

Legislation Text

File #: 2019-0032, Version: 2

AN ORDINANCE relating to council rules and order of business; amending Ordinance 13880, Section 13, and K.C.C. 1.02.120, Ordinance 11683, Section 4, as amended, and K.C.C. 1.24.035, Ordinance 11683, Section 5, as amended, and K.C.C. 1.24.045, Ordinance 11683, Section 9, as amended, and K.C.C. 1.24.085 and Ordinance 11683, Section 10, as amended, and K.C.C. 1.24.095, Ordinance 11683, Section 15, as amended, and K.C.C. 1.24.145 and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

- A. Section 220.40 of the King County Charter requires the council to adopt by ordinance rules of procedure governing the time, place and conduct of its meetings.
- B. Consistent with the county charter, the council adopted by ordinance rules of procedure, which are codified in K.C.C. chapter 1.24, and passed motions related to the organization and administration of the council.
- C. The rules ordinance and the organizational motion have been amended from time to time to reflect desired changes in the council's rules of procedure and organization.
- D. Because the council is reorganizing the council and its committees by Motion 15298, effective January 7, 2019, including modifying committees, committee chair and vice-chair positions and duties, this ordinance must be enacted as an emergency ordinance in order to be effective and ensure that the regular meeting times of the council's committees are effective contemporaneously with the reorganization of the

council.

SECTION 2. Ordinance 13880, Section 13, and K.C.C. 1.02.120 are each hereby amended to read as follows:

The time within which an act is to be done, as provided in this code or in the charter, is computed by excluding the first day and including the last unless the last day is a holiday, Saturday or Sunday, and then it is also excluded. When a period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded from the computation.

SECTION 3. Ordinance 11683, Section 4, as amended, and K.C.C. 1.24.035 are each hereby amended to read as follows:

Rule 4: Meetings.

A.1.a. Except for a regular meeting of the council on Monday, April 1, 2019, at 10:30 a.m., ((F))the time of regular meetings of the council is ((1:30 p.m.)) 10:30 a.m. on ((Monday)) Wednesday of each week ((; or Tuesday if Monday is a state or county holiday or is a legislative branch furlough day due to a county emergency budget crisis, unless otherwise ordered by the chair or a majority of the council)). However, the regular meetings of the council shall not take place from April 2 through April 12, 2019, from August ((6)) 1 through August ((17)) 16, ((2018)) 2019, and from December ((17)) 19, ((2018)) 2019, through January ((4)) 3, ((2019)) 2020. All regular or special meetings of council committees shall be regular or special council meetings, in accordance with subsection F. of this rule.

b. ((Each second and fourth Wednesday from 1:30 p.m. to 3:00 p.m., and each Monday at 9:30 a.m. except from October 1 through November 23, 2018, shall be reserved for special standing committee meetings. In instances when the King County flood control district has scheduled an executive committee on the third Monday of a month, that time shall not be available for a special meeting of a standing committee.)) Each ((fourth and)) fifth Wednesday of each month from 3:00 p.m. to 4:30 p.m. shall be reserved for special regional committee meetings as needed. Each fourth Wednesday from 1:30 p.m. until 3:30 p.m. is reserved for meetings

of the flood control district executive committee. Each Monday at 9:30 a.m. and the second and fourth Monday at 3:00 p.m. are reserved for special meetings of standing committees. In order to allow each member sufficient time to review legislation and to meet with constituents, staff and officials of other jurisdictions, no special committee meeting may be called for any other time without the prior written consent of the council chair or the consent of a majority of the members of the committee. If a special meeting for more than one standing committee is called for the same time and location, the meeting for which the agenda was first filed with the council clerk shall have precedence for use of the meeting location. This subsection A.1.b. does not apply to special meetings of the budget and fiscal management committee for purposes of considering the county executive's biennial budget proposal, which shall be called by the chair of the budget and fiscal management committee.

2.a. All regular meetings of the King County council and the council's committees, except for the employment and administration committee, shall be held in the council chambers on the tenth floor of the King County Courthouse in Seattle, Washington. All regular meetings of the employment and administration committee shall be held in the southwest conference room on the twelfth floor of the King County Courthouse in Seattle, Washington.

b. Whenever, due to an emergency, as defined in K.C.C. 12.52.010, it is imprudent, inexpedient or impossible to conduct the affairs of the council at the regular or usual place or places, the council may meet at any place within or without the territorial limits of the county on the call of the chair or any two members of the council. After an emergency relocation, the affairs of the council shall be lawfully conducted at the emergency location for the duration of the emergency.

