



CITY OF BURIEN, WASHINGTON

**CITY COUNCIL
MEETING GUIDELINES**

2019

TABLE OF CONTENTS

	PAGE
SECTION 1. AUTHORITY.....	1
SECTION 2. COUNCIL MEETINGS.....	1
2.1 Types of Meetings	1
2.1 Holiday Schedule	2
2.1 Public Comments.....	2
2.1 Preparation of Minutes.....	2
2.2 Order of Regular Business Meeting Agenda.....	2
2.3 Order of Regular Study Session Agenda.....	4
SECTION 3. AGENDA PREPARATION	5
SECTION 4. COUNCIL DISCUSSION AND DECISION MAKING PROCESS	6
4.1-.5 Process	6
4.6 Robert’s Rules of Order, Newly Revised	6
SECTION 5. COMMENTS, CONCERNS & TESTIMONY TO COUNCIL.....	6
5.1 Public Comments Procedures.....	6
5.2 Mayor Authority to Preserve Order.....	6
SECTION 6. MOTIONS.....	7
SECTION 7. ORDINANCES	9
7.1 Ordinance Preparation and Review	9
7.2 Agenda Bills.....	9
7.3 Majority Vote Required	9
7.4 Mayor’s Signature.....	9
7.5 Ordinance Summaries.....	9
7.6 Effective Date	9
SECTION 8. PRESIDING OFFICER OF THE COUNCIL	9
SECTION 9. COUNCIL RELATIONS	11
9.1 Anti-Harassment Policy	11
9.2 Reporting Discrimination or Harassment	11
9.3 Council Relations with Staff	12

SECTION 10. STAFF ATTENDANCE AT COUNCIL REGULAR BUSINESS MEETINGS, REGULAR STUDY SESSIONS AND SPECIAL MEETINGS ...	12
10.1 City Manager Attendance	12
10.2 City Attorney Attendance	12
10.3 City Clerk Attendance	12
SECTION 11. COUNCILMEMBER ATTENDANCE AT REGULAR BUSINESS MEETINGS, REGULAR STUDY SESSIONS AND SPECIAL MEETINGS ...	13
SECTION 12. PUBLIC HEARINGS	13
12.1 Types.....	13
12.2 Legislative Hearings	14
12.3 Quasi-Judicial Public Hearings/Appearance of Fairness.....	14
SECTION 13. MEDIA REPRESENTATION AT COUNCIL MEETINGS	14
SECTION 14. COUNCIL REPRESENTATION.....	15
14.1 Official Spokespersons.....	15
14.2 Councilmember Comments on Issues	15
14.3 Councilmember Representation of Other Councilmember’s Points of View	15
14.4 Procedure for Written Points of View.....	15
SECTION 15. CONFIDENTIALITY	15
SECTION 16. COUNCIL BUSINESS POLICIES	15
16.1 Litigation Policies and Reporting	15
SECTION 17. PUBLIC RECORDS.....	16
17.1 Public Records Retention	16
SECTION 18. MAYOR AND DEPUTY MAYOR SELECTION PROCESS.....	16
18.1 Election of Mayor and Deputy Mayor	16
18.2 Mayor’s Term	16
18.3 Deputy Mayor’s Term	16
18.4 Procedure.....	16

SECTION 19. APPOINTMENTS TO COMMITTEES AND REGIONAL ORGANIZATIONS	16
19.1 Regional Committee Interest	16
19.2 Appointment to a Regional Organization When the Regional Organization Makes the Appointment	16
19.3 Appointment to a Regional Organization When the City Makes the Appointment	16
19.4 Changes in Representation to a Regional Organization	17
19.5 Report Following Regional Organization Meeting.....	17
 SECTION 20. PROCEDURE FOR FILLING COUNCIL VACANCIES	 17
 SECTION 21. MISCELLANEOUS	 18
21.1 Appointment of Voting Delegates to National League of Cities and Association of Washington Cities	18
21.2 Council Attendance at Conferences/Trainings	18
21.3 Seating Arrangement at Council Meetings.....	18
21.4 Guideline Governance.....	18
 SECTION 22. SUSPENSION AND AMENDMENT OF THE GUIDELINES	 19
22.1 Suspension of the Guidelines	19
22.2 Amendment or Adoption of New Guidelines	19

SECTION 1. AUTHORITY

The Burien City Council hereby establishes the following Council Meeting Guidelines. These Guidelines shall be in effect upon adoption by the Council and until such time as they are amended or new procedures adopted in the manner provided by these Guidelines. Council-Manager Plan of Government, RCW 35A.13. These Guidelines will be reviewed following any change in Council composition or at the request of at least three Councilmembers, but not more frequently than annually.

