



Legislation Text

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Clerk 12/06/2010

AN ORDINANCE changing the emergency rule for council meetings; and amending Ordinance 11683, Section 15, as amended, and K.C.C. 1.24.145.

PREAMBLE:

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

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

Approximately half of the largest counties and cities in Washington state have meeting rules that allow their councilmembers or commissioners to attend meetings telephonically or electronically. For example, Snohomish county, Spokane county, the city of Spokane, the city of Tacoma and the city of Seattle allow telephonic or electronic participation under various circumstances.

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

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. 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 councilmembers, then those councilmembers 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 councilmembers available shall be sufficient. As soon as practicable thereafter, the available councilmembers shall act in accordance with the charter and state law to fill existing vacancies on the council.

3. (~~(In the event of an emergency, as defined in K.C.C. 12.52.010, members may participate and vote in council meetings by telephone or other electronic means.)~~) Members participating by telephone or other electronic means as allowed under subsection B.4. 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.

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

a. in the event of an emergency, as defined in K.C.C. 12.52.010;

b. special meetings convened during the council's summer or winter recess; or

c. 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.

C. 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.

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