

November 29, 2022

MEMORANDUM

To: Seattle City Council
From: Esther Handy, Director, Central Staff
Subject: Proposed Changes to Council Rules

On December 1, 2021 the Governance and Education Committee will begin discussion on [Resolution 32029](#), which would amend the Council General Rules and Procedures (Rules).

This memo describes:

- Fourteen proposed changes included in Resolution 32029.
- Two additional policy options regarding the Council meeting schedule, and e-participation of Councilmembers recommended by the Council Rules Review Working Group (Working Group).
- Six proposed rule changes not recommended by the Working Group.

Background

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

The 2021 Working Group is comprised of Council President Lorena González (and/or designee); Cody Reiter, Office of Council President Lorena González; City Clerk Monica Martinez Simmons; Deputy Director, Office of the City Clerk, Elizabeth Adkisson; Deputy City Clerks Linda Barron, Emilia M. Sanchez, and Jodee Schwinn; Central Staff Director Esther Handy; Assistant City Attorney Gary Smith; and Code Reviser Brandon Isleib. This group convened between September and November 2021 to review proposed changes to the Rules and make recommendations to the City Council.

Section 1: Proposed Changes in Resolution 32029

If adopted, Resolution 32029 would make fourteen changes to the Council Rules. Those changes are categorized and described in this section. Attachment 1: 2021 Council Rules Review Docket of Potential Amendments, further summarizes these changes with reference to the specific rules.

Addressing Hybrid and In-Person Meetings

1. Amends the Rules to allow for virtual alternatives for Public Comment, materials posting, and related in-person only references. The proposed changes to do not require the Council offer virtual alternatives to Public Comment for Committee or Full Council at every meeting, but rather makes it permissive.

The Committee discussed an additional policy question regarding Councilmember electronic participation in Committee and Full Council meetings, which is discussed in Section 2.

Sponsorship

2. To clarify the role of a sponsor on legislation, and amendments, the following changes are included:
 - a. Adds language that legislation does not require a sponsor to be introduced.
 - b. Adds language that, pre-introduction, co-sponsors added outside of open meetings shall not exceed a quorum of the prescribed membership (Council/ Committee).
 - c. Adds language that, post-introduction, additional sponsors may be added in open session with the consent of the primary sponsor, to address OPMA considerations.

Committee Membership, Participation and Rules

3. Adds language clarifying the rights and powers of committee and non-committee members. Specifically, that:
 - a. Only Councilmembers who are designated members of the standing committee, or alternates serving as a member, may sponsor legislation or amendments before the committee. This rule is applicable post-introduction. Pre-introduction, Rule III.A.d. applies, which allows any Councilmember to sponsor a piece of legislation.
 - b. Voting rights of members include the power to make, second, amend, or vote on all motions, including proposed amendments.
 - c. Participation of non-committee members is limited to taking part in debate, upon recognition by the Chair, and the authorship of amendments, to be submitted in accordance with Rule IV.C.1.
4. Allows the appointment of a Committee Alternate to be permissive rather than mandatory. The new language stipulates that when committees are established, an alternate may be appointed to the committee, but committees are not required to have alternates. This amendment does not change the role of the alternate.
5. Clarifies that a committee member must be absent from an entire meeting for the alternate to attend a meeting as a member with full voting rights.
6. Adopts rules for the Select Budget Committee that were established in 2021 regarding the Budget Amendment process. Those include:
 - a. Budget amendments that meet established deadlines on the annual Budget Committee schedule may be published on the appropriate meeting agenda.
 - b. Budget Amendments that are not included on a final published agenda shall not be presented at a Budget Committee meeting unless circulated via email to all CMS, the Central Staff Director, and the City Clerk by 5:00pm on the preceding business day. This rule may only be suspended by an affirmative vote of two-third of CMs present and voting at a Budget Committee meeting.

7. Establishes the Finance Committee as a Standing Committee. Committees are formed each biennium. The Finance Committee is referenced in the City Charter but has not been defined as a standing committee in Council Rules. This update adds a subsection for the Finance Committee under Standing Committees, in accordance with the Charter Article IV. Section 5. This rule does not preclude the Finance Committee from being a joint committee with other topics, such as the current Finance and Housing committee.
8. Makes a technical change to update cross-reference to VI.H in Rule XI that should point to VI.F.

