



**City of Lacey, Washington**  
**General Government & Public Safety Committee Agenda**

Refer to bottom of the agenda for instructions on attendance.

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Tuesday, May 23, 2023

9:30 AM

Council Chambers and Online

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**1. Agenda Items**

**A. Amendment to Lacey Municipal Code 9.12.060 - Harrassment**

Matt Sharp, Assistant City Attorney

**B. Behavioral Nuisance Ordinance**

Dave Schneider, City Attorney

**C. Council Policies-Procedures Manual Updates**

Peri Edmonds, City Clerk

Elissa Fontaine, Deputy City Clerk

**2. Adjourn**

**Attend Remote or In Person**

The public may attend the meeting in person, or you may view or listen to the meeting using one of the following platforms:

In Person: Council Chambers at Lacey City Hall, 420 College Street SE, Lacey, WA 98503

Via Zoom: <https://us02web.zoom.us/j/88927601917>

City Website: <https://cityoflacey.org/upcoming-meetings/>

Facebook: <https://www.facebook.com/cityoflacey>

YouTube: <https://www.youtube.com/watch?v=jMoXzotyP3k>

Cable: Channel 3 with your local cable provider

By Phone: (888) 788-0099 or (877) 853-5247 (Webinar ID 889 2760 1917)



**GENERAL GOVERNMENT AND  
PUBLIC SAFETY COMMITTEE MEETING  
5/23/23**

**SUBJECT:** Criminal Harassment Statute Update

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**RECOMMENDATION:** Forward the proposed ordinance to the full council for consideration.

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**STAFF CONTACT:** Rick Walk, Interim City Manager *RW*  
David Schneider, City Attorney  
Matt Sharp, Assistant City Attorney

**ORIGINATED BY:** City Attorney's Office

**ATTACHMENTS:** 1. [Draft Ordinance](#)

**FISCAL NOTE:** None

**PRIOR REVIEW:**

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**BACKGROUND:**

Section 9.12.060 of the Lacey Municipal Code declares the crime of Harassment, a gross misdemeanor, for several types of threatening conduct. The various conduct enumerated includes making threats in the following form:

1. To cause bodily injury immediately or in the future to the person threatened or to any other person; or
2. To cause physical damage to the property of a person other than the actor; or
3. To subject the person threatened or any other person to unlawful physical confinement or restraint; or
4. Maliciously to do any other act which is intended to harm substantially the person threatened or another with respect to his or her physical or mental health, safety,

financial condition, or personal relationships, and the person by words or conduct places the person threatened in reasonable fear the threat will be carried out.

This language is nearly analogous to that in the state statute, namely RCW 9A.46.020.

At issue is the fourth subsection. RCW 9A.46.020 does not include all of the same conduct that the Lacey Municipal Code addresses, but it does have the same language pertaining to mental health.