B.1. Except as provided in subsection B.2. of this rule, the times for regular and special committee meetings are as follows(~~((, unless the council is meeting at that time because the preceding Monday was a state or county holiday))~~):

a. Committee of the whole: except for April 1, 2019, the first and third ~~((Wednesdays))~~ Mondays of

each month at ~~((9:30 a.m. However, from October 1, 2018, through November 23, 2018, the regular meeting of the committee of the whole shall occur on the first and third Mondays of each month at 9:30 a.m.))~~ 1:30 p.m.;

b. Budget and fiscal management committee: the second and fourth ~~((Wednesdays))~~ Tuesdays of each month at 9:30 a.m.;

c. Employment and administration committee: the ~~((second and fourth))~~ first and third Mondays of each month at 3:00p.m.;

d. Government accountability and oversight committee: the second and fourth Tuesdays of each month at ~~((9:30 a.m.))~~ 3:00 p.m.;

e. Health, housing and human services committee: the first and third Tuesday of each month at ~~((1:30 p.m.))~~ 9:30 a.m.;

f. Law and justice committee: the second and fourth Tuesdays of each month at ~~((1:30))~~ 1:00 p.m.;

g. ~~((Mobility committee: the first and third Wednesday of each month at 1:30 p.m.;~~

~~h. Planning, rural service and environment))~~ Local services, regional roads and bridges committee: the ~~((first and third Tuesdays))~~ second and fourth Mondays of each month at ~~((9:30 a.m.))~~ 1:30 p.m.;

h. Mobility and environment committee: the first and third Tuesdays of each month at 1:30 p.m.;

i. Regional policy committee: the second Wednesday of each month at 3:00 p.m.;

j. Regional transit committee: the third Wednesday of each month at 3:00 p.m.; and

k. Regional water quality committee: the first Wednesday of each month at 3:00 p.m.~~((; and~~

~~l. Special committee on alternatives to incarceration: Wednesday, March 28, 2018, at 2:30 p.m.))~~

2. The regular meetings of the committees shall not take place during ~~((the first and second weeks in August and the third and fourth weeks in December))~~ the times when the council meeting does not take place, as prescribed in subsection A. of this rule.

C. Council and committee meetings must be held in accordance with the Open Public Meetings Act of 1971, chapter 42.30 RCW.

D. A meeting may be continued, in accordance with chapter 42.30 RCW, to another date and does not conclude until adjourned in accordance with these rules.

E.1. An executive session may be held during a council or committee meeting if one of the specific grounds under chapter 42.30 RCW for an executive session exists.

2. Before convening in executive session, the chair of the council or committee shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the chair.

3. Only members of the council or committee, special invitees and those employees or staff members the council or committee determines to be necessary are allowed to remain in the room. Persons attending an executive session shall maintain the confidentiality of the proceedings.

F.1. A legal analysis of the Open Public Meetings Act by the office of the Attorney General, 2010 AGO No. 9, has advised that when a committee meeting is attended by a quorum of the governing body it must be noticed not only as a committee meeting but also as a meeting of the governing body. For this reason, all meetings of council committees shall be noticed both as committee meetings and as council meetings whose agenda is limited to the committee business.

2. In all committee meetings, which are council meetings in accordance with subsection F.1. of this rule, only the rules and procedures applicable to committees apply, and not those rules and procedures applicable to full council meetings. This includes, but is not limited to:

a. only those members who serve on the committee have the right to exercise parliamentary rights in the meeting, including, but not limited to, raising points of order, making motions and voting;

b. attendance shall be recorded only for members serving on the committee, and the quorum for the meeting shall be the committee quorum; and

c. committee meetings shall be chaired by the committee chair.

SECTION 4. Ordinance 11683, Section 5, as amended, and K.C.C. 1.24.045 are each hereby amended

to read as follows:

Rule 5: Agenda.

A. Council business must be disposed of in the following order, or in an order the chair deems appropriate, subject to appeal as provided in Rule 5.D, K.C.C. 1.24.045.D:

1. Roll call;
2. Flag salute and Pledge of Allegiance, the leading of which must be offered by a member of the council and which must rotate among all members of the council;
3. Approval of minutes;
4. Additions to the council agenda;
5. Special items;
6. General ((P))public comment ((on the fourth Monday of each month, or the fourth Tuesday if the fourth Monday is a state or county holiday)) when scheduled in accordance with Rule 10, K.C.C. 1.24.095;
7. Plat tracings;
8. Hearing and second reading of ordinances from standing committees and regional committees;
9. First reading of and action on emergency ordinances without referral to committee;
10. Consent agenda on hearing examiner recommendations;
11. Motions, from standing committees and regional committees, for council action;
12. First reading of and action on motions without referral to committee;
13. Consent agenda on reappointments to boards and commissions;
14. Consent agenda on reports and recommended actions from the employment and administration committee;
15. Other reports and recommended actions from the employment and administration committee;
16. First reading and referral of ordinances;
17. First reading and referral of motions;

