clerk for distribution to the Council by 12:00PM noon on Friday.

C. Items may be placed directly on the agenda of a Regular Meeting when the items are approved by the Council President, and:

1. The items are routine in nature, such as approval of vouchers, proclamations, acknowledgement or receipt of petitions or documents, or discussion of claims for damages.

2. An emergency condition exists that represents a personnel hazard, impending deadline, or risk of immediate financial loss. In such instances, the CAS summary or staff memo should clearly define why the special procedure is necessary.

3. In the event the sponsor of any items to come before the City Council feels it both appropriate and beneficial to the City, that sponsor may bring such items directly to the Regular Meeting with the concurrence of three Councilmembers.

D. The Council President may affix an approximate time limit for each agenda item at the time of approval of the agenda.

E. All proposed ordinances and resolutions shall be reviewed by the City Attorney and bear the Attorney's certification that they are in correct form before final passage. All accompanying documents shall be available before ordinances and resolutions can be passed.

F. Resolutions of the City Council shall be signed by the Council President.

G. A joint resolution of the City Council and the Mayor may be proposed when:

1. The subject of the resolution is of broad City concern, and the subject contains Council policy and administrative procedure; or

2. The subject of the resolution is of a ceremonial or honorary nature.

H. Joint resolutions will be subject to the voting rules in TMC 2.04.130 and will be signed by the Mayor and Council President. The Council may provide for all Councilmembers to sign the joint resolution enacted under TMC 2.04.110 G.

(Ord. 2024 §1 (part), 2003)

2.04.120 Speaking Procedures

A. Speaking procedure for agenda items under consideration is as follows:

1. A Councilmember desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine him/herself to the question under debate. Recognition of Councilmembers shall be by seniority.

2. Any member, while speaking, shall not be interrupted unless it is to call him or her to order.

3. No Councilmember shall speak a second time on the same motion before an opportunity has been given each Councilmember to speak on that motion.

B. Addressing the Council for items under Council discussion shall proceed as follows:

1. Any person, with the permission of the presiding officer, may address the Council, but the presiding officer shall be required to recognize speakers in the following order:

a. A person designated by the presiding officer to introduce the subject under discussion.

b. Those whose request to be heard is contained in the written agenda.

c. Those who have submitted their request to be heard in writing or to the City Clerk before the meeting.

d. Those who ask recognition from the floor.

2. In addressing the Council, each person shall advance to the podium and, after recognition, give name and address, and -- unless further time is given by the presiding officer -- shall limit his/her address to five minutes. All remarks

shall be made to the Council as a body and not to any individual member or to the audience.

3. No person shall be permitted to enter into any discussion from the floor without first being recognized by the presiding officer.

4. Any person making personal, impertinent or slanderous remarks while addressing the Council shall be barred from further audience participation by the presiding officer unless permission to continue is granted by a majority vote of the Council.

(Ord. 2024 §1 (part), 2003)

2.04.130 Voting

A. Silence of a Councilmember during a voice vote shall be recorded as an affirmative vote except where such a Councilmember abstains because of a stated conflict of interest. Each member present must vote on all questions before the Council and may abstain only by reason of conflict of interest.

B. A roll-call vote may be requested by the presiding officer or any member of the Council. Voting normally shall be by seniority; however, this procedure may be changed by the presiding officer.

C. Confirmations of appointments by the Mayor, budget transfers, personnel levels, and formal motions, resolutions, ordinances and amendments thereto shall require the affirmative votes of four Councilmembers.

(Ord. 2024 §1 (part), 2003)

2.04.140 Executive Sessions

The City Council may hold an Executive Session during a Regular Meeting, Special Meeting or Committee of the Whole meeting to consider certain matters as set forth in RCW 42.30.110.

(Ord. 2024 §1 (part), 2003)

2.04.150 Continuances

Any hearing being held or ordered to be held by the City Council may be continued in the manner as set forth by RCW 42.30.100.

(Ord. 2024 §1 (part), 2003)

2.04.160 Adjournment

A. Any Committee of the Whole, Regular, adjourned Regular, Special or adjourned Special Meeting may be adjourned in the manner as set forth in RCW 42.30.090.

