

April 28, 2022

MEMORANDUM

To: Governance, Native Communities, and Tribal Governments
From: Aly Pennucci, Deputy Director
Subject: Resolution 32051: Council Rules and Procedures

On Thursday, April 28, 2022, the Governance, Native Communities, and Tribal Governments Committee (“Committee”) will discuss and possibly vote on [Resolution \(RES\) 32051](#) that would amend the [General Rules and Procedures of the Seattle City Council](#) (“Rules”).

This memo describes:

- Background information on the Rules;
- RES 32051; and
- A proposed amendment sponsored by Councilmember Pedersen.

Background

The Rules govern both the Council’s internal management and the procedures available to the public, in conformance with the City Charter and the customary practice of legislative bodies. The Council procedures and rules guide and facilitate Councilmember duties and meeting deliberations as well as provide the public with an understanding of Council functions. In December 2021, consistent with Section XII.B. of the Rules, the Council President and City Clerk conducted a biennial review of the Rules, and the Council subsequently adopted an updated version of the rules via [RES 32029](#) on December 13, 2021.

In February 2022, Council President Juarez and Councilmember Pedersen requested two amendments to the Rules intended to improve the Council's operations. Typically updates to the Rules would require that the City Clerk convene the Council Rules Working Group. Because the proposed changes were relatively straightforward, the working group was not convened and instead Central Staff worked in an ad hoc manner with the City Clerk’s office and the City Attorney’s Office to draft the proposed changes.

RES 32051

Resolution 32051 would amend the Council Rules to:

- (1) add guidance for the use of a consent calendar at regular City Council meetings;
- (2) clarify the rule allowing councilmembers to abstain from certain resolutions;
- (3) update the order of business at Council meetings; and
- (4) update the formatting, numbering, and table of contents.

Consent Calendar

In 2022, Council President Juarez introduced the use of a consent calendar on City Council agendas. This allows for the Council to efficiently move through Council business at regularly scheduled Council meetings. Currently, the Rules do not include any guidance on the use of a consent calendar.

The RES would amend Rule III to provide specific guidance on use of a consent calendar at City Council meetings. Agenda items that are placed on the consent calendar are considered as a group and only require a single vote on all items included. This could include administrative items, or items where there is no debate or questions expected from councilmembers. In practice, the following items will typically be placed on the consent calendar: approval of minutes, regular Payment of Claims bill, and items from any of the Council's committees (bills, resolutions, clerk files, and appointments) that were recommend for approval by the Committee with a unanimous vote and no abstentions. In addition, the RES would amend the City Council meeting order of business to place public comment after presentations. This will allow members of the public to provide comments on the consent calendar and regular agenda items before final action.

The proposed rule related to the consent calendar would allow any items proposed for inclusion on the consent calendar to be removed and added to the regular agenda at the request of any councilmember either before final publication of the City Council agenda or during the specific City Council meeting. If amendments are expected on an item voted out of committee that otherwise would meet that criterion for inclusion on the consent agenda, or if the item is something a councilmember would like to speak to at the City Council meeting, the councilmembers can either: (1) notify the Council President and Deputy City Clerks that those items should not be included on the consent calendar before final publication of the City Council agenda, or (2) request an item be pulled during the Council meeting prior to the vote on the consent agenda.

Abstentions

Included in the amended version of the Rules adopted in December 2021, the Council included a change to allow abstentions on resolutions that, in the sole discretion of the Council President, are not materially related to City government. Councilmember Pedersen requested a modification to this rule to provide clearer direction on when and how a councilmember may abstain from voting on a resolution. The proposed update to the Council Rules would:

1. Relieve the Council President from making the determination on which resolutions a councilmember may abstain from voting on;
2. Allow any councilmember present to abstain from a vote on a resolution if the resolution is related to topics that may be of concern to Seattle residents, but the topics involve jurisdictions or matters not under the City's direct control. Councilmembers would not be permitted to abstain from voting on resolutions related to the administration of City government or related to City regulatory measures; and
3. Require that, when a councilmember wishes to abstain on voting on any resolution, that the councilmember announce that they are invoking their right to abstain pursuant to Council Rule V.A.2.

If any other councilmember present believes that the resolution that their colleague intends to abstain from voting on is related to the administration of City government or related to City regulatory measures, they could raise a point of order and the matter would be decided on following the process outlined in Rule IV.G, Parliamentary Procedures – Point of Order.

Attachment A to the Summary and Fiscal Note for RES 32051 provides a list of 245 resolutions considered by the Council since 2019 and indicates if, based on the proposed change to the Rules, a councilmember could have abstained from voting on the resolution. Based on this review, councilmembers could have abstained from approximately 19 percent of resolutions considered by the Council during that time.

The proposed changes to the rule related to abstentions was developed with the intent to minimize confusion when determining if a councilmember may abstain from voting on any particular resolution. While there will always be some gray areas, based on the review of the 245 resolutions, the proposed rule would, in most cases, make it relatively easy to determine if the resolution is related to the administration of City government or related to City regulatory measures. (Please note that one resolution included on the list, RES 31928, was miscategorized as not being related to City administration or regulatory measures.)