18. Reports from members serving on special and outside committees;

19. Extra items;

20. Messages from the county executive and other county officials, the judiciary, the regional committees and other agencies;

21. Other business; and

22. Adjournment.

B. Legislation or other items for placement on the council meeting agenda must be submitted to the clerk of the council by 10:00 a.m. Thursday of the week before the next scheduled meeting, except that:

1. If directed by the chair, the clerk may place an item on the council agenda with a note that the item is contingent on being voted out of committee before the council meeting; and

2. Legislation or other items needing action by the full council may be added at the discretion of the chair of the council at a regularly scheduled council meeting. The chair shall apply the following criteria for the additions:

a. the legislation is particularly time-sensitive and delay in action either:

(1) might impair the effectiveness of the county's responses to emergencies such as natural or human-made disasters, or other circumstances seriously affecting the public health, safety or welfare or the support of county government and its existing public institutions; or

(2) might impair timely performance under deadlines of a statute, ordinance, contract, interlocal agreement, real property instrument or other provision requiring immediate action;

b. legislation should be delivered to the clerk before the beginning of the council meeting. The original should be provided to the clerk, together with an introduction slip from the sponsor; and

c. the sponsor should provide a brief written description to the chair of the reason for the need to expedite the legislation without regular committee review.

D. The chair shall notify the members present of proposed changes to the agenda. If two members

object to a change, a majority of the members present shall decide whether to change the agenda.

SECTION 5. Ordinance 11683, Section 9, as amended, and K.C.C. 1.24.085 are each hereby amended to read as follows:

Rule 9: Introduction and initial consideration of proposed legislation.

A. All legislative proposals submitted to the King County council by the executive shall be accompanied by a completed Legislative Review Form in the form of Attachment A to Ordinance 17666, dated July 25, 2013, or as amended from time to time.

B. Upon receipt of proposed legislation from the executive, the sheriff, the assessor, the presiding judge, the prosecuting attorney, the director of elections or a councilmember, the clerk of the council shall assign a proposed number to the legislation. The clerk may make formatting and nonsubstantive revisions in form and style to proposed legislation before first reading and shall indicate on the revised legislation that the legislation is revised by the clerk and the date of the revision.

C. Upon filing with the clerk of the council of either a signature of at least one member of the council or electronic sponsorship of legislation in a form prescribed by the clerk of the council, or upon receipt by the council of a proposed ordinance submitted as an institutional initiative under Section 230.50.10 of the King County Charter, the proposed legislation is introduced and must be placed on the agenda for first reading and referral. Legislation may be introduced with the title only, but the text of the legislation must be filed with the clerk by first reading. The chair of the council shall refer both the title and the subsequently filed text of the legislation to committee if the legislation was introduced with the title only. If the text of the legislation is not timely filed, the legislation is to be removed from the agenda and is not to be referred to committee.

D. A member may add the member's own name to sponsorship of legislation at any time before passage of the legislation by informing the clerk of the council in writing. The first member listed on the first introduction slip filed for legislation may not remove that member's own name from sponsorship of the legislation. However, any other sponsor of legislation may remove that sponsor's own name from sponsorship

of the legislation by informing the clerk of the council in writing.

E. First reading of legislation shall consist of either:

1. Printing the number and title of the proposed legislation on the published agenda; or
2. Adding the proposed legislation to the agenda under Rule 5, K.C.C. 1.24.045.B.2. or 3. and

including this information in the council's minutes.

F. After the first reading, proposed legislation must be referred to an appropriate committee or committees by the chair of the council, except for motions confirming executive reappointments to boards or commissions, which may be referred directly to a council consent agenda. Proposed legislation referred to more than one committee must be considered consecutively by the committees in the order set forth on the marked published agenda or as specified by the chair during the meeting and reflected in the council's minutes.

G. Upon being reported out of committee with a recommendation signed by a majority of the committee, proposed legislation must be placed upon an agenda for appropriate action, after consideration of public hearing notice requirements, one week after the ((Monday)) Wednesday after the committee meeting, unless the committee chair decides and states on the record at the committee meeting that the item be placed on the next council agenda. The clerk of the council may make formatting and nonsubstantive revisions in form to proposed legislation after the legislation is reported out of the committee and before the legislation is placed on the agenda for second reading and shall indicate on the revised legislation that the legislation is revised by the clerk and the date of the revision.