SECTION 2. COUNCIL MEETINGS

2.1 TYPES OF MEETINGS

- A. Regular Meetings are defined by RCW 42.30.075 as “recurring meetings held in accordance with a periodic schedule declared by statute or rule.” The schedule for City of Burien Regular Meetings is set forth in Resolution 329, and occur on the first, third, and fourth Mondays of each month at 7:00 p.m. at Burien City Hall, located at 400 SW 152nd Street, Burien, Washington, or at another location the City Council may deem appropriate. Regular Meetings include Regular Business Meetings, occurring on the first and third Mondays of the month, and Regular Study Sessions, occurring on the fourth Monday of each month except for the months of June, July, and August, when the Regular Study Sessions are cancelled. Regular Business Meetings are used to conduct all ordinary and routine business of the city. Regular Study Sessions can be used to review and discuss pertinent business and policy issues of the City and to prepare matters for action at a Regular Business Meeting.
- B. Special/Workshop are defined as a Council meeting other than a Regular Business Meeting or Regular Study Session. Notice shall be given at least 24 hours in advance pursuant to RCW 42.30.080. A Special Council meeting or Workshop may be scheduled by the Mayor and three additional Councilmembers, or at the request of a majority of the Councilmembers.
- C. All Regular Meetings and Special Meetings shall be open to the public, except for such times when the Council adjourns into Executive Session provided by RCW 42.30.110 or when the Council is legally allowed to meet in closed session pursuant to RCW 42.30.140.
- D. Emergency: a Council meeting called without 24-hour notice. Pursuant to RCW 42.30.070, an Emergency Meeting may be called if, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency. In such an emergency, the presiding

officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirements of RCW 42.30, the Open Public Meetings Act, shall be suspended during such emergency. The minutes will indicate the reason for the emergency.

- E. Should any Council Regular Business Meeting or Regular Study Session fall upon a date designated as a legal holiday, then that meeting shall be canceled.
- F. Public comment and public hearing sign-up sheets will be available at each Regular Business Meeting for the use of the public wishing to address the Council.
- G. The City Clerk shall prepare minutes for all Council meetings, which shall contain an account of all official actions of the Council. The minutes will constitute the official record of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

2.2 ORDER OF REGULAR BUSINESS MEETING AGENDA

- A. Call to Order
The Mayor calls the Regular Business Meeting to order.
- B. Pledge of Allegiance
The Mayor, and at times, invited guests lead the flag salute.
- C. Roll Call
The City Clerk shall call the roll, and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the Councilmember has an excused absence.
- D. Agenda Confirmation
Councilmembers may offer motions to alter the current agenda through deletion, revision or additions to the agenda.
- E. Proclamations and Presentations
Proclamations shall be read and presented by the Mayor or by the sponsoring Councilmember. A proclamation is defined as an official declaration made by the City Council. The Mayor and Councilmembers may each request the preparation of two proclamations a year to honor individuals or groups. Requests for proclamations from outside organizations and groups will be placed in the City Manager's Report and reviewed by the City Council. Requests for proclamations from staff will be approved by the City Manager and executed by the Mayor. Council sponsored proclamations must be signed

or otherwise be pre-approved by a majority of Councilmembers prior to execution by the Mayor. Proclamations may be placed on the Council agenda to be read and presented or mailed to the honored individual or organization as appropriate.

Presentations are limited to two (2) per Regular Business Meeting with a time limit of 10 minutes for each.

F. City Manager's Report on Emerging Issues

G. Public Comments

Members of the audience may comment in writing or verbally on items relating to any matter. See Section 5 of these Guidelines for details.

H. Correspondence to the Council

Emails or letters to the Council will be monitored and tracked by City staff.

For transparency, an index of correspondence will be included on the Council meeting agendas along with a link to the PDF for ease of review, electronically.

Full Council correspondence documents will not be included in the Council packets, although they will be readily available electronically.