Parliamentary Procedure

9. Updates References from the 11th to 12th Edition of Roberts Rules of Order, to reflect the Council's use of the most current edition.
10. Clarifies that the Chair may decide or ask the body to decide on points of order. Current language reads that the Chair shall decide. The Rules are amended to add the option for the chair to submit the question on a point of order to CMs to decide by a majority vote of the CMs present and voting.
11. Clarifies the Take from the Table motion, to establish a time limit on when it can be proposed before the pending motion expires. Specifically, that a motion that has been laid on the table may be brought back by a motion to Take from the Table in either the current or subsequent meeting.
12. Clarifies the impact of abstentions by amending the language for Committee votes where the voting results includes "CMs present", to read "CMs present and voting." The effect is that for Committees where abstentions are allowed, this clarifies the impact of abstentions as neutral and not counting towards the final vote tally in favor or opposed, to align with current practice.

Technical and Clarifying Language Changes

13. Clarifies language between "divided vote" and "divided report." Currently, when a bill passes out of Committee, any non-unanimous vote is listed as a divided report on the agenda and the dissenting CM(s) may add a "Divided Report" to the record. This language has been updated to reflect a non-unanimous vote as a "divided vote" and any dissenting CM(s) may add a "Divided Report" to the record.
14. Motions to "hold to a certain time" and "hold indefinitely" are amended to "postpone" instead of "hold," in line with Roberts Rules of Order. No change to use or meaning of motions. This adds clarity and distance between the use of a motion to table.

Section 2: Other Policy Issues to Consider

Two other changes to Council practice were discussed by the Working Group but are not included in the base resolution. If a Councilmember would like to amend the Resolution to include any of these options, please let Central Staff Director Esther Handy know by Friday, December 3 at 12pm to prepare an amendment for Committee Discussion on December 8.

Council Meeting Schedule

The City Council currently meets as a full Council on Mondays for Council Briefing at 9:30am, and as a Full Council on Mondays at 2pm. Committees (Select and Standing) typically meet on Tuesday at 9:30am or 2:00pm, Wednesday at 9:30am or 2:00pm, or Friday at 9:30am.

The Monday meeting time often results in last-minute work over the weekend to draft amendments. This has an impact on the health and sustainability of Council staff and provides limited time for public review and discussion of amendments before Full Council action.

To address these concerns, the Working Group recommends the Council consider moving the Full Council Meeting from Monday to Tuesday. For both options presented, there would no committee meetings on Monday mornings, providing Councilmembers and staff time to prepare for actions on Tuesday.

Options:

- A. Alternative 1: Amend the Council Rules to establish the Council Briefing at 2pm on Mondays and the Full Council Meeting at 2pm on Tuesday. Under this option, there would likely be a morning Standing Committee Meeting on Tuesday at 9:30am.
- B. Alternative 2: Amend the Council Rules to establish Council Briefing at 2pm on Monday and Full Council at 9:30am on Tuesday. Under this option, there would likely be an afternoon Standing Committee Meeting on Tuesday at 2pm.
- C. Make no change

Draft sample committee and amendment schedule calendars are available in Attachments 2 and 3.

For Options A and B, Council may also want to consider changing the deadline for amendments presented at Full Council. The current rule (III.A.8) allows for amendments to be presented if reviewed by the Law Department and circulated by email to all Councilmembers, the Central Staff Director, and the City Clerk at least two hours before the meeting. For Tuesday meetings, the Council may want to amend this rule from two hours before a meeting to 5pm the day before the meeting, consistent with other deadlines for bringing new Resolutions and Council Bills forward in Section III.A¹.

¹ III.A.4: Resolutions not on the City Council Introduction and Referral Calendar or City Council agenda shall not be added for introduction and adoption at the same City Council meeting unless previously reviewed by the Law

Electronic Participation by Councilmembers at Regular Committee and Full Council Meetings

The Council Rules currently limit the electronic participation of Councilmembers at regular, special, and emergency City Council Meetings. Rule II.D.4, allows for a Councilmember to be granted a leave of absence for a personal situation that would entitle them to family and medical leave, paid parental leave or paid family care leave. In those circumstances described in II.D.4, if a Councilmember is not able to be present for a regular, special or emergency meeting, the CM may participate and vote by any electronic means. In addition, Rule II.C.4 (emergency meetings) and Rule II.B.3 (special meetings), allow for a Councilmember to participate and vote electronically at an emergency meeting and at a special meeting, if it is approved by a majority of Councilmembers present and voting at that meeting; or for emergency meetings if physical attendance is impractical.

