

Legislation Text

File #: 2022-0457, Version: 2

AN ORDINANCE relating to council rules and order of business; amending Ordinance 11683, Section 2, as amended, and K.C.C. 1.24.015, Ordinance 11683, Section 4, as amended, and K.C.C. 1.24.035, Ordinance 11683, Section 9, as amended, and K.C.C. 1.24.085, Ordinance 11683, Section 14, as amended, and K.C.C. 1.24.135 and 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 of procedure and the organizational motion have been amended from time to time to reflect changes desired by the council.
- D. Because the council is reorganizing the council and its committees by Motion XXXXX (Proposed Motion 2022-0456), effective 11:59 p.m., December 31, 2022, 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 at the same time as the reorganization of the council.

SECTION 2. Ordinance 11683, Section 2, as amended, and K.C.C. 1.24.015 are hereby amended as follows:

Rule 2: Powers and duties of the chair. The chair of the council has the following powers and duties:

A. The chair shall:

1. Call the council to order at the hour appointed for meeting and, if a quorum is present, shall cause the minutes of the previous meeting to be approved;

2. Proceed with the order of business; and

3. Adjourn the council upon a motion to adjourn approved by a majority of members present;

B. The chair shall preserve order and decorum and in the interest of efficiency may impose time and subject matter limits for testimony and comment given by the public and members of the council;

C. The chair shall promote efficient operation of the council, which shall include setting the agenda and expediting parliamentary debate or, if there is no objection from any other member, expediting the passage of routine motions. The chair's act of adding to, removing from or taking out of order an item on a distributed and posted agenda may be appealed to the full body by any two members under Rule 5.D, K.C.C. 1.24.045.D. The chair shall discourage activities that are dilatory or disruptive. The chair shall endeavor to facilitate the will of the majority of members present at all times;

D. The chair may speak to points of order, inquiry or information in preference to other members.

Upon a ruling of the chair on a point of order, the chair shall allow any two members to immediately request that the decision be placed before the body. If a majority of members present agree to the ruling of the chair, the business of the council must proceed without further debate. If a majority of the members present do not support the ruling of the chair, the chair shall immediately allow a procedural motion to dispense with the issue in question, proceeding until a decision of the council is secured and the business of the council is allowed to proceed;

E. The chair shall retain legislation related to collective bargaining, including appropriation ordinances

limited solely to costs associated with implementation of the collective bargaining, in the control of the council and refer all other legislation to committees unless there is an objection to a referral. If there is an objection by a member, the chair's referral will stand unless a majority of the members present vote to support the objection. If the objection is sustained, the chair shall refer the legislation to another committee, unless there is an objection to the referral.

F. Any motion that proposes to censure a councilmember for violating the council's antiharassment policy shall be referred to the employment and administration committee;

G. The chair shall introduce all legislation relating to land use appeals, road vacations, plat applications, current use assessments and other similar land use decisions. The chair shall introduce all legislation relating to collective bargaining, including appropriation ordinances limited solely to costs associated with implementing the collective bargaining agreement. If recommended by action of the employment and administration committee, the chair shall introduce any motion that proposes to censure a councilmember for violating the council's antiharassment policy, unless the chair is the subject of the motion; and

H. The chair shall provide copies to all councilmembers of all official communications and requests for council action addressed to the chair from the executive, ~~((the sheriff,))~~ the assessor, the presiding judge of the district or superior court or the prosecuting attorney.

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

Rule 4: Meetings.

A.1.a. Except as otherwise provided in this subsection, the time of regular meetings of the council is 1:00 p.m. on the first, second, third and fourth Tuesdays of each month. However, the regular meetings of the council shall not take place: from ~~((April 11, 2022, through April 15, 2022; from August 1, 2022, through August 12, 2022; and from))~~ December 14, 2022, through January 2, 2023; from April 10, 2023, through April

14, 2023; from July 31, 2023, through August 11, 2023; and from December 13, 2023, through January 2, 2024

. All regular or special meetings of council committees shall be regular or special council meetings, in accordance with subsection F. of this rule.

b. A special committee meeting may not be called without the prior written consent of the council chair or the consent of a majority of the members of the committee. 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 employment and administration committee meetings, 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 meetings 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:

a. Budget and fiscal management committee: the second and fourth Wednesday of each month at 9:30 a.m.;

b. Committee of the whole: the ((first and)) third Wednesday((s)) of each month at 9:30 a.m.((, except that, for October 3, 2022, through November 21, 2022, the regular committee meeting shall occur on the first

~~and third Mondays of each month at 1:30 p.m.));~~

c. Employment and administration committee: the ~~((fourth))~~ third Tuesday of each month at 1:30 p.m.;

d. Government accountability and oversight committee: the second Tuesday of each month at 9:30 a.m.;

e. Law, justice, health and human services committee: the first Tuesdays of each month at 9:30 a.m.;

f. Local services and land use committee: the fourth Tuesday 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.;

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

j. Transportation, economy and environment committee: the third Tuesday of each month at 9:30 a.m.