If a resident does not have a computer or mobile device to access the correspondence, City staff will maintain a hard copy at City Hall's front desk available for review or provide access to the computer in the City Hall lobby to view it electronically. Those who are not mobile and do not have computer access may request the Council communications via a public records request over the phone.

I. Consent Agenda

Consent Agenda items are considered to be routine and are approved by one motion. Items on the Consent Agenda include but are not limited to minutes, vouchers or other matters discussed at a previous City Council Regular Business Meeting or Regular Study Session. A Councilmember may remove any item(s) from the Consent Agenda for separate discussion and action. When an item is removed, the Consent Agenda is considered for action without that item. After the Consent Agenda has been considered, each item which was removed is considered during the Business Agenda in the order determined by the Council.

J. Business Agenda

Business and Discussion Items

These are business items on which the full Council may take action.

Public Hearings and Discussion

Public hearings are held to receive public comment on important issues and/or issues requiring a public hearing by State statute or Burien ordinances.

See Section 12.1 of these Guidelines for details on governing the public hearing process.

K. Council Reports

Councilmembers may report on meetings and activities in which they have participated and represented the City. Councilmembers are encouraged to submit written reports.

L. City Manager's Report

M. Executive Session

See Section 2.1.C of these Guidelines for details.

N. Adjournment

With no further business to come before the Council, the Mayor shall entertain a motion to adjourn. Councilmembers will vote on the motion to adjourn in the same manner as other motions.

Breaks

Generally, a formal 10-minute break during the Regular Business Meeting will be called at 9 p.m.

2.3 ORDER OF REGULAR STUDY SESSION AGENDA

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Agenda Confirmation

E. Correspondence to the Council

F. Presentations or Discussion on Topics that are the Focus of the Study Session

These are business items the full Council wishes to discuss and study in preparation for action at a future Council Regular Business Meeting.

Members of the audience may comment on the item being discussed.

G. Summary of Next Steps

H. Adjournment

SECTION 3. AGENDA PREPARATION

- 3.1** The City Clerk, in consultation with the Mayor and City Manager, will prepare an agenda for each Council Regular Business Meeting, Regular Study Session or Special Meeting specifying the time and place of the meeting. Councilmembers will be asked to review the draft agenda before it is finalized.
- 3.2** The proposed agenda schedule will be reviewed during each Council Regular Business Meeting or Regular Study Session. The City Manager and City Clerk will maintain a list entitled "FUTURE AGENDA ITEMS" of all known or requested items for future Council agendas at the end of the schedule. Changes in the proposed schedule from the previous meeting will be highlighted in bold with the reason for the change noted in italics below the item. This will be provided with each agenda and be the basis of the Council's review discussion.
- 3.3** The Mayor and/or City Manager may place items on a Council Regular Business Meeting or Regular Study Session agenda, according to the Proposed Council Agenda Schedule. Agenda items may be proposed with agreement from three Councilmembers on a future agenda.
- 3.4** A Council proposed agenda item placed on the "FUTURE AGENDA ITEMS (Identified by Council)" may be removed with agreement by at least four Councilmembers at a Council meeting.
- 3.5** An item may be delayed if the Mayor and/or the City Manager, know it is of particular importance to an absent Councilmember.
- 3.6** Legally required and advertised public hearings will have a higher priority over other time-scheduled agenda items, which have been scheduled by convenience rather than for statutory or other legal reasons.
- 3.7** Agenda items that are continued from one Regular Business Meeting or Regular Study Session to another will have preference on the next agenda to the extent possible.
- 3.8** Agendas with supporting materials will be provided to the City Council at 5:00 p.m. the Thursday prior to the Regular Business Meeting, Regular Study Session or Special Meeting. Agenda and materials will be available at City Hall, on the City's website and at the Burien Library for City staff, media and the public at 4:00 p.m. on the Friday prior to the said meeting.

- 3.9 The Council may use the “Recommended Motion” language on the agenda bill for making a motion.

SECTION 4. COUNCIL DISCUSSION AND DECISION MAKING PROCESS

- 4.1 The Council will take action at a following Regular Business Meeting unless Council agrees that action can be taken immediately (except Consent Agenda and emergency items).
- 4.2 The Mayor will facilitate the discussion in a timely manner.
- 4.3 The Mayor will state the public hearing procedures before each public hearing.
- 4.4 Staff/consultants will provide brief information and respond to questions by Councilmembers or as requested by the City Manager.
- 4.5 Councilmembers are individually responsible for gathering additional information on issues and for calling staff with questions not covered during the formal Regular Business Meeting or Regular Study Session process.
- 4.6 To the extent not otherwise governed by these Guidelines, Council discussion will be governed by ROBERT’S RULES OF ORDER, NEWLY REVISED.

