

S1

11-22-10

12/6/10 Council Mtg

Sponsor: Lambert

at

Proposed No.: 2010-0165

RL MOVED  
PASSED 8-0 RD Excused

1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2010-0165, VERSION

2 1

3 On page 1, beginning on line 4, strike everything through page 4, line 66, and insert:

4 "PREAMBLE:

5 Councilmember participation in council meetings ensures that the interests  
6 of their constituents will be represented when important decisions are  
7 made. Councilmember participation is also vital in some circumstances  
8 for the creation of a quorum, and events that delay creation of a quorum  
9 reduce government productivity.

10 For example, in 2009, a councilmember's family emergency caused a  
11 council meeting delay. If the councilmember had been able to participate  
12 in the meeting by phone, such a delay would not have occurred.

13 Approximately half of the largest counties and cities in Washington state  
14 have meeting rules that allow their councilmembers or commissioners to  
15 attend meetings telephonically or electronically. For example, Snohomish  
16 county, Spokane county, the city of Spokane, the city of Tacoma and the

17 city of Seattle allow telephonic or electronic participation under various  
18 circumstances.

19 Telephonic participation has not led to excessive use or abuse of the policy  
20 in jurisdictions that allow for it. In fact, in counties or cities that allow  
21 telephonic or electronic participation, it is a consistent pattern that  
22 telephonic or electronic participation occurs rarely, on the order of once or  
23 twice a year on average.

24 Telephonic or electronic participation can make it possible for  
25 councilmembers to attend meetings that they would otherwise miss due to  
26 legitimate emergencies. It promotes the democratic process by letting a  
27 councilmember's vote be heard on issues of importance to the elected  
28 official's constituents. This ordinance supports the efficient functioning of  
29 county government by allowing electronic participation in meetings by  
30 councilmembers under limited, legitimate circumstances.

31 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

32 SECTION 1. Ordinance 11683, Section 15, as amended, and K.C.C. 1.24.145 are  
33 each hereby amended to read as follows:

34 **Rule 15: Quorum and voting - standard, emergencies.**

35 A. The requirements for a quorum of a standing committee are prescribed in Rule  
36 6A, K.C.C. 1.24.055.A. The requirements for a quorum of a regional committee are  
37 prescribed in Rule 7, K.C.C. 1.24.065. Three members constitute a quorum of the  
38 employment and administration committee.

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

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

52 3. ~~((In the event of an emergency, as defined in K.C.C. 12.52.010, members  
53 may participate and vote in council meetings by telephone or other electronic means.))~~  
54 Members participating by telephone or other electronic means as allowed under  
55 subsection B.4. of this section are present for quorum purposes. The clerk of the council,  
56 in consultation with the chair, shall establish authentication and operating procedures,  
57 which must comply with all state and county laws regarding open public meetings. It  
58 shall be noted in the minutes when members participate by telephone or other electronic  
59 means.

60 4. Members may participate and vote in council meetings by telephone or other  
61 electronic means under the following circumstances:

62           a. in the event of an emergency, as defined in K.C.C. 12.52.010;  
63           b. special meetings convened during the council's summer or winter recess; or  
64           c. if a member declares orally or in writing to the chair of the council before or  
65           during a meeting that he or she is unable to attend in person because of urgent  
66           circumstances as defined in this subsection. A declaration of urgent circumstances may  
67           not be made more than three times within a calendar year. For the purpose of this  
68           subsection B.4.c., "urgent circumstances" means when a councilmember experiences one  
69           or more of the following:

70                   (1) inclement weather that poses an immediate life, health or safety risk to  
71           the member if the member were to travel to the meeting, such as a flood alert in the  
72           member's district or snow in the member's district or in an area through which the  
73           member must travel to get to the meeting; and

74                   (2) the member or an immediate family member, including spouse or  
75           domestic partner, child, child of spouse or domestic partner, parent, parent of spouse or  
76           domestic partner, grandparent or grandparent of spouse or domestic partner, has a  
77           medically related emergency or urgent need for assistance that makes the member unable  
78           to attend the meeting.

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

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

90 SECTION 2. This ordinance creates new, limited exceptions for electronic  
91 participation in meetings by councilmembers that are intended to enhance government  
92 productivity and the ability of councilmembers to effectively and efficiently represent  
93 their constituents. A review of the effectiveness of this ordinance shall be conducted by  
94 the lead staff of the committee of the whole to be reported to the committee of the whole  
95 by no later than September 30, 2012. The report shall include an assessment of how  
96 often electronic participation has occurred and any costs or benefits of the electronic  
97 participation."

98

99 **EFFECT: Refines definition of emergency and requires a 2-year review.**