## STAFF REPORT

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| **Agenda Item:** | 6 | **Date:** | June 15, 2016 |
| **Proposed No.:** | 2014-0320 | **Name:** | Nick Wagner |

**SUBJECT**

Attendance at council meetings by telephone or other electronic means.

**SUMMARY**

Proposed Ordinance 2014-0320 (Att. 1) would amend the council rules governing attendance at council meetings by telephone and other electronic means (“remote attendance”). Specifically, the ordinance would:

* Allow remote attendance at three council standing committee meetings as well as three meetings of the full Council per calendar year, based on a councilmember’s declaration that the need for remote attendance was due to “urgent circumstances”;
* Allow a councilmember to remotely attend more than three standing committee meetings and three full council meetings in a calendar year if the additional times were approved by “an affirmative vote of a majority of the members present at the meeting,” but—for meetings of the full Council—only if a quorum of councilmembers is present at the meeting;
* Revise the definition of “urgent circumstances” that justify remote attendance;
* Specify that when a member is attending a meeting remotely, the member’s voice must be “audible so that the public can hear the discussion and voting process”; and
* Provide that requests for remote attendance “should be made half an hour in advance of the meeting when possible” “to facilitate connection to the broadcasting system,” but would allow a request to be made “before or during the meeting.”

**BACKGROUND**

The King County Charter (§ 220.40) requires the Council to adopt, by ordinance, rules of procedure governing the time, place, and conduct of its meetings. Pursuant to the charter, the Council has adopted rules of procedure, which are codified in chapter 1.24 of the King County Code and which have been amended from time to time.

Currently, subsection B.4 of Rule 15 of the council rules (KCC 1.24.145.B.4) allows councilmembers to participate and vote by telephone or other electronic means in meetings of the full Council under the following circumstances:

1. in the event of an emergency, as defined in K.C.C. 12.52.010[[1]](#footnote-1);
2. special meetings convened during the council’s summer or winter recess; or
3. if a member declares orally or in writing to the chair of the council before or during a meeting that he or she is unable to attend in person because of urgent circumstances as defined in this subsection. A declaration of urgent circumstances may not be made more than three times within a calendar year. For the purpose of this subsection B.4.c., “urgent circumstances” means when a councilmember experiences one or more of the following:

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

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

**ANALYSIS**

**Technical Amendment to the Proposed Ordinance**

Because KCC 1.24.145 has been amended since Proposed Ordinance 2014-0320 was originally introduced in 2014, council staff has prepared a primarily technical amendment, Amendment 1 (Att. 2), which reflects those intervening amendments and makes minor clarifying changes. Henceforth in this staff report, references to the proposed ordinance will be based on Amendment 1 (Att. 2), rather than the original proposed ordinance.

**Proposed Changes from Current Rules**

The proposed ordinance would make the following changes in the existing council rules.

1. **Remote Attendance at Standing Committee Meetings**

The ordinance would allow a councilmember to remotely attend up to three meetings of standing council committees as well as three meetings of the full Council, based on the councilmember’s declaration that remote attendance is needed due to “urgent circumstances.” (Att. 2, lines 29-30). Currently, only full Council meetings may be attended remotely.

Council staff has prepared a table (Att. 6) comparing King County’s current and proposed rules on remote attendance with those of nine other government entities, eight of which allow remote attendance in some form. None of the other entities that allow remote attendance distinguishes between meetings of the full entity and meetings of committees of the entity. (Att. 6, p. 2) Six of the other entities place no limits on the number of meetings per year that a member may attend remotely; one has a limit of six meetings per calendar year, and one has a limit of four per year, “unless absent for medical reasons.” (Att. 6, p. 1)

1. **More Than Three Council and Three Committee Meetings Upon Approval**

The proposed ordinance would allow remote attendance at more than three meetings of the full Council and/or more than three meetings of a standing committee on the basis of “urgent circumstances” if a majority of the members present at the meeting in question voted to allow the member to attend remotely. (Att. 2, lines 56-68) If the additional meeting were a full Council meeting, there would need to be a quorum present at the meeting. (Att. 2, lines 67-68)

Of the other entities that permit remote attendance: one makes remote attendance contingent on approval by other members of the entity, and seven do not. (Att. 6, p. 1)

1. **Revision of the Definition of “Urgent Circumstances”**

Under the proposed ordinance, the definition of “urgent circumstances” that justify remote attendance would be revised as follows:

(1) “inclement weather ~~that poses an immediate life, health or safety risk to the member if the member were to travel to the meeting~~, such as a flood alert ~~in the member’s district~~ or snow in the member’s district, ~~or in an area through which the member must travel to get to the meeting~~ that results in circumstances that make it difficult for the member to attend the meeting” (Att. 2; compare lines 45-48 with lines 76-78); or

(2) “the member or an immediate family member, including spouse or domestic partner, child, child of spouse or domestic partner, parent, parent of spouse or domestic partner, grandparent or grandparent of spouse or domestic partner, has a medically related ~~emergency~~ issue or other urgent need for assistance that makes it difficult for the member ~~unable~~ to attend the meeting.” (Att. 2, compare lines 49-53 with lines 79-83).