SECTION 5. COMMENTS, CONCERNS & TESTIMONY TO COUNCIL

- 5.1 Persons addressing the Council who sign up in advance of the comment period shall be requested to step up to the podium, give their name and address for the record, and limit their remarks to two (2) minutes. Concerns will be referred to staff for a response as appropriate. The Council will take comments for a maximum of 20 minutes unless modified by the Council. Attendees who are unable to do so by themselves may ask the City Clerk for assistance to read their comments.

All remarks will be addressed to the Council as a Whole. Any person who becomes disruptive while addressing the Council, may be requested to leave the Regular Business Meeting, Regular Study Session or Special Meeting.

- 5.2 The Mayor has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for being disruptive and to enforce the Rules of the Council. The Mayor may command assistance of any peace officer to enforce all lawful orders of the Mayor to restore order at any meeting.

SECTION 6. MOTIONS

- 6.1** Prior to discussion, generally the Deputy Mayor will make the motion, and the senior member of the Council will make the second. If the Deputy Mayor is absent, the senior Councilmember will make the motion and the second most senior member may make the second.

After the motion is made and seconded, the applicable staff member will give a short presentation on the subject to be discussed.

- 6.2** If a motion does not receive a second, it dies. Motions that do not need a second include: nominations; withdrawal of motion; agenda order; request for a roll call vote; and, point of order.
- 6.3** A motion that receives a tie vote is deemed to have failed.
- 6.4** Motions shall be clear and concise and not include arguments for the motion within the motion.
- 6.5** After a motion has been made and seconded, the Council may discuss their opinions on the issue prior to the vote and may state why they will vote for or against a motion, if they wish to do so.
- 6.6** When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.
- 6.7** Once a motion has been made, seconded and stated by the chair, the body must consent to its withdrawal.
- 6.8** A motion to table is undebatable and shall preclude all amendments or debate of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future Regular Business Meeting or Special Meeting at which time discussion will continue; and if an item is tabled, it *cannot be* reconsidered at the same meeting.
- 6.9** A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or at a time certain at a future Regular Business Meeting or Special Meeting.
- 6.10** A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if the motion to postpone indefinitely passed.

- 6.11** A motion to call for the question shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds (2/3) vote. If seven (7) Councilmembers are present, then five (5) must vote in the affirmative to fill the 2/3 requirement. Debate is reopened if the motion fails.
- 6.12** A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
- 6.13** Whenever possible, proposed substantive amendments should be written out with all Councilmembers receiving copies in advance of the meeting.
- 6.14** Discussion of the motion only occurs after the motion has been moved and seconded.
- 6.15** When the discussion is concluded, the motion maker, Mayor, City Clerk, or City Attorney shall repeat the motion prior to voting.
- 6.16** The City Council votes on the motion as restated. The Mayor will announce the results of the vote.
- 6.17** Once the vote has been taken, the topic of discussion is closed. It is not necessary for Councilmembers to justify or explain their vote. If Councilmembers wish to make their positions known, this should be stated during the discussion *preceding* the vote.
- 6.18** When a question has been decided, any Councilmember who voted in the majority may move for a reconsideration, but no motion for reconsideration of a vote shall be made after the meeting has adjourned.
- 6.19** When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the Council's consensus at the conclusion of the discussion.
- 6.20** The City Attorney shall decide all questions of interpretations of these meeting guidelines and other questions of a parliamentary nature which may arise at a Regular Business Meeting, Regular Study Session or Special Meeting. All questions not provided for in these meeting guidelines shall be governed by Robert's Rules of Order, Newly Revised.

Motions to rescind or amend something previously adopted: Unless "Previous Notice" is provided of the intent to bring a motion to rescind or amend something previously adopted, such a motion requires either a two-thirds vote of the

members voting, or a vote of the majority of the entire membership of the Council to pass. "Previous Notice" is provided by (1) a Councilmember announcing his/her intent to make a motion to rescind or amend something previously adopted by the Council at a following Regular Business Meeting, Regular Study Session or Special Meeting; or (2) having the City Clerk include a notice of the Councilmember's intent to make such a motion in the notice of the next meeting.

