

July 11, 2023

MEMORANDUM

To: Seattle City Council
From: Esther Handy, Director
Subject: Proposed Changes to Council Rules - Resolution 32096

On July 20, the Governance, Native Communities and Tribal Governments Committee will begin discussion on Resolution (RES) 32096, which would amend the Council General Rules and Procedures (Rules).

This memo describes:

- Twenty-four proposed changes included in RES 32096.
- Two additional policy options for consideration
- Three proposed rule changes from the public or Councilmembers that are not recommended by the Working Group.

Background

Section XII.B. of the Rules provides for the conduct of a biennial review of the Rules by the Council President and City Clerk.

The 2023 Council Rules Review Working Group is comprised of Council President Debora Juarez (and/or designee); BrynDel Swift, Office of Council President Debora Juarez; Interim City Clerk Anne Frantilla; Interim Deputy Director of the Office of the City Clerk Ian Smith; Deputy City Clerks Linda Barron, Emilia M. Sanchez, and Jodee Schwinn; Central Staff Director Esther Handy; Legislative Legal Counsel Lauren Henry; Assistant City Attorney Gary Smith; and Code Revisor Brandon Isleib. This group convened between April and July 2023 to review proposed changes to the Rules and make recommendations to the City Council.

Section 1: Proposed Changes in RES 32096

If adopted, RES 32096 would make the following changes to the Rules that are categorized and described on pages 2 – 6. The affected section of the Rules is referenced in parentheses at the end of each description.

Public Comment, Disruptions and Accessibility

1. Requires that agendas for Council and Committee meetings specify the type of public comment (oral and/or written) that will be accepted for that meeting and requires the Council to accept written public comment for Council Briefings (XI.C).
2. Clarifies that the public may comment only upon agenda items during committee meetings and provides flexibility for Committee Chairs to expand that scope to matters within the purview of the committee if notice of that scope is published on the agenda (XI.C).
3. Addresses public participation in hybrid meetings by directing the Council President, in consultation with the City Clerk and in compliance with [RCW 42.30](#), to issue guidelines for public comment in hybrid meetings. (XI.C.10).
4. Increases specificity of language defining disrupting behavior in City Council meetings to “Behavior, such as threats, personal attacks, or the use of racial, misogynistic, or gender-related slurs or abusive language or other disorderly conduct” that intentionally interferes with the orderly conduct of meetings; and extends the timelines in which those repeatedly violating the Council’s disruption rules may face exclusion from future meetings. A second offense within 90 days may receive up to 180 days exclusion; a subsequent offense within 180 days may also receive up to 180 days exclusion. (XI.D.- various subsections).
5. Creates a new requirement that the Council create and adopt a Language Access Plan. The Plan will include goals for improving language access at the City Council; a timeline, resources, and communication strategy to achieve the goals; and scope and process for accessing existing translation and interpretation services (XI.J.6).

Participation in Hybrid Meetings

To clarify several practices related to the Council operating in a hybrid in-person and virtual environment, the Resolution makes the following changes:

6. Removes language that requires Councilmembers to notify the Council President of their intent to participate and vote electronically at City Council meetings. (II.A.6, II.B.3, II.C.5).
7. Continues current practice of doing roll-call votes in a hybrid format and clarifies that voice votes may only be used when all members are present in-person and may not be used in a hybrid meeting setting (V.C).
8. Requires virtual attendees of Executive sessions to ensure confidentiality of their virtual space, ensuring unauthorized individuals do not have access to the confidential, attorney-client privileged contents of discussion (X.F).

Budget Committee Rules

The Resolution proposes updates to the Rules to reflect new practices for the Select Budget Committee during a Mid-Biennial Review, as agreed to by the Executive and Select Budget Committee Chair.

9. Establishes the Mid-Biennial Review framework in the Rules; clarifies that the Budget Chair may (rather than shall) prepare a balancing package during the first year of a Biennial Budget, and will only do so during the Mid-Biennial Review if its needed to respond to revenue forecast or significant change in budget assumptions; and requires all Councilmember amendments in a Mid-Biennial review to be self-balancing (VII.H.3 & 9).

Committee Motions; Consent Calendar; Reporting; & Select Committee Matters.

Clarifications to the Rules governing Committees and Council Briefings include:

10. Clarifies that committee members have the power to make, second, amend and vote on all motions in committee (VI.B.3).
11. Adds language allowing Committee Chairs the opportunity to recommend to the Council President agenda items from their committee to be placed on a consent calendar at City Council meetings if the matter received a unanimous vote and no abstentions (III.E).
12. Removes an outdated requirement that committee clerks provide notification to all Councilmembers of a divided vote in committee immediately after a meeting (VI.H.5a).
13. Changes the deadline for a committee to refer legislation to the next regular City Council meeting from Thursday at noon to 1pm, to reduce confusion in the circumstances when a Thursday morning committee meeting runs long. The rule is also rephrased for clarity (VI.H.4).
14. Adds a requirement that when the Council President establishes a Select committee, they shall appoint a Vice Chair, as well as a Chair (VII.A).
15. Clarifies that when the Select Labor Committee is established, the list of members shall be filed in a Clerk File (VII.I).
16. Adds a new subsection clarifying the attendance requirements at Council Briefing meetings, stating that all Councilmembers are expected to attend. A new subsection is created for the second part of the existing rule which states that Councilmembers should give one business days' notice of expected absence (IX.B).