State law does not address abstentions by members of local governing bodies. Therefore, when or if a member may abstain is up to each local body to decide. To understand the local context, staff reviewed the rules for the King County Council and did not find any specific guidance related to abstentions; in addition, staff reviewed the council rules for [Bellevue](#) and [Bellingham](#). Both cities require that councilmembers vote on all actions unless there is a conflict of interest

identified. The Municipal Research and Services Center (MSRC) provides the following examples¹ of other jurisdictions in Washington that have established rules related to abstentions:

- The Issaquah City Council does not permit abstentions unless a councilmember has an obvious conflict of interest or appearance of fairness issue involving the matter. Unless there is such a legal disqualification, the member is excused from voting only by majority vote of the council. Absent a valid disqualification, a member not voting is counted as voting “yes.” See Issaquah Municipal Code [Sec. 2.06.120](#).
- The Poulsbo City Council allows abstentions only where the member is disqualified for a conflict of interest or under the appearance of fairness doctrine. Members may also be granted leave to abstain by the council if they provide a stated reason for their abstention. Absent a valid disqualification, an abstention is counted as a “yes.” If the vote of a disqualified councilmember is necessary for the council to be able to take action, then in some circumstances the councilmember can still vote. See Poulsbo City Council Rules of Procedure, [Rule 5.3](#).
- The Shoreline City Council counts a member’s silence as a “yes” vote. If a member abstains, it shall be recorded as an abstention and not included in the vote tally. See City of Shoreline City Council Rules of Procedure, [Rule 7.16](#).

Prior to the update to the Rules enacted by RES 32029, the City Council required councilmembers to vote on all actions before the City Council except when required to disqualify themselves from voting as required by either the City’s Code of Ethics or the Washington State Appearance of Fairness Doctrine, or when councilmembers determine that they must disqualify themselves from voting to avoid the appearance of a conflict of interest, unless a majority of those present vote that there is no conflict.

Proposed Amendment

Councilmember Pedersen requested additional changes to the Rules to expand the circumstances under which a councilmember could abstain from voting on a resolution. (See Attachment 1 to this memo for the proposed amendatory language.) The proposed amendment would allow abstention on any resolution that does not directly affect the administration of City government or relate to City regulatory measures and would remove language the sponsor believes is superfluous.

Staff rereviewed the list of 245 resolutions provided in Attachment A to the Summary and Fiscal Note for RES 32051 using the guidance provided in this amendment. There is more gray area in determining if a councilmember could abstain from the vote under the proposed amendatory language compared to the language as introduced. Based on this somewhat cursory review of the 245 resolutions listed in Attachment A to the Summary and Fiscal Note, staff estimates that

¹Reference: [MRSC - How Are Abstentions Handled When Counting Votes?](#)

the number of resolutions that a councilmember could abstain from would increase from approximately 19 percent to about 60 percent of resolutions.

If the goal is to allow councilmembers to abstain from voting on more resolutions, this amendment will likely achieve that purpose. If the goal is to simplify the determination of when a councilmember may abstain, this amendment could result in more debate at City Council meetings to make that determination.

Next Steps

If the Committee votes on RES 32051 at its April 28 meeting, the Council President plans to schedule this for final action at the May 17 City Council meeting.

Attachments:

1. Amendment 1 to RES 32051

Amendment 1 Version 1 to RES 32051

Sponsor: Councilmember Pedersen

Broadening the rule outlining when a councilmember may abstain from voting on a resolution

Effect: This amendment would allow abstention on any resolution that does not directly affect the administration of City government or relate to City regulatory measures.

Staff rereviewed the list of 245 resolutions provided in Attachment A to the Summary and Fiscal Note for RES 32051 using the guidance provided in this amendment. There is more gray area in determining if a councilmember could abstain from the vote under the proposed amendatory language compared to the rule as introduced. Based on a somewhat cursory review of the 245 resolutions reviewed for the resolution, staff estimates that the number of resolutions that a councilmember could abstain from would increase from approximately 19 percent to about 60 percent of resolutions.

Amend Section 2 of RES 32051 as follows:

Section 2. Rule V in Attachment 1 of Resolution 32029 is amended as follows:

V. CITY COUNCIL VOTING

* * *

2. Abstentions are not allowed on actions, other than Resolutions (~~((that, in the sole discretion of the Council President, are not materially related to City government))~~) relating to ((a policy statement from the City Council on)) topics that may be of concern to Seattle residents, but ((the topics)) involve jurisdictions or matters not under the City's direct control. Abstentions are not allowed on Resolutions ((related to)) directly affecting the administration of City government or ((related to)) City regulatory measures. Any CM wishing to abstain must announce that they are invoking their right to abstain pursuant to Council Rule V.A.2 prior to the final vote on the Resolution. CMs not having abstained or disqualified themselves pursuant to Rule V.A.1 shall vote "Aye" or "No."

3. All votes shall be recorded by the City Clerk in the Journal of the Proceedings.

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