In the event of a conflict, these Council meeting guidelines shall prevail.

SECTION 7. ORDINANCES

- 7.1** All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council unless requested by a majority of the City Council, the City Manager, or the City Attorney.
- 7.2** Ordinances shall be introduced by an Agenda Bill. The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda. The City Attorney shall review the ordinance and sign it prior to placing it before the City Council for its consideration.
- 7.3** An ordinance requires a majority vote of the entire Council per RCW 35A.12.120.
- 7.4** Upon enactment of the ordinance, the City Clerk shall obtain the signature of the Mayor. After the Mayor's signature, the City Clerk shall sign the ordinance.
- 7.5** Ordinances or ordinance summaries shall be published in the official newspaper as a legal publication in the first possible publication following enactment.
- 7.6** An ordinance becomes effective five (5) days after the publication of the ordinance or ordinance summary unless otherwise specified in the ordinance.

SECTION 8. PRESIDING OFFICER OF THE COUNCIL

The Mayor shall:

- A. Be the official spokesperson for the City.
- B. Act as the official head of the City for all ceremonial purposes.
- C. Sign documents as appropriate on behalf of the Council.
- D. Observe and enforce the City Council Meeting Guidelines.
- E. Act as presiding officer at all meetings of the Council.

- F. Preserve order and decorum in the Council Chambers.
- G. Decide all questions on order, in accordance with the Guidelines, subject to appeal by any Councilmember.
- H. Recognize Councilmembers in the order in which they request the floor using the polling/queuing system. When called upon by the Chair, each Councilmember shall have five minutes for debate, comments, and questions until next recognized by the Chair using the polling/queuing system. Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.
- I. Endeavor to facilitate the discussion in a timely manner.
- J. Share information with Councilmembers on meetings, issues, etc. that the Mayor has received, conducted or participated in as part of his/her official status as Mayor.
- K. Appoint Councilmembers to serve on ad-hoc committees if necessary.
- L. Serve as the Council's delegate to the National League of Cities, Association of Washington Cities, and other events and conferences.
- M. In the absence of the Mayor, the Deputy Mayor shall carry out the above responsibilities.
- N. In the absence of the Mayor and Deputy Mayor, the member with the most continuous tenure on the Council shall be the presiding officer.
- O. In the event the Mayor and Deputy Mayor are unavailable to serve, the senior member of the Council shall serve as the Mayor to convene and preside over a Special Meeting of the Council for the purpose of naming an acting mayor and deputy mayor.
- P. The acting mayor and deputy mayor shall serve until such time as new members are appointed to fill any vacancies on the Council.
- Q. When the Council again has seven members, it shall elect a Mayor and Deputy Mayor to fill the previously unexpired terms.

SECTION 9. COUNCIL RELATIONS

9.1 ANTI-HARASSMENT POLICY

- A. It is City policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate harassment of any kind that is made by elected officials toward fellow Councilmembers, City Staff or members of the public. Elected officials are expected to show respect for one another and the public at all times, despite individual differences.

- B. Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy, childbirth and related medical conditions), national origin, age (40 or older), disability, genetic information, marital status, sexual orientation, honorably discharged veteran or military status or the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability. In some circumstances, it can be deemed unlawful discrimination that violates federal laws and/or state laws. The making of demeaning comments, whether verbally or in writing, or use of unwelcome epithets, gestures or other physical conduct, based on the above-referenced protected classes, toward employees, Councilmembers or members of the public are prohibited. Councilmembers are strongly urged to report all incidents of harassment.

- C. Sexual harassment is a form of unlawful discrimination.

9.2 REPORTING DISCRIMINATION OR HARASSMENT

- A. Any individual who believes he or she has been discriminated against or harassed in violation of Section 9 above shall report the incident to the City Manager, who shall evaluate whether an investigation should take place by a third party investigator; if the City Manager determines that an investigation should commence, the investigation will be conducted consistent with Section 2.04 of the City Personnel Policies; provided however, that if the allegation involves the City Manager, the report shall be made to the City Attorney.