B. All meetings of the Council shall adjourn no later than 11:00PM. If the Council desires to extend the meeting, a motion shall be required of a majority plus one vote of Councilmembers present. Items not acted on by the 11:00PM deadline shall be deferred to the next respective Council meeting as unfinished business, unless Council, by a majority vote of members present, determines otherwise.

(Ord. 2024 §1 (part), 2003)

2.04.170 Questions of Parliamentary Procedure

Questions of parliamentary procedure not covered by TMC Chapter 2.04 shall be governed by Robert's Rules of Order, Newly Revised (latest edition).

(Ord. 2024 §1 (part), 2003)

2.04.180 Council Committees and Representatives

A. There are four standing committees of the Council consisting of three members each. The Council President shall appoint the membership of each committee and the committee chair by the second Regular Meeting of each year. The chair for each committee shall set the schedule of meetings and cause them to be published. In the event a committee member is unable to attend a meeting, that member may ask another Councilmember to attend in his/her place.

B. The standing committees shall consider and may make policy and legislative recommendations to the City Council on items referred to the committee by the Council President, the Council, administrative departments, boards or commissions. If budgeted in an amount less than or equal to \$25,000, a committee can approve a bid or negotiation award by an affirmative vote of three committee members. If a unanimous committee vote is not obtained, the award will be referred to the City Council for action. The standing committees, their scopes of authority, and the supporting City departments are as follow:

1. Transportation Committee, which shall consider matters related to transportation, transportation plans, traffic, transit, streets, street lighting, signals, street LIDs, and rights-of-way in coordination with the Public Works Department and Department of Community Development.

2. Utilities Committee, which shall consider matters related to water; sewer; electric power; natural gas; telephone; cable television; telecommunications; solid waste reduction, reuse and recycling; river basins; and levies, in coordination with the Public Works Department.

3. Finance and Safety Committee, which shall consider matters related to the general fiscal and financial operations of the City; budget and financial reports; and policy matters related to personnel including, but not limited to, the salary grade schedule, position classifications and salary changes in coordination with the Finance Department, Administrative Services Department, and City Administrator. They will consider library issues, tourism, administrative matters, and information technology issues in conjunction with the City Clerk, Library Advisory Board, Lodging Tax Advisory Board, Chamber of Commerce, and Information Services. They shall consider matters related to police and fire protection; the municipal court; emergency services; and animal control in coordination with the Police Department, Fire Department, Civil Service Commission, Public Works Department, and Community-Oriented Policing Board.

4. Community Affairs and Parks Committee, which shall consider matters related to the planning of the physical, economic, aesthetic, cultural and social development of the City; and Comprehensive Plan, Zoning Code, Building Code, code enforcement, Sign Code and annexation policies, in coordination with the Department of Community Development, Human Services, Planning Commission, Hearing Examiner, Sister Cities Committee, Human Services Advisory Board, and the Equity and Diversity Commission. They shall consider matters relating to parks and park plans, recreation facilities and community activities, in coordination with the Parks and Recreation Department, the Arts Commission, and Park Commission.

B. The Council President may establish such ad hoc committees as may be appropriate to consider special matters that do not readily fit the standing committee structure or that require special approach or emphasis. The Council President shall appoint Council representatives to intergovernmental councils, boards and committees as needed.

C. Council committees shall consider all matters referred. Each committee chair shall report to the Council the findings of the committee. Committees may refer items to the Council with no committee recommendation.

D. Each committee chair may review and approve his/her committee agenda and will approve committee minutes before distribution. The committee chair can authorize the cancellation of a committee meeting. An affirmative vote of three members of Finance and Safety Committee is required when the committee approves unbudgeted items.

(Ord. 2024 §1 (part), 2003)

2.04.190 Filling Council Vacancies

If a vacancy occurs in the office of Councilmember, the Council will follow the procedures outlined in RCW 35A.12.050. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of the vacancy, the procedure and any application form for applying. The Council will draw up an application form, which contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council selection of the new Councilmember.

(Ord. 2024 §1 (part), 2003)