




AGENDA REPORT

To: City Council

THRU: John Akers, City Manager 

FROM: Terry Weiner, Assistant City Manager/City Attorney 

SUBJECT: Resolution to approve amendments to City Council Rules to allow remote meeting attendance for Councilmembers and Commission/Board Members, and other minor changes

DATE: February 19, 2019

SUMMARY: Current City Council rules do not specifically allow for remote meeting attendance. Staff provided options to Council at its December 17, 2018 and February 4, 2019 meetings for consideration of amending rules to allow for remote meeting attendance by councilmembers and commission/board members. At its February 4 meeting, Council instructed staff to prepare amended rules adding the ability to allow both Councilmembers (under limited conditions) and commission/board members to attend meetings remotely.

BACKGROUND: Over the past few years, staff has received inquiries from both City Councilmembers and City commission/board members about the ability to remotely attend meetings. The Ellensburg City Council Rules of Procedure do not address the issue. Different remote attendance options were presented at the December 17, 2018 and February 4, 2019 City Council meetings. Council requested the rules be amended to allow remote attendance by councilmembers for very limited circumstances, but allowing more flexibility for remote attendance by commission/board members, including potential "regular" remote attendance under certain limited circumstances.

ANALYSIS AND FINDINGS: A subcommittee appointed by Council prepared two options for Councilmember and Commission/Board member remote meeting attendance. Councilmember remote attendance will be allowed only under very limited circumstances such as emergency situations facing the City. Remote commission/board attendance will be allowed in two different sets of circumstances: 1) in "special circumstances," limited in scope to an urgent need to have the member attend remotely; and 2) regular telephone attendance, which would allow unlimited remote attendance, but limited to one committee, board or commission member.

The amendments to the Council rules are summarized as follows:

- New Rule 1.7 sets forth the conditions for remote meeting attendance by Councilmembers (old Rule 1.7 is now Rule 1.8)
- New Rule 10.7 sets forth the conditions for remote meeting attendance by Committee, Board and Commission members

In addition, staff has made the following changes to bring the Council rules current, which are all shown in Exhibit A:

- The order of Rules 4.5 (Consent agenda) and 4.6 (Approval of regular agenda) was switched because of the change voted on by Council in 2017, but not yet updated in the rules. Some of the wording was also amended for better flow
- A reference in Rule 9.3(c) regarding passage of ordinances was corrected from 9.5 to 9.7
- The wording in Rule 10.1 (Citizen Committees, Boards and Commissions) was changed for clarification

FISCAL IMPACT: None.

RECOMMENDATION(S): Approve the Resolution amending the Ellensburg City Council Rules of Procedure to allow for remote attendance by City Councilmembers as well as commission, board and committee members.

Attachments:

1. Exhibit A – legislative versions of selected amended rules
2. Resolution to approve amendments to Ellensburg City Council Rules of Procedure

EXHIBIT A

New Rule 1.7

1.7 Remote Attendance. Councilmembers may appear at a Council meeting via video conferencing or telephone ("remote attendance") under limited circumstances. Remote attendance is for the benefit of the City of Ellensburg and not for the benefit of an individual Councilmember. Remote attendance may occur as follows:

a. The Mayor may approve a Councilmember's appearance at a Council meeting via remote attendance when action on a measure to be voted on cannot be delayed but rather requires immediate action or remedy and one or more of the following circumstances exists:

1. Due to fire, flood, earthquake, or other emergency, there is a need for action by Council to meet the emergency;

2. A vote of the Council of the whole is required for action; or

3. A unanimous vote of the whole Council is required for passage of a measure.

b. Remote attendance shall not be allowed during any quasi-judicial, legislative or appeal hearing, although such attendance may be allowed for the remainder of the meeting.

Amended Rule 4.5 (moved from old Rule 4.6)

4.5 Approval of regular agenda.

a. The Presiding Officer may, with the concurrence of the Councilmembers by majority vote, take agenda items out of order. The agenda may be amended upon majority vote of the Councilmembers.

b. Because adoption of any item on the consent agenda, as provided in Rule 4.6, implies unanimous consent, any member of the Council shall have the right to remove any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the ~~consent~~ regular agenda, the Presiding Officer shall inquire if any Councilmember, or any member of the public with concurrence of a Councilmember wishes an item to be withdrawn from the consent agenda. If an item is withdrawn, it shall be placed at an appropriate place on the regular agenda for the current or a future meeting, to be followed by a motion to approve the ~~consent~~ regular agenda, as amended, by the item's removal from the consent agenda.