- B. Should the official to whom the report is made pursuant to Section A, above, determine that the incident does not merit an investigation following the procedure outlined in Section 2.04 of the Personnel Policies, that official shall provide the person making the complaint a written explanation as to the reason the complaint does not merit an investigation. This written explanation shall be provided to the person making the complaint within 7 business days of the City's receipt of the same. If an investigation is commenced, the official to whom the report is made pursuant to Paragraph A, above shall initiate an investigation

within 24 hours, or by the end of the next business day. The investigation shall follow the procedure outlined in Section 2.04 of the Personnel Policies.

9.3 COUNCIL RELATIONS WITH STAFF

- A. Councilmembers' relationships with City staff shall be governed by RCW 35A.13.120. No Councilmember shall direct the City Manager or staff to initiate any project or study without the consent of a majority of the Council. Councilmembers may request information from Department Directors and will copy the City Manager on the request. If the Director determines that significant work is involved, the City Manager will bring the request to Council for a majority vote. Any responses to individual Councilmembers providing information, will be shared by the City Manager with all Councilmembers.
- B. All written informational material requested by individual Councilmembers shall be submitted by City Staff to the City Manager who, after his/her review, will submit it to all Councilmembers with a notation indicating which Councilmember requested the information.
- C. Councilmembers shall not attempt to influence City Staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.

SECTION 10. STAFF ATTENDANCE AT COUNCIL REGULAR BUSINESS MEETINGS, REGULAR STUDY SESSIONS AND SPECIAL MEETINGS

- 10.1** The City Manager shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council but shall have no vote. When the City Manager has an excused absence, the designated Acting City Manager shall attend the meeting.
- 10.2** The City Attorney shall attend all meetings of the Council unless excused, and shall, upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. The City Manager or City Attorney may raise a Point of Order to support the presiding officer and Council in ensuring compliance with the City Council Meeting Guidelines and parliamentary procedures.
- 10.3** The City Clerk, or designee, shall attend Regular Business Meetings, Regular Study Sessions, and Special Meetings of the Council, keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting.

SECTION 11. COUNCILMEMBER ATTENDANCE AT REGULAR BUSINESS MEETINGS, REGULAR STUDY SESSIONS AND SPECIAL MEETINGS

- 11.1** Councilmembers will inform the Mayor, a Councilmember, the City Manager or City Clerk if they are unable to attend any Council Regular Business Meetings, Regular Study Sessions and Special Meetings, or if they knowingly will be late to any said meeting. The minutes will show the Councilmember as having an excused absence.
- 11.2** The Mayor will announce for the record a Councilmember's excused or unexcused absence at the Regular Business Meetings, Regular Study Sessions and Special Meetings after roll-call is taken.
- 11.3** Councilmembers should report on meetings and activities in which they have participated and represented the City. Councilmembers are encouraged to submit written reports to be included in a future Council Packet under Council Reports.
- 11.4** Councilmembers attending Advisory Board Meetings shall attend as observers and not as participants. If an Advisory Board Meeting involves a quasi-judicial hearing, Councilmembers shall not attend such meeting.
- 11.5** Councilmembers will let the Executive Assistant to the City Manager know what meetings they are attending so that these can be noted on the meetings calendar.

SECTION 12. PUBLIC HEARINGS

12.1 TYPES

There are two types of public hearings: legislative and quasi-judicial. The Mayor will state the public hearing procedures before each public hearing. Public wishing to comment will follow the same procedure as for "Public Comments" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. Time limits for public testimony in quasi-judicial public hearings may be set by the presiding officer and be subject to appeal. After all persons have spoken, the hearing is closed to public comment. See Section 5 of these Guidelines for details.

The Council may then proceed with deliberation. For legislative public hearings, Council's decision will occur at the next Regular Business Meeting, Regular Study Session or Special Meeting.

12.2 LEGISLATIVE PUBLIC HEARINGS

The purpose of a legislative public hearing is to obtain public input on legislative decisions on matters of policy, including without limitation, review by the City Council of its Comprehensive Land Use Plan or the biennial budget.