Primary Sponsor; Abstentions; Parliamentary Procedure; Attendance; & Executive Session

Clarifications to practices at City Council include:

17. Requires legislation sponsored by Councilmembers to have a single primary sponsor and optional co-sponsors, to distinguish roles more clearly when there are multiple sponsors on a single piece of legislation (III.A.1d & IV.A.2).
18. Clarifies that Councilmembers may abstain on all procedural, amending, and final votes on Resolutions at City Council, and that they may do so by saying “Abstain” or “Present” (V.A.2).
19. Clarifies that a motion to reconsider may be made at both Committee and City Council meetings, by a motion of a Councilmember who voted on the prevailing side; and clarifies when a motion to reconsider is made on a bill that has failed to pass at City Council, that reconsideration shall not be voted on before the next meeting of the City Council (V.G.1).
20. Clarifies that during debate, Councilmembers can speak for ten minutes at one time, rather than ten minutes total (IV.A.4).
21. Clarifies that unexcused or on-call Councilmembers can be compelled to attend a meeting where there is not quorum; excused members cannot be compelled to attend (II.D.3).
22. Updates the authorized attendees for Executive Session to include the Council’s new Legislative Legal Counsel, and further authorizes any assistant to the Chair of the committee with subject-matter jurisdiction of the matter at issue who may observe, and to allow the Central Staff Director to designate multiple attendees (X.E).

Technical Changes

23. Changes the use of the symbol “§” for footnotes (various sections).
24. Cross-reference adjusted to harmonize the Rules (VI.C.4)

Section 2: Other Policy Issues for Council Consideration

Two other changes to Council practice were proposed by Councilmembers and discussed by the Working Group. Without commenting on the merit of the proposed changes, the Working Group decided that the Councilmembers were best situated to decide whether to adopt the proposed amendments into the Rules. As a result, they are not included in the base resolution. If a Councilmember would like to amend the Resolution to include these options, or another amendment, please let Central Staff Director Esther Handy know by Friday, July 21, to prepare an amendment to the Resolution for Committee discussion and vote on August 3, 2023.

1. Add in-person attendance requirements for Council and Committee meetings with the following listed exceptions and notice requirements for remote participation (II.D).
 - a. Traveling for work-related business.
 - b. Working off-site to attend to the needs of a family member or friend.
 - c. Working from home to prevent the spread of infectious disease.
 - d. The meeting is held offsite, such as a public hearing at a community center.
 - e. The meeting is scheduled to occur after normal business hours when family obligations may require that Councilmembers work from home.

When attending meetings remotely, Councilmembers must have their video on for roll call and when voting (in alignment with protocol at the State Legislature)

Notice of remote attendance at Council Briefings and City Council meetings must be provided to the Council President by 9:00 a.m. on Monday and Tuesday morning, respectively. Notice of remote attendance at committee meetings must be provided to the Chair by 5:00 p.m. on the day prior to the scheduled meeting.

Presentations delivered to a standing or select committee by a department director, a division manager, or a member of Central Staff should be given in-person, except where not practicable.

2. Include a provision to either allow or require any bill that involves a financial obligation to go to the Finance Committee AND subject matter committee (III.A.1.c).

Section 3: Proposals not Advanced by the Working Group

Finally, Section 3 contains the proposals of either a member of the public or a Councilmember that the Working Group declined to recommend for inclusion in the RES. Just as in Section 2, if a Councilmember would like to amend the RES to include these options, please let Central Staff Director Esther Handy know by Friday, July 21 to prepare an amendment to the Resolution for Committee discussion and vote on August 3, 2023.

The proposals which the Working Group declined to recommend include:

1. A proposal requiring the Seattle Channel to broadcast the images of public commenters. The Working Group declined to recommend this amendment, citing equity concerns to place all public commenters, including those appearing by phone rather than in person, on equal footing when testifying to the Council. The workgroup instead advanced a rule that requires the Council President to set the protocols for how public comment will be accepted in consultation with the City Clerk.
2. A proposal clarifying that an amendment can be re-introduced if it failed in committee. The working group determined that this principle is already memorialized in the existing rules and no further edits were needed. (See Rule V.G.4)
3. A proposal clarifying whether a Chair has the authority to prevent an amendment from being heard. The Working Group determined that the Rules sufficiently articulate that the Chair cannot prevent an amendment from being heard. Therefore, no further edits were needed. (See Rule IV.C.)

cc: Scheereen Dedman, Seattle City Clerk
Lauren Henry, Legislative Legal Counsel
Aly Pennucci, Deputy Director