



CITY OF KIRKLAND

City Attorney's Office

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MEMORANDUM

To: Marilynne Beard, Interim City Manager
From: Robin S. Jenkinson, City Attorney
Date: March 25, 2010
Subject: Council Rules of Procedure

RECOMMENDATION:

It is recommended that Council consider the attached resolution amending the Rules of Procedure for the Conduct of Kirkland City Council Meetings. The resolution would make several changes to the current Rules.

BACKGROUND DISCUSSION:

Councilmembers have recently discussed certain housekeeping changes to the City Council Rules of Procedure. Several are included in the attached resolution and shown in edited format. The attached resolution includes the following proposed changes:

Section 5, Subsection 2, Page 3. Under Items from the Audience, limits each speaker to a three minute presentation.

Section 6, Page 3. Allows additional items to be placed on the agenda, at the Council Meeting, if the requesting Councilmember or the City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

Section 7, Subsection 1, Page 3. Clarifies that correspondence of a purely informational nature will be provided to the Councilmembers in the normal course of business rather than in a packet.

Section 9, Subsections 3, 4, and 6, Pages 4-5. While business is brought before the Council by motions, the practice has been that presentation of the staff report and some discussion may precede the motion proposing action. This change incorporates the practice and adds that the Mayor should restate the motion.

Section 20, Page 6. Consistent with current practice, allows the Mayor to participate in Council discussions without asking another Councilmember to assume the role of Chair.

After reviewing the resolution, the Council may identify other areas for changes. The topic of Council correspondence is being addressed separately and will be discussed at an upcoming City Council Meeting.

RESOLUTION R-4810

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
SETTING FORTH THE CURRENT RULES OF PROCEDURE FOR THE
CONDUCT OF KIRKLAND CITY COUNCIL MEETINGS.

Whereas, a predetermined order of business and the adoption
of rules of procedure for City Council meetings will be the most
expedient means of conducting Council meetings; and

Whereas, such order of business and rules of procedure will
avoid confusion and aid in the expeditious handling of business; now,
therefore,

Be it resolved by the City Council of the City of Kirkland as
follows:

Section 1. The order of procedure herein contained shall
govern deliberations and meetings of the Council of the City of
Kirkland, Washington.

Section 2. Regular meetings of the Council shall be held as
provided for by ordinance.

Section 3. At all meetings of the Council, a majority of the
Councilmembers shall constitute a quorum for the transaction of
business, but a less number may adjourn from time to time to secure
the attendance of absent members.

Section 4. The order of business shall be as follows:

1. Call to order
2. Roll call
3. Study session
4. Executive session
5. Honors and Proclamations
6. Communications
 - a. Announcements
 - b. Items from the audience (3 minute
limitation. See Section 5)
 - c. Petitions
7. Special presentations
8. Consent calendar
 - a. Approval of minutes
 - b. Audit of accounts and payment of bills
and payroll
 - c. General Correspondence

- i. Routine
- ii. Written correspondence relating to quasi-judicial, including land use public hearing matters and placed in the appropriate hearing file.
- d. Claims
- e. Award of bids
- f. Acceptance of public improvements and establishing lien periods
- g. Approval of agreements
- h. Other items of business

Any matter, which because of its routine nature, would qualify for placement on the Consent calendar pursuant to this section, may be included on the Consent Calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a Resolution or Ordinance.

Any item may be removed from the consent calendar upon the request of any Councilmember. All items remaining on the consent calendar shall be approved by a single motion. Whenever an Ordinance is included on the Consent Calendar, approval of the calendar shall be by roll call vote.

- 9. Public hearings
- 10. Unfinished business
- 11. New business
- 12. Reports
 - a. Council Reports
 - b. City Manager Reports
- 13. Adjournment

Section 5. The Council believes that the following procedure for public comment during regular City Council meetings will best accommodate the desires and concerns of the Council:

- 1. During the time for "Items from the audience", speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the audience".

2. During the time for "Items from the audience", each speakers will be limited to 3 minutes ~~apiece~~. No more than 3 speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to 3 proponents and up to 3 opponents of the matter may address the Council.

Section 6. Items of business to be considered at any Council meeting shall be submitted to the City Manager no later than the Wednesday morning prior to a scheduled Council meeting. A written agenda and informational material is to be prepared and sent the Friday preceding each meeting to each Councilmember. ~~Emergency~~ Additional items arising after the regular agenda has been prepared ~~shall be referred to the City Manager for inclusion, as an Addendum to~~ may be placed on the agenda if the Councilmember or City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

Section 7. Written Correspondence: Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular, citizens of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Kirkland residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the City Council is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. Correspondence of an Information Only Nature - Correspondence which is purely of an informational nature and which does not require a response or action should not be placed on the Council Meeting Agenda by the City Clerk, but rather transmitted to the Council members in ~~their weekly informational packet~~ the normal course of daily business.
2. Routine Requests - Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be

placed by the Clerk on the agenda under the Written Correspondence - Routine Section of the consent calendar. A brief staff memorandum should accompany each letter explaining the request and recommending a course of action.

3. Significant Correspondence - Written correspondence which obviously requires some Council discussion, is of a policy nature or for which a non-routine official action or response is required, shall be placed by the Clerk on the regular Council agenda, either under New Business or if appropriate, under Unfinished Business, and shall be accompanied by staff report as are all other agenda items.