Those rules have been temporarily suspended to allow for full electronic participation, during the COVID19 pandemic, in accordance with Washington State Governor Inslee's Proclamation No. 20-28.15 and Senate Concurrent Resolution 8402.

As Council considers how it will operate after the COVID19 pandemic, in-person, virtually or in a hybrid format, it may want to consider a permanent change to the rules for electronic participation by allowing electronic participation in all cases, limited cases, or at the discretion of the Council President or Committee Chair.

Options:

- A. Amend the Council Rules to make Councilmember E-participation always allowable.
- B. Amend the Council Rules to allow E-participation at regular or special meetings to be granted at the discretion of the Chair and allow the Chair to determine any potential limitations (e.g., advance notice).
- C. Make no change.

Department and circulated via email to all CMs, the Central Staff Director, and the City Clerk by 5:00 p.m. on the preceding business day.

III.A.5. Council Bills not on the City Council Introduction and Referral Calendar shall not be added to the Introduction and Referral Calendar for introduction at the same City Council meeting such action is requested unless previously reviewed by the Law Department and circulated via email to all CMs, the Central Staff Director, and the City Clerk by 5:00 p.m. on the preceding business day.

III.A.8. Amendments to Bills and Resolutions shall not be presented at a City Council meeting unless previously reviewed by the Law Department and circulated via email to all CMs, the Central Staff Director, and the City Clerk at least two hours before the meeting. In cases, including but not limited to, amendments to development regulations subject to the Growth Management Act, a statute may require additional public notice and opportunity for public comment before an amended Bill may be passed.

Section 3: Rule Changes not Advanced by the Working Group

In addition to the amendments and policy issues described in Sections 1 and 2, six other ideas were discussed by the Council Rules Working group that were not recommended for inclusion in the Resolution. Those include:

1. Allowing abstentions on Resolutions at Full Council Meetings.
2. Amending the rules of debate to establish a time limit, such as 2-3 minutes per Councilmember on a single topic.
3. Reconsidering the role of Committees in advancing legislation, such that if an item of legislation does not receive majority support in a Committee, it is not taken up at Full Council.
4. Adding another recess in April, similar to King County; and consider creating a session structure similar to the state legislature process, in order to provide additional time for items to be formulated/discussed in committee, etc. (Example: Session 1, April Recess; Session 2, August Recess; and Budget Session, December Recess).
5. Adding language that when two or more Councilmembers speak at the same time, or that when a Councilmember speaks without recognition of the chair, the Chair may declare that individual out of order; and if the behavior continues, the chair may request their audio source to be muted.
6. Providing for Committee Chair referral preference when a sponsor requests legislation be assigned directly to Full Council. Specifically, in cases when the committee chair is not the sponsor of the legislation, the President shall consider the preference of the committee chair, and in all cases whether the legislation is time sensitive or routine. Substantive legislation should not be referred directly to Council when standing committee meetings are suspended during budget deliberations.

Attachments:

1. 2021 Council Rules Review Docket of Potential Amendments
2. Alternative 1: Council Committee Calendar
3. Alternative 2: Council Committee Calendar

cc: Monica Martinez Simmons, City Clerk
Council Rules Review Working Group
Dan Eder, Deputy Director
Aly Pennucci, Policy and Budget Manager

Attachment 1 - 2021 COUNCIL RULES REVIEW DOCKET OF POTENTIAL AMENDMENTS

SECTION 1: PROPOSED CHANGES IN RESOLUTION 32029:

ITEM	APPLICABLE COUNCIL RULE(S)	AMENDMENT PURPOSE	PROPOSED AMENDMENT(S)
1	Re Agenda publication/availability - II.A.5, VI.C.7-8, VI.D.2, VII.B.5-6, VII.C.2, VII.H, IX.C.1-2 Re in-person references – IV.E, XI.C.6-7, XI.H.2 Re PC – XI.B.2.b, XI.C.10, XI.D.1.c, XI.D.3.b-c	Hybrid (In-person and Virtual) Meeting Planning: Expand electronic participation at meetings (for Staff, Presenters, Guests, Public). Address other items that may need alterations to provide for a hybrid setting - agendas and notices; public comment; virtual disruptions; etc.	Amended rules to generally allow for virtual alternatives for PC, materials posting, and related in-person only references.
2	III.A.1.d-e	Clarify whether sponsorship is required and how additional sponsors/co-sponsors are added, in accordance with OPMA considerations.	Added language re sponsorship not required. Added language that, pre-introduction, co-sponsors added outside of open meetings is not to exceed a quorum of the prescribed membership (Council/Committee). Added language that, post-introduction, sponsors should be added in open session (to address OPMA considerations). <i>Create a policy/procedure for adding co-sponsors at the time of the meeting and outside of open meetings, to include form, process, timing, and appropriate venues.</i>
3	III.A.1.d, VI.B.3, VI.E.2, VII.D.2	Clarify the powers and rights of committee and non-committee members, including sponsorship, authorship, participation, and voting rights	Added language clarifying the rights and powers of committee and non-committee members (sponsorship, authorship, participation, & voting rights).
4	VI.B, VI.E.2, VII.D.2	Eliminate the Committee “Alternate” requirement.	Make the alternate permissive (may be included).
5	VI.E Standing Committees, Attendance – Requirements; Excuses	Clarify that a CM must be absent from an entire meeting for the alternate to attend a meeting as a member with full voting rights.	Add “entire” before “meeting” a. For a committee with an alternate, if, at least three business days before a committee meeting, a committee member can notify the Chair and alternate of an expected absence from the <u>entire</u> meeting Update title to “ Excuses Excused Absences”
6	VII.H. Budget Committee	Consider incorporating the rules established this year re: the Budget amendment process into the permanent Council rules	Add as Rule VII.H.6 and renumber subsequent rules accordingly (and update internal cross-reference in VII.H.8 accordingly). Amend Rule VII.H.9 to better effectuate this language by changing “the meeting dates and times for regular meetings” to “the schedule of meeting dates and times for regular meetings” so that it’s clear that the schedule you refer to in this amendment is mandatorily adopted every year.

Attachment 1 - 2021 COUNCIL RULES REVIEW DOCKET OF POTENTIAL AMENDMENTS

SECTION 1: PROPOSED CHANGES IN RESOLUTION 32029:

ITEM	APPLICABLE COUNCIL RULE(S)	AMENDMENT PURPOSE	PROPOSED AMENDMENT(S)
7	VI.I	Committees are formed each biennium. Finance Committee is referenced in Charter, though not a defined standing committee in Council Rules.	Added a subsection for the Finance Committee under Standing Committees, in accordance with the Charter Article IV. Section 5.
8	VI. Standing Committees	Updates to cross references/general rules clean -up revisions by Code Reviser	Amend cross-reference to VI.H in Rule XI that should point to VI.F
9	IV, IV.B.4	Adopt 12th Edition of Roberts Rules of Order (RRO)	Strike "11th" & insert "12th"
10	General updates to Parliamentary Procedures I.C.4, President – Appointment; Duties; Point of Order IV.G, Point of Order	Clarification that the Chair <i>may</i> decide <i>or</i> ask the body to decide on points of order. (Currently reads " <i>shall</i> ") <i>From RRO 47:7 Duties of the Chair - "to decide all questions of order (23), subject to appeal (24) – unless, when in doubt, the presiding officer prefers initially to submit such a question to the assembly for decision."</i>	Amend to read "shall decide all questions of order subject to an appeal to the City Council by any CM or <u>submit the question to CMs to decide by majority vote.</u> "
11	General updates to Parliamentary Procedures IV.K, Take from the Table	Take from the Table - Clarify that this motion does have a limit on when it can be proposed before the pending motion expires.	Add/amend language aligning with Lay on the Table - <u>A motion that has been laid on the table may be brought back by a motion to Take from the Table until the end of the next meeting.</u> Or something similar.
12	General updates to Parliamentary Procedures Throughout Council Rules – Committees (Standing and Select)	Clarify effects of votes to include CM voting and present, where applicable.	Amend to read "CMs present <u>and voting</u> " in rules instances where voting results language includes "CMs present." For committees only (Standing and Select) where abstentions are allowed. Clarifies impact of abstentions – they are neutral and do not count towards the final vote tally (in favor or opposed); aligns with current practices.
13	VI.H.6, VII.G.6	Clarify the use of the term "Divided Report." Add definition of divided vote and adjust agenda notations. Currently any non-unanimous vote is listed as a divided report on the agenda and the dissenting CM(s) may add a "Divided Report" to the record. Two uses – needs clarification.	Added "divided vote" – amended language to mean any non-unanimous vote at a committee. <i>Divided Report language unchanged.</i>
14	IV Table (p13), IV.I, IV.L	Motions to "hold to a certain time" and "hold indefinitely" – amend to "postpone" instead of "hold," in line with Roberts Rules of Order. No change to use or meaning of motions. This adds clarity and distance between the use of a motion to table.	Strike "hold" & insert "postpone" for both motions (IV.I; IV.L)