SECTION 6. Ordinance 11683, Section 10, as amended, and K.C.C. 1.24.095 are each hereby amended to read as follows:

Rule 10: Public hearing and second reading.

A. The council encourages public participation in the legislative process. To preserve order and decorum and in the interest of efficiency, the council or committee chair may impose time and subject matter limits on public comment or testimony. The following rules shall apply at any meeting of the council and its

standing committees, regional committees or special committees at which public comment or testimony is taken:

1. It shall be at the discretion of the committee chair whether to allow either public comment or testimony at a committee meeting;
2. At least seven days must elapse after introduction of a proposed ordinance, other than an emergency ordinance, before the council may conduct the required public hearing on the proposed ordinance. The council must conduct a public hearing before adopting an ordinance. Public testimony at the hearing must be germane to the proposed ordinance and must be made in such a manner as to comply with the requirements imposed by the chair under Rule 2.B, K.C.C. 1.24.015.B; and
3. The council shall allow general public comment on matters relating to county government at its meeting on the fourth ~~((Monday))~~ Wednesday of each month ~~((or the fourth Tuesday))~~. ~~((i))~~ If the fourth ~~((Monday))~~ Wednesday is a state or county holiday and the council does not meet, the general public comment shall occur at the next regular meeting of the council. General public comment is limited to fifteen minutes and each person making general public comment may speak for two minutes. General 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 of or opposition to any ballot proposition. General public comment may not address any ordinance that is on that day's council agenda for public hearing. General public comment must be made in such a manner as to comply with the requirements imposed by the chair under Rule 2.B, K.C.C. 1.24.015.B.

B. Disruptions of council and committee meetings are prohibited. Disruptions include, but are not limited to:

1. Speech by an individual after expiration of the time allotted for the speaker's public comment or testimony;
2. Speech by an individual who has not been recognized by the chair for public comment or testimony,

who is speaking in a volume louder than a low, conversational level appropriate for communication between persons seated next to each other in the council chambers, or whose speech is audible by others;

3. Comments or testimony that does not comply with subsection A of this section;

4. Standing, except when: entering or leaving the chambers, providing comment or public testimony after being called on by the chair, or as necessary to obtain a copy of meeting materials from staff; or

5. Holding or placing a banner or sign during a meeting in a way that may endanger other individuals or that obstructs the free passage or view of others attending or viewing the meeting.

C. If an individual engages in disruption of the meeting, including but not limited to any of the actions described in subsection B. of this section, the chair may rule the individual out of order, direct the individual to cease the activity and impose other reasonable conditions for the individual's continued presence at the meeting.

D. If the individual does not immediately comply with the chair's order, the chair may direct the removal of the individual from the meeting.

E. Unless otherwise ordered by the chair, any individual ordered to be removed from a meeting is excluded from returning to that meeting, unless the decision of the chair is overruled by a majority vote of those members in attendance. Any two members may place before the body the question of whether to permit the individual to return to the same meeting.

F.1. If an individual is removed either from two or more committee meetings within a fifteen day period or from two or more consecutive meetings of the council, the chair of the council may exclude the individual from participation in public comment or testimony periods at future council or committee meetings.

2. The chair shall notify the individual in writing of the type of exclusion, the specific reasons for the exclusion and the specific terms and length of the exclusion.

3. The notice of exclusion shall advise that the individual may submit written comments to the clerk for distribution to the councilmembers at future public comment or testimony periods.

4. The notice of exclusion shall be filed with the clerk, who shall post it on the door to the council

chambers and on the council's web page, provide a copy of the notice to members and mail the notice to the individual's last known address, if any. The notice is effective when posted. The exclusion order shall remain posted on the door to the chambers for the duration of the exclusion period.

G.1. In determining the scope and length of an individual's exclusion allowed under subsection F. of this section, the chair may consider the seriousness of the disruptions to the orderly conduct of the meeting, the number of disruptions in which the individual participated and other reasons deemed relevant by the chair.

2. The chair may issue an exclusion from future participation in public comment or testimony periods for up to twenty-eight calendar days.

3. At the next regular meeting of the council, following the filing and posting of the exclusion notice, the exclusion order may be overruled or modified by a majority vote of those councilmembers in attendance. Any two members may place before the body the question of whether to overrule or modify the exclusion decision.

H. Any individual excluded from participation in future public comment or testimony periods may appeal the exclusion by submitting a written appeal to the clerk of the council within five calendar days after the exclusion notice is posted. The clerk shall distribute copies of the appeal to all councilmembers. The council shall consider the appeal at the next regularly scheduled council meeting if any two members place it before the body. The individual's exclusion from public comment or testimony periods shall remain in effect during the council's consideration of the appeal.