12.3 QUASI-JUDICIAL PUBLIC HEARINGS/APPEARANCE OF FAIRNESS

- A. The purpose of a quasi-judicial public hearing is to decide issues including the right of specific parties and include, without limitation, certain land use matters such as site specific rezones, preliminary plats, and variances. Quasi-judicial public hearings coming before the City Council are closed record hearings. The City Council's decision on a quasi-judicial matter must be based upon and supported by the "record" in the matter. The "record" consists of all testimony or comment presented at a prior open record hearing and all documents and exhibits that have been submitted. In quasi-judicial hearings, Councilmembers shall comply with all applicable laws including without limitation the Appearance of Fairness Doctrine per RCW 42.36.
- B. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If so, no matter how remote, the Councilmember should disclose the facts to the City Manager who will seek the opinion of the City Attorney, which will be communicated to the Councilmember and the Mayor.
- C. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate, or immediate family. It could involve *ex parte* (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents and/or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents and/or opponents, announced predispositions, and the like. Challenges to Councilmembers' participation in quasi-judicial hearings shall be governed by RCW 42.36.080 - .110.

SECTION 13. MEDIA REPRESENTATION AT COUNCIL MEETINGS

- 13.1** All Regular Business Meetings, Regular Study Sessions or Special Meetings of the City Council and its advisory committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the Regular

Business Meeting, Regular Study Session or Special Meeting. Seating space shall be provided for the media at each said public meeting.

SECTION 14. COUNCIL REPRESENTATION

- 14.1** The Mayor and the City Manager are the official spokespersons for the City. Councilmembers are encouraged to direct inquiries about City positions to them.
- 14.2** If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments, which differ from the Council majority, may be expressed if the Councilmember clearly states these statements do not represent the Council's position.
- 14.3** A Councilmember shall obtain the other Councilmember's concurrence before representing that Councilmember's view or position with the media, another governmental agency or community organization. If the subject is controversial, Councilmembers shall avoid speaking for each other.
- 14.4** Letters, written statements, newspaper guest opinions, and so on, which state a Council opinion or policy shall be submitted to the full Council for review, comment and final approval prior to their release. In some cases, it may be appropriate to provide for the signatures of the full Council.

As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council at the time of communication.

SECTION 15. CONFIDENTIALITY

Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. Information provided to Councilmembers outside of Executive Sessions, when the information is considered to be exempt from disclosure under the Public Records Act, RCW 42.56, shall also be kept confidential.

SECTION 16. COUNCIL BUSINESS POLICIES

16.1 LITIGATION POLICIES AND REPORTING

The City Attorney will provide a quarterly report to the City Council on new litigation and ongoing litigation.

SECTION 17. PUBLIC RECORDS

- 17.1** Public records created or received by the Mayor or any Councilmember will be transferred to the Public Records Officer for retention by the City in accordance with the Public Records Act (RCW 42.56). Public records that are duplicates of those received by, or in the possession of the City, are not required to be retained per Washington State Archives Retention Schedule. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the City Attorney.

SECTION 18. MAYOR/DEPUTY MAYOR SELECTION PROCESS

- 18.1** The Mayor and Deputy Mayor shall be elected from the ranks of the Councilmembers according to the Council/Manager form of government.
- 18.2** The Mayor shall be elected to a two-year term according to RCW 35A.13.030.
- 18.3** The Deputy Mayor shall be elected to a one-year term at the first Regular Business Meeting or Regular Study Session of the year.
- 18.4** The City Clerk or designee shall conduct the election for Mayor. The Mayor shall then conduct the election for Deputy Mayor.

SECTION 19. APPOINTMENTS TO COMMITTEES AND REGIONAL ORGANIZATIONS

- Council may appoint Councilmember(s) to ad-hoc committees during a Regular Business Meeting, Regular Study Session or Special Meeting. Appointments to regional bodies, ad-hoc community committees or other special committees outside the City auspices may be made in two ways: (1) the regional committee may request recommendations for ultimate appointment by the regional committee; or (2) the City Council may make direct appointment to a regional committee when asked to do so by that body.
- 19.1** Any Councilmember may express an interest in a particular subject and interest in serving on a particular regional body.
- 19.2** When a regional body requests membership recommendations where the regional body makes the final appointment, the Mayor shall ask Councilmembers to state their interest for appointment.
- 19.3** When the Council has the authority to make direct appointment to a regional committee, discussion shall take place with the full Council to determine interest.

The Councilmember receiving a majority vote will represent the City on that regional body.

