



Legislation Text

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Clerk 02/01/2011

AN ORDINANCE relating to council rules and order of business; and amending 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 6, as amended, and K.C.C. 1.24.065 and Ordinance 11683, Section 9, as amended, and K.C.C. 1.24.085; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY

SECTION 1. Findings:

A. King County Charter Section 220.40 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 its committees by motion effective today, including modifying committee names, duties, and committee and council meeting times, this ordinance must be effective immediately to ensure that the regular meeting times of the council and its committees are enacted and effective contemporaneously with the reorganization of the council.

E. The council intends within eighteen months to reevaluate Rule 4.A.1.a. and F. and consider possible

changes in response to further discussion and analysis of the relationship between council and committee meetings.

SECTION 2. 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. The time of regular meetings of the council is ~~((11:00 a.m.))~~ 1:30 p.m. on Monday 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 ~~((, except that the time is 1:30 p.m. from September 21 through December 31)).~~ However, the regular meetings of the council shall not take place on the first and second Mondays in August and the third and fourth Mondays in December. All regular or special meetings of council committees shall be regular or special council meetings, pursuant to council rule 4. F.

b. Each Wednesday from 1:30 p.m. to 3:00 p.m. shall be reserved for special standing committee meetings and each fourth and fifth Wednesdays of each month from 3:00 p.m. to 4:30 p.m. shall be reserved for special regional committee meetings as needed. 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 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 ~~((2011))~~ 2012 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 ~~((section))~~ rule, the times for regular 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: ~~((Wednesday))~~ the first and third Mondays of each ~~((week))~~ month at 9:30 a.m. 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 January 1 through September 16; thereafter through December 31, Monday of each week at 9:30 a.m.;

b. Budget and fiscal management committee: the first and third Tuesdays of each month at 1:30 p.m.;

c. Employment and administration committee: the ~~((first and third))~~ second and fourth Mondays of each month at 9:30 a.m. January 1 through September 7; thereafter through December 31 on the first and third Mondays of each month at 3:00 p.m.;

d. ~~((Environment and transportation committee: the second and fourth, and fifth if one occurs, Tuesdays of each month at 9:30 a.m.;~~

e.)) Government accountability and oversight committee: the first and third Tuesdays of each month at 9:30 a.m.;

~~((f.))~~ e. Law, justice, health and human services committee: the second and fourth, and fifth if one

occurs, Tuesdays of each month at 1:30 p.m.;

f. Transportation, economy and environment committee: the second and fourth, and fifth if one occurs, Tuesdays of each month at 9:30 a.m.;

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

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

i. Regional water quality committee: the first Wednesday of each month at 3:00 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.

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 3. 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. Plat tracings;
7. ~~((Motions, from standing committees and regional committees, for council action))~~ Hearing and second reading of ordinances from standing committees and regional committees;
8. ~~((First reading of and action on motions without referral to committee))~~ First reading of and action

on emergency ordinances without referral to committee;

9. (~~Consent agenda on reappointments to boards and commissions~~) Consent agenda on hearing examiner recommendations;

10. (~~Consent agenda on reports and recommended actions from the employment and administration committee~~) Motions, from standing committees and regional committees, for council action;

11. (~~Other reports and recommended actions from the employment and administration committee;~~)
First reading of and action on motions without referral to committee;

12. (~~Consent agenda on hearing examiner recommendations;~~) Consent agenda on reappointments to boards and commissions;

13. Consent agenda on reports and recommended actions from the employment and administration committee;

14. Other reports and recommended actions from the employment and administration committee;

15 First reading and referral of ordinances;

~~(14.)~~ 16. First reading and referral of motions;

~~(15.)~~ 17. Reports from members serving on special and outside committees;

~~(16. Recess;~~

17. ~~Hearing and second reading of ordinances from standing committees and regional committees;~~

18. ~~First reading of and action on emergency ordinances without referral to committee;~~

~~19.)~~ 18. Extra items;

~~(20.)~~ 21. Messages from the county executive and other county officials, the judiciary, the regional committees and other agencies;

~~(21.)~~ 22. Other business; and

~~(22.)~~ 23. Adjournment.