In other words, under the proposed ordinance, inclement weather would justify remote attendance if it resulted in circumstances that made it difficult for the member to attend the meeting. The weather would no longer need to be so severe that travel to the meeting would pose an immediate life, health, or safety risk to the member.

Alternatively, a member’s or family member’s “medically related issue or other urgent need for assistance” would justify remote attendance if it made it “difficult for the member to attend the meeting,” but a medical issue would no longer need to be an “emergency,” and the member would no longer need to be “unable” to attend the meeting.

Of the other entities that permit remote attendance: five do not limit the circumstances under which remote attendance is permitted: one permits it when a councilmember is “not able to be physically present for a meeting”; one permits it only under “extraordinary circumstances such as emergencies, illness, accident, being away from the agency’s region due to official business, or similar circumstances”; and one permits it only for “emergency meetings” (due to “a natural disaster, fire, flood, earthquake, enemy attack, imminent enemy attack, or other catastrophic emergency that renders a Councilmember’s physical attendance at a meeting impracticable”). (Att. 6, p. 1)

1. **Audibility**

The proposed ordinance would explicitly require a member attending a meeting remotely to “have the member’s voice audible so that the public can hear the discussion and voting process.” (Att. 2, lines 71-73)

Of the other entities that permit remote attendance: six require, at least implicitly, that all meeting participants be able to hear what each other is saying; one requires the use of “approved teleconferencing equipment”; and one does not specify any technical requirements. (Att. 6, p. 3)

1. **Notice**

Under current rules, there are no explicit notice requirements for remote attendance. The proposed ordinance would add the following notice provision: “To facilitate connection to the broadcasting system, requests for participation by telephone or other electronic means should be made half an hour in advance of the meeting when possible.” (Att. 2, lines 69-71)

Of the other entities that permit remote attendance: five have no notice requirements for attending remotely; one requires “adequate notice”; one requires at least “reasonable notice to the clerk of the council” and requests “notice at a prior regular meeting”; and one provides that “remote participation must be approved in advance, either at an earlier Council meeting or before joining a current meeting.” (Att. 6, p. 3)

**AMENDMENTS**

Amendment 1 (Att. 2) is primarily a technical amendment to reflect the amendments that have been made to KCC 1.24.145 (which Proposed Ordinance 2014-0320 would amend) since the ordinance was introduced in 2014, and to clarify the wording.

The following two amendments would amend Amendment 1:

Amendment 2 (Att. 3) would permit remote attendance when a councilmember would have difficulty attending a meeting because of the councilmember’s need to attend a meeting of an outside committee on which the councilmember serves pursuant to assignment under council Organizational Rule 2-010.

Amendment 3 (Att. 4) would expand the definition of “family members” (whose urgent need for assistance could warrant remote attendance at meetings) to include all “immediate family” as defined in KCC 3.12.010.GG. (That section specifies the family members for whose death King County employees are eligible for bereavement leave under KCC 3.12.210.) The additional family members are: (1) the member’s daughter-in-law and son-in-law and (2) the siblings and grandchildren of the member or the member’s spouse or domestic partner.

**ATTACHMENTS**

1. Proposed Ordinance 2014-0320
2. Amendment 1
3. Amendment 2
4. Amendment 3
5. KCC 1.24.145 (current council Rule 15)
6. Table comparing King County with other jurisdictions

1. K.C.C. 12.52.010(A) provides: “‘Emergency’ or ‘disaster’ means an event or set of circumstances such as fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, that demands the immediate preservation of order or of public health or the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed or where delay will result in financial loss to the county or for the relief of a stricken community overtaken by such occurrences or which reaches such a dimension or degree of destructiveness as to warrant the executive proclaiming a state of emergency pursuant to K.C.C. 12.52.030. ‘Emergency’ or ‘disaster’ also includes the potential for flooding arising out of the diminished capacity of the Howard Hanson dam.” [↑](#footnote-ref-1)