Attachment 1 - 2021 COUNCIL RULES REVIEW DOCKET OF POTENTIAL AMENDMENTS

SECTION 2: OTHER POLICY ISSUES TO CONSIDER

ITEM	APPLICABLE COUNCIL RULE(S)	AMENDMENT PURPOSE	FOR CONSIDERATION
1	Full Council Meetings -II.A.1; II.A.1a; II.A.1b Council Briefing Meetings - IX.B.2	Consider alterations to the Council Briefing and Council Meeting regular meeting day.	CM interest expressed in moving CB/Full Council Meeting Day. Potential alternatives: 1. Monday CB (pm) & Tuesday Council Mtg (am) AND Committee Mtgs: T (pm), W/F (am) 2. Monday CB (pm) & Tuesday Council Mtg (pm) AND Committee Mtgs: T/W/F (am) <i>Other considerations – Metropolitan Parks District Meetings; King County Meetings (Tuesdays); regional committees; committee schedules; public attendance/participation, etc.</i>
2	E-Participation: II.A.6, II.B.3, II.B.4, II.C.5	Hybrid (In-person and Virtual) Meeting Planning: consider the expansion of CM electronic participation at meetings.	Seeking feedback regarding the E-participation of CMs. Potential alternatives: 1. No Changes – leave current rules regarding E-Participation of CMs as-is 2. E-participation always allowable, advance notice to Chair and City Clerk requested To be granted at the discretion of the Chair with potential limitations to be determined (i.e.: advance notice)

SECTION 3: RULE CHANGES NOT ADVANCED BY THE WORKING GROUP

ITEM	AMENDMENT PURPOSE	DESCRIPTION
1	For abstentions -	Allow abstentions on Resolutions at “full” City Council meetings
2	For rules of debate –	Consider the addition of time limits, such as 2-3 minutes per speaker, on any one topic
3	For committees –	Consider the role of committees in moving legislation forward; the intent being, if legislation does not receive majority support in a committee, then it would not be taken up at Full Council
4	For the legislative process in general –	Consider adding another recess in April (similar to King County); and consider creating a session structure similar to the state legislature process, in order to provide additional time for items to be formulated/discussed in committee, etc. (<i>Example: Session 1, April Recess; Session 2, August Recess; and Budget Session, December Recess</i>).
5	For speaking out of order - (Council & Committees)	Add language re speaking out of order, warnings, and muting for all presiding officers (Council President/Committee Chairs) to either Section E. Recognition by the Chair or A. Rules of Debate. <u>If a CM speaks without recognition of the Chair, the Chair may issue an oral or written warning to the individual that the individual’s behavior is out of order and if the out of order behavior continues, the Chair may request that the custodian of the audio source mute the audio source</u>
6	For legislation referred to full City Council -	Add language re Committee Chair referral preference to III.A.1.c <u>i. When, the legislation sponsor requests to assign legislation directly to Full Council, in cases when the committee chair is not the sponsor of the legislation, the President shall consider the preference of the committee chair, and in all cases whether the legislation is time sensitive or routine. Substantive legislation should not be referred directly to Council when standing committee meetings are suspended during budget deliberations</u>
7	For public comment --	Keep public comment limited to items on the agenda and remove the ability to speak to the committees work plan.