SECTION 7. Ordinance 11683, Section 15, as amended, and K.C.C. 1.24.145 are each hereby amended to read as follows:

Rule 15: Quorum and voting - standard, emergencies.

A. The requirements for a quorum of a standing committee are prescribed in Rule 6A, K.C.C. 1.24.055.A. The requirements for a quorum of a regional committee are prescribed in Rule 7, K.C.C. 1.24.065.

Three members constitute a quorum of the employment and administration committee.

B.1. Five members constitute a quorum of the county council, except as provided in subsection B.2. of this section. If there is a lack of a quorum, the chair shall request the clerk of the council to call members so as to constitute a quorum. Unless otherwise required by the King County Charter, a vote of the majority of those present is necessary for the conduct of council business.

2. In the event that an emergency, as defined in K.C.C. 12.52.010, reduces the number of members, then those members available and present for duty have full authority to act in all matters as the county council. Quorum requirements for the council shall be suspended for the period of the emergency, and where the affirmative vote of a specified proportion of the council is required for approval of an ordinance or other action, the same proportion of those members available shall be sufficient. As soon as practicable thereafter, the available members shall act in accordance with the charter and state law to fill existing vacancies on the council.

3. Members participating by telephone or other electronic means as allowed under subsection C. of this section are present for quorum purposes. The clerk of the council, in consultation with the chair, shall establish authentication and operating procedures, which must comply with all state and county laws regarding open public meetings. It shall be noted in the minutes when members participate by telephone or other electronic means.

C.1. Members may participate and vote in meetings of standing committees of which they are members and in meetings of the full council by telephone or other electronic means under the following circumstances:

a. any regular meeting convened during the time period specified by the chair for the council's annual trip to Washington, D.C., to confer with federal officials and members of Congress on matters affecting the county;

b. under any circumstances up to five times per calendar year per councilmember; and

~~((b-))~~ c. under circumstances constituting good cause, which include:

- i. an emergency, as defined in K.C.C. 12.52.010;
 - ii. special meetings convened during the ~~((council's summer or winter recess))~~ dates in Rule 4.A., K.C.C. 1.24.035.A., when the regular meetings of the council shall not take place; or
 - iii. urgent circumstances as defined in subsection C.5. of this section, if the member's attendance is approved in accordance with subsection C.2. of this section.
2. A member wishing to participate and vote in a full council or standing committee meeting by telephone or other electronic means under subsection C.1.b.iii. of this section shall use the following process:
- a. The member shall declare orally or in writing to the chair of the meeting that the member requests to participate and vote by telephone or other electronic means because of urgent circumstances;
 - b. After receiving the request from the member, the chair shall promptly approve or deny the request and so inform the member, who may accept the chair's ruling or appeal the chair's ruling to the members present at the meeting; and
 - c. Reversal of the chair's ruling requires an affirmative vote of a two-thirds majority of the members present at the meeting. For a full council meeting, reversal of the chair's ruling also requires that a quorum be present.
3. In notifying the meeting chair of the member's intent or request to participate and vote by telephone or other electronic means under this subsection C., the member shall specify the specific provision of this subsection C. on which the member is relying.
4. To facilitate connection to the broadcasting system, notices or requests for participation by telephone or other electronic means should be made half an hour in advance of the meeting when possible, and the member should promptly inform the clerk of the meeting of the notice or request. When participating by telephone or other electronic means, the member shall speak audibly so that the public can hear the discussion and voting process.
5. For the purposes of this subsection C., "urgent circumstances" means when a member experiences

one or more of the following:

a. inclement weather, such as a flood alert or snow in the member's district, that results in circumstances that make it unsafe for the member to attend the meeting; and

b. the member or an immediate family member, as "immediate family" is defined in K.C.C. 3.12.010, has a medically-related issue or other urgent need for assistance, including without limitation the death of an immediate family member, that makes it difficult for the member to attend the meeting.

D. There may not be voting by proxy on a question before the council. A member who is in the council chambers or present via telephone or other electronic means when the question is put shall vote unless excused by the council for special reasons. A motion to excuse a member must be made before the call for "ayes" and "nos" is commenced.

E. A vote before the council must be recorded as to the "ayes" and "nos." Upon the final passage of legislation before the council, the vote must be taken by oral roll call. On any other matter, the vote must be taken by oral roll call if requested by at least one member. When once begun, the roll call may not be interrupted. The order of names on the roll call must be alphabetical by last name except for the chair, who votes last when the "ayes" and "nos" are called.

SECTION 8. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.

SECTION 9. As to not interfere with previously scheduled committee meetings, this ordinance takes effect February 1, 2019.