4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters - All such correspondence when so identified by the City Clerk shall be listed by name and reference to hearing matter on the consent agenda under the item Written Correspondence Relating to Quasi-Judicial Matters. Copies of such correspondence shall not then be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be coming to the attention of the City Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.

Section 8. ROBERTS RULES OF ORDER, NEWLY REVISED, shall govern the deliberations of the Council except when in conflict with any of the rules set forth in this resolution.

Section 9. It shall be the duty of the presiding officer of the Council to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. ~~State each motion and to require a second to that motion before permitting discussion.~~ Announce the agenda item and determine if the Council wishes to receive a staff report.
4. If, after presentation of the report or based upon the written report, action is desired, recognize Councilmember to make a motion to propose appropriate action. Require a second to each motion, for those motions which must be seconded.

- 45. Handle discussion in an orderly way:
 - a. Give every Councilmember who wishes an opportunity to speak.
 - b. Permit audience participation at appropriate times.
 - c. Keep all speakers to the rules and to the question.
 - d. Give pro and con speakers equal opportunity to speak.
- 56. ~~Put~~ Repeat motions, put motions to a vote and announce the outcome.
- 67. Suggest but not make motions for adjournment.
- 78. Appoint committees when authorized to do so.

Section 10. No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 11. No person, not a member of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.

Section 12. All questions on order shall be decided by the presiding officer of the Council with the right of appeal to the Council of any member.

Section 13. Motions shall be reduced to writing when required by the presiding officer of the Council or any member of the Council. All resolutions and ordinances shall be in writing.

Section 14. Each member present shall vote on all questions put to the Council. The duty to vote shall be excused when a councilmember has a financial interest in the question or, in quasi-judicial matters, where a councilmember has an appearance of fairness problem. When voting on any matter before the Council, a majority of the entire membership of the Council is required for passage of any ordinance, resolution or motion, provided that a simple majority of the members present shall be sufficient with respect to the following motions:

- To adjourn, to table or continue a matter,
- To go into or out of executive session,
- To schedule a special meeting of the City Council,
- To add or remove items on a future Council meeting agenda,

To approve or authorize the sending of a letter or other communication so long as the letter or communication sets forth a policy or position previously agreed to by a majority of the entire Council membership,

To establish the date for a public hearing, unless such hearing is required to be set by Ordinance or Resolution,

To authorize call for bids or requests for proposals, and

To approve a consent calendar, provided that any ordinance, any grant or revocation of franchise or license, or any resolution for payment of money included on said consent calendar, has first been removed ~~therefrom~~.

Section 15. A tie vote, on a matter requiring four affirmative votes for passage, shall not be dispositive of the matter voted upon, but shall be deemed to have tabled the matter until the next succeeding regular meeting at which all seven Councilmembers are present. At that meeting, any member may move to take the matter off the table.

Section 16. A non-tie vote which fails for a lack of four affirmative votes, as to a matter which requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. Any Councilmember may move to reconsider the matter at the next succeeding regular meeting at which all seven Councilmembers are present.

Section 17. Except as provided in Sections 15 and 16, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.

Section 18. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

Section 19. A motion for adjournment shall always be in order.

Section 20. The presiding officer, as a member of the Council may, at his or her discretion, call any member to take the Chair, to allow the presiding officer to ~~address the Council~~, make a motion, ~~or~~ but may otherwise discuss any other matter at issue subject only to such limitations as are imposed by these rules on other Councilmembers.

Section 21. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; PROVIDED that at least four (4) affirmative votes be cast.

Section 22. The chairman of each respective committee, or the Councilmember acting for him/her in his/her place, shall submit or make all reports to the Council when so requested by the presiding officer or any member of the Council.

Section 23. The City Manager, Attorney, City Clerk, and such other officers and/or employees of the city of Kirkland shall, when requested, attend all meetings of the Council and shall remain in the Council chamber for such length of time as the Council may direct.

Section 24. The City Clerk shall keep correct minutes of all proceedings. The votes of each Councilmember on any ordinance shall be recorded in the minutes. At the request of any member, the ayes and nays shall be taken on any other question and entered in the minutes. Copies of the minutes shall be sent to the members of the Council prior to their next regular meeting.

Section 25. The City Council shall consider a Process IIA appeal under KZC Chapter 150 at one meeting, and shall vote on the appeal at the next or a subsequent meeting, in order for the Council to gather more information from the record and consider the appeal; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the appeal at the first meeting. The Council's vote (to affirm, modify or reverse the decision of the Hearing Examiner, or direct the Hearing Examiner to hold a rehearing) shall occur within 60 calendar days of the date on which the letter of appeal was filed, pursuant to KZC150.125.

Section 26. The City Council shall consider a Process IIB application under KZC Chapter 152 at one meeting, and shall vote on the application at the next or a subsequent meeting; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the application at the first meeting. The Council shall first consider the application at a meeting held within 45 calendar days of the date of issuance of the Hearing Examiner's recommendations, pursuant to KZC 152.90.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2010.

Signed in authentication thereof this ____ day of _____, 2010.

MAYOR

Attest:

City Clerk