Amended Rule 4.6 (moved from old Rule 4.5)

4.6 **Consent agenda.** a. The consent agenda is designed to contain items which are of a routine and non-controversial nature, including, but not limited to the following: minutes from Council, commission, and committee meetings; excused absence requests from Councilmembers; letters of resignation; approval of appropriations; resolutions which do not involve significant policy issues; routine contracts; labor agreements; and certain administrative actions, such as consideration of banner requests and such other items as may be requested for inclusion by Council or by the City Manager and approved by Council. Any and all items on the consent agenda, ~~unless either removed by request of a Councilmember or by request of a member of the public and concurred with by Council,~~ are approved by single motion and vote of the City Council.

Amended Rule 9.3(c)

c. All ordinances shall have two separate readings, each of which readings may be accomplished by a reading of the title paragraph only: provided, however, any or all of the readings may be required to be accomplished by a reading of the full text of the proposed ordinance, if the rules are waived as provided by Rule ~~9.5~~ 9.7 to require such readings of the full text. When such a reading of the full text is required, upon a vote of a majority of the Council members present, it shall not be necessary to read excessive detail set forth in a particular ordinance, including but not limited to legal descriptions of land areas, and in lieu thereof an oral statement summarizing the contents so omitted may be made by the Mayor or the presiding councilmember, or by the City Clerk or other recording secretary if so directed by the Mayor or such presiding councilmember.

Amended Rule 10.1

10.1 **Citizen Committees, Boards and Commissions.** The Council may create committees, boards and commissions to assist in the conduct of the operation of city government with such duties as the Council may specify ~~not inconsistent~~ consistent with the Ellensburg City Code.

New Rule 10.7

10.7 **Remote Meeting Attendance.** There are two types of circumstances that would allow for attendance through the use of videoconferencing or telephone ("remote attendance") by a city committee, board or commission member:

a. Special circumstances. From time to time, a city committee, board or commission member will not be able to be physically present at a meeting and their absence would create a circumstance that would be of detriment to the community. Remote attendance is for the benefit of the City of Ellensburg and not for the benefit of an individual member. The procedural guidelines for permitting a member to remotely attend a meeting are as follows:

1. An agenda item is time-sensitive and remote attendance is needed for a quorum;
2. Remote attendance shall not be allowed during any quasi-judicial or appeal hearing, although such participation may be allowed for the remainder of the meeting.
3. No more than two committee, board or commission members shall be allowed to remotely attend any one meeting.
4. Remote attendance should be announced by the committee, board or commission chairperson, or vice-chairperson in the absence of the chairperson, and will be reflected in the meeting minutes.

b. Regular remote attendance. From time to time, a committee, board or commission member will not be able to be consistently physically present at a city committee, board or commission meeting, but will want to be involved in the activities of the group. Remote attendance is for the benefit of the City of Ellensburg and not for the benefit of an individual member. The procedures and guidelines for permitting a committee, board or commission member to regularly attend meetings remotely are as follows:

1. A community member wanting to serve on a city committee, board or commission would provide significant benefit to the committee, board or commission, but

due to unavoidable, frequent travel would be otherwise unable to participate in person on a regular basis, or the community member has a disability which requires a reasonable accommodation.

2. The community member who wishes to serve on a city committee, board or commission, but needs to regularly attend meetings remotely, must notify the City Council at the time of their application or, if after appointment, they experience a significant change in their circumstances that would justify regular remote attendance.

3. Remote attendance shall not be allowed during any quasi-judicial, legislative or appeal hearing, although such participation may be allowed for the remainder of the meeting.

4. No more than one committee, board or commission number shall be allowed to remotely attend meetings on a regular basis.

5. Remote attendance should be announced by the committee, board or commission chairperson, or vice-chairperson in the absence of the chairperson, and will be reflected in the meeting minutes.