- 19.4** Changes in representation to regional committees where the Council has the authority to make a direct appointment shall also be determined through full Council discussion and majority vote of the Council.
- 19.5** Councilmembers shall report on meetings and activities in which they have participated and represented the City. Councilmembers are encouraged to submit written reports to be included in a future Council Packet under Council Reports.

SECTION 20. PROCEDURE FOR FILLING COUNCIL VACANCIES

- 20.1** If a Council vacancy occurs, the Council will follow the procedure outlined in RCW 35A.13.020(1), which requires the remaining Council members to appoint a qualified person to fill the vacant position within ninety (90) days of the effective date of the vacancy.
- 20.2** The City Councilmember who is resigning from office will submit a letter of resignation to be accepted by the City Council at its next Regular Business Meeting.
- 20.3** The City Council shall review and make any revisions they wish to the Council Vacancy Application form.
- 20.4** The legal announcement shall appear at least two times in the legal section of the City's official newspaper and in any other publication or on any internet site deemed appropriate by the City Council.
- 20.5** The City Clerk shall receive all applications for the specified period of time.
- 20.6** The City Council shall submit questions for an interview process to the City Clerk.
- 20.7** The City Clerk shall compile the applications for an interview process, set an interview date according to the Council's availability, and schedule interviews with the applicants. The City Clerk shall prepare the final list of interview questions as agreed upon by the Council.
- 20.8** The City Clerk shall prepare a notice of the meeting to interview candidates.
- 20.9** The Council in a Regular Business Meeting, Regular Study Session or Special Meeting open to the public will interview all candidates who have submitted an application. Councilmembers will ask the same questions of all candidates. Each

candidate will be allowed two minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.

- 20.10** The Council may recess into Executive Session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during a Regular Business Meeting, Regular Study Session or Special Meeting.
- 20.11** The City Attorney will prepare the Oath of Office and swear in the newly appointed Councilmember at the same or next scheduled Regular Business Meeting, Regular Study Session or Special Meeting.
- 20.12** Upon appointment, the City Clerk shall send a letter to the Department of Elections notifying it of the new appointment.
- 20.13** The vacancy that was filled by appointment must be filled by election to that position in the next regularly scheduled municipal election.
- 20.14** The Councilmember elected in the next regular municipal election to the office that had been vacated prior to the expiration of the term, will take office immediately following the certification of the election.

SECTION 21. MISCELLANEOUS

- 21.1** When Councilmembers register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a Regular Business Meeting, Regular Study Session or Special Meeting, by a majority vote. When possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.
- 21.2** Council attendance at conferences and/or trainings that require out-of-state or overnight travel will be so noted in the City Manager's Report.
- 21.3** Seating arrangements during a Regular Business Meeting, Regular Study Session or Special Meeting may be varied.
- 21.4** These guidelines are standards, not regulations. Unless otherwise required by law, a state or federal agency with authority, or a court of competent jurisdiction, the Council will not act to impose any penalty for the failure to meet these standards other than to censure a Councilmember for failure to meet a standard of conduct – and only upon a motion and a second and a vote of the majority of the Council.

SECTION 22. SUSPENSION AND AMENDMENT OF GUIDELINES

- 22.1** Any provision of these guidelines not governed by State law or ordinance may be temporarily suspended by a majority vote of the Council.
- 22.2** These guidelines may be amended or new rules adopted, by a majority vote of the Council.

Adopted by the Burien City Council
July 25, 1994
Revised February 13, 1995
Revised November 20, 1995 by Resolution 072
Revised December 18, 1995 by Resolution 071
Revised January 26, 1998 by Resolution 095, 097, & 100
Revised June 1, 1998 by Motion
Revised September 21, 1998 by Resolution No. 103
Revised April 27, 1999 by Ordinance No. 228 and Ordinance 229
Revised June 7, 1999 by Ordinance No. 258
Revised October 4, 1999 by Motion
Revised February 26, 2001 by Motion
Revised February 4, 2002 by Motion
Revised February 3, 2003 by Motion
Revised November 1, 2004 by Motion
Revised June 6, 2005 by Motion and Resolution No. 215
Revised May 6, 2013 by Motion
Revised September 21, 2015 by Motion
Revised October 8, 2015 by staff in error
Corrected December 21, 2015 (wording verified to correspond to July 6, 2015 Council
direction)
Revised October 2, 2017 by Motion
Revised January 7, 2019 by Motion