B. (~~Required public hearings and second readings of ordinances on the council's agenda shall begin at~~

~~1:30 p.m., unless notice of a different hearing time has been given;~~

C.) 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))~~ 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 4. Ordinance 11683, Section 6, as amended, and K.C.C. 1.24.065 are each hereby amended to read as follows:

Rule 6: Standing committees. The standing committees shall operate as follows:

A. A majority of a committee constitutes a quorum. A committee is considered to have a quorum

present unless the question is raised by a member of the committee. If a member objects to proceeding because of the lack of a quorum, the committee may not conduct official business, except to conduct a hearing. The appointment or use of alternate members is not allowed for a standing committee. Any member of the council may attend and participate in any committee meeting by asking questions and offering comments on any matter before the committee. Only members of the committee may exercise parliamentary rights in the committee, including, but not limited to, raising points of order, making motions and voting.

B. During its consideration of a vote on legislation, the deliberations of a committee must be open to the public.

C. A vote to report legislation out of committee must be taken by the "ayes" and "nos," with the committee clerk recording the names of the members voting for and against, as well as the names of the members absent. On any matter, including but not limited to an amendment, a vote must be taken by oral roll call if requested by a member of the committee. A standing committee may not vote by secret ballot on an issue. Except for a regional committee, legislation may be reported out of committee by less than a quorum of the committee, subject to signature by a majority of the members of the committee, unless a member present requests a vote on the recommendation by a quorum of the committee. If a member so requests, the legislation may not be reported out of the committee at that meeting without an affirmative vote by a majority of the quorum of the committee. The committee's recommendation on legislation reported out of committee subject to signature by a majority of the members of the committee is not effective unless signed by a majority of the committee and delivered to the clerk by the close of the second business day after the committee action. A vote in a committee must be recorded and the vote must be preserved as prescribed by the clerk of the council.

D. Legislation reported to the council from a standing committee must have a majority recommendation report, which must be prepared upon a printed standing committee report form and must be signed by a majority of the committee with one of the following recommendations:

1. Do pass;

2. Do pass -- consent;
3. Do pass substitute;
4. Do pass substitute -- consent;
5. Do not pass;
6. Postpone indefinitely;
7. Pass out of committee with no recommendation; or
8. Refer to another committee.

E. The rules and procedures contained in this chapter must be observed, when applicable, in all proceedings of a standing or special committee of the council.

F. The chair of the committee shall set the agenda for the committee, including whether and when to include on a specific agenda for action proposed legislation referred to the committee by the council chair. A change to the last distributed and posted agenda made at a meeting must be announced by the chair and is subject to appeal to the full committee present by any two members of the committee. A majority of the members present shall decide an appeal under this subsection.

G. Notice of a special meeting must be made in compliance with the Open Public Meetings Act of 1971, chapter 42.30 RCW. The committee chair may call up to six special meetings per calendar year. An additional special meeting may be called only upon the request of the chair and the written consent of either the vice-chair of the committee or the chair of the council before the meeting. A special meeting may be called only when:

1. There is time-sensitive legislation or information that cannot be presented and considered in the ordinary committee meeting schedule;
2. A joint meeting of two or more committees is necessary to consider a matter; or
3. An unusual and extreme workload of a committee does not allow its full consideration during the ordinary committee meeting schedule.

H. A committee may not recess a meeting for longer than eight hours unless consent is given consistent with Rule 6.G, K.C.C. 1.24.055.G. Such a recess constitutes a special meeting solely for the purpose of counting the six discretionary special meetings provided for in this rule. If recess is until the next day but less than twenty-four hours, then the maximum possible notice must be given. If recess is for greater than twenty-four hours, then at least twenty-four hours' notice must be given.

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. 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.

B. Upon filing with the clerk of the council of either a signature of at least one member of the council ((~~and filing with the clerk 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.

C. A member may add his or her 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 his or her name from sponsorship of the legislation. However, any other sponsor of legislation may remove his or her own name from sponsorship of the legislation by informing the clerk of the council in writing.

D. 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.

E. 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.

F. 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 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. 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.