2. The regular meetings of the committees shall not take place during 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 9, as amended, and K.C.C. 1.24.085 are hereby amended 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. In addition, all legislative proposals involving the collective bargaining or appropriations ordinances limited solely to the costs associated with the implementation of collective bargaining shall be accompanied by a summary of the legislation that includes the current costs and five-year implementation costs as well as changes to working conditions and any other substantive changes compared to prior agreements.

B. Upon the electronic receipt of proposed legislation from the executive, 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 electronically filing with the clerk of the council sponsorship of legislation, by at least one councilmember 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. Receipt of an institutional initiative may be received in paper form or electronically. Legislation may be introduced with the title only, but the text of the legislation must be filed with the clerk by first reading. In accordance with Rule 2.E., K.C.C. 1.24.015.E., 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 electronically informing the clerk of the council. 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 electronically informing the clerk of the council.

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, or legislation related to collective bargaining, including appropriation ordinances limited solely to the costs associated with implementation of a collective bargaining agreement. 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, proposed legislation must be placed upon an agenda for appropriate action, after consideration of public hearing notice requirements, one week after the ((Wednesday)) Tuesday 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.

H. Proposed legislation related to collective bargaining, including appropriation ordinances limited solely to the costs associated with implementation of collective bargaining agreements must be placed on the agenda for appropriate action, after consideration of public hearing notice requirements, at the next council meeting at least one week after its first reading.

SECTION 5. Ordinance 11683, Section 14, as amended, and K.C.C. 1.24.135 are hereby amended as follows:

Rule 14: Adoption by consent.

A. Consent agendas may be established by the chair of the council or a committee. Proposed legislation may be placed on a consent agenda at a council meeting upon recommendation by the committee that considered the legislation. If a member objects to the placement of proposed legislation on a consent agenda, the proposed legislation must be removed from the consent agenda. Proposed legislation on the consent agenda at a council meeting is not subject to amendment except as recommended in the committee report. All items on

a consent agenda, whether committee recommendations or final council action, may be adopted in one motion by oral roll call vote.

~~B. ((Employment and administration committee recommendations shall be contained in a written recommendation report that shall be sent to the full council in the manner set forth in the council's organizational motion. The council shall consider the recommendation reports from the committee on an employment and administration committee consent agenda. However, in the event the employment and administration committee forwards two recommendations to the council on the same matter, the two recommendations shall be considered separately from the consent agenda. Upon the request of any member present before the full council, any specific recommendation from the employment and administration committee shall be removed from the consent agenda and considered separately by the council after adoption of the employment and administration committee consent agenda.~~

C.)) A consent agenda on hearing examiner recommendations may be established by the chair of the council. A hearing examiner recommendation may be placed on the agenda on hearing examiner recommendations if a hearing was previously held on the measure and if a council member does not object to the placement. If a member objects to the placement of a hearing examiner recommendation on the consent agenda on hearing examiner recommendations, the recommendation must be removed from the consent agenda on hearing examiner recommendations. All items on the consent agenda on hearing examiner recommendations may be adopted in one motion by oral roll call vote.

~~((D.))~~ C. A consent agenda on motions confirming reappointments to boards and commissions may be established by the chair of the council. If a member objects to the placement of a confirmation motion on the consent agenda, the motion must be removed from the consent agenda and considered separately before adoption of the confirmation consent agenda. Confirmation motions referred to the consent agenda may be adopted in one motion by oral roll call vote.

SECTION 6. Ordinance 11683, Section 15, as amended, and K.C.C. 1.24.145 are hereby amended as

follows:

1.24.145 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.

B.1. Five members constitute a quorum of the county council, except as provided in subsection B.2. of this rule. 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 rule 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 and regional committees of which they are members and in meetings of the full council by telephone or other electronic means.

~~((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 rule 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 7. 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.