Attachment 2 - ALTERNATIVE 1: Council Committee Calendar
MONDAY (PM) COUNCIL BRIEFING & TUESDAY (AM) CITY COUNCIL MEETINGS
COMMITTEES: TUE (PM), WED/FRI (AM)

COUNCIL/COMMITTEE MEETING CALENDAR

WEEK	Monday	Tuesdays	Wednesday	Thursday	Friday
1	Council Briefing PM	City Council AM Committee Mtg PM	Committee Mtg AM	Reserved for Regional Mtgs	Committee Mtg AM
2	Council Briefing PM	City Council AM Committee Mtg PM	Committee Mtg AM	Reserved for Regional Mtgs	Committee Mtg AM
3	Council Briefing PM	City Council AM Committee Mtg PM	Committee Mtg AM	Reserved for Regional Mtgs	Committee Mtg AM
4	Council Briefing PM	City Council AM Committee Mtg PM	Committee Mtg AM	Reserved for Regional Mtgs	Committee Mtg AM
5	Council Briefing PM	City Council AM			

COUNCIL AGENDA DEADLINES

Revision/Supporting Material Deadline: This deadline is the last call for submitting requests for revisions and/or adding supporting docs to an agenda in order to meet the 24-hour publication requirement.

COUNCIL BRIEFING MONDAY PM MEETING DEADLINES

Draft Agenda Deadline	Agenda Publication	Revision & Supporting Material Deadline	Revision & Supporting Material Publication	Meeting date and time
Wednesday 2:00 p.m.	Thursday 2:00 p.m.	Friday 9:30 a.m.	Friday 2:00 p.m.	Monday 2:00 p.m.

CITY COUNCIL TUESDAY AM MEETING DEADLINES:

Draft Agenda Deadline	Agenda Publication	Revision & Supporting Material Deadline*	Revision & Supporting Material Publication	Additional Items for IRC (Bills/Res) Deadline	Amendments (Bills/Res) Deadline	Meeting date and time
Thursday 9:30 a.m.	Friday 9:30 a.m.	Friday 2:00 p.m.	Monday 9:30 a.m.	Monday 5:00 p.m.	Tuesday 7:30 a.m.	Tuesday 9:30 a.m.

ATTACHMENT 3 - ALTERNATIVE 2: Council Committee Calendar
MONDAY (PM) COUNCIL BRIEFING & TUESDAY (PM) CITY COUNCIL MEETINGS
COMMITTEES: TUE/WED/FRI (AM)

COUNCIL/COMMITTEE MEETING CALENDAR

WEEK	Monday	Tuesdays	Wednesday	Thursday	Friday
1	Council Briefing PM	Committee Mtg AM City Council PM	Committee Mtg AM	Reserved for Regional Mtgs	Committee Mtg AM
2	Council Briefing PM	Committee Mtg AM City Council PM	Committee Mtg AM	Reserved for Regional Mtgs	Committee Mtg AM
3	Council Briefing PM	Committee Mtg AM City Council PM	Committee Mtg AM	Reserved for Regional Mtgs	Committee Mtg AM
4	Council Briefing PM	Committee Mtg AM City Council PM	Committee Mtg AM	Reserved for Regional Mtgs	Committee Mtg AM
5	Council Briefing PM	City Council PM			

COUNCIL AGENDA DEADLINES

Revision/Supporting Material Deadline: This deadline is the last call for submitting requests for revisions and/or adding supporting docs to an agenda in order to meet the 24-hour publication requirement.

COUNCIL BRIEFING MONDAY PM MEETING DEADLINES

Draft Agenda Deadline	Agenda Publication	Revision & Supporting Material Deadline	Revision & Supporting Material Publication	Meeting date and time
Wednesday 2:00 p.m.	Thursday 2:00 p.m.	Friday 9:30 a.m.	Friday 2:00 p.m.	Monday 2:00 p.m.

CITY COUNCIL TUESDAY PM MEETING DEADLINES:

Draft Agenda Deadline	Agenda Publication	Revision & Supporting Material Deadline*	Revision & Supporting Material Publication	Additional Items for IRC (Bills/Res) Deadline	Amendments (Bills/Res) Deadline	Meeting date and time
Thursday 2:00 p.m.	Friday 2:00 p.m.	Monday 9:30 a.m.	Monday 2:00 p.m.	Monday 5:00 p.m.	Tuesday 12 p.m.	Tuesday 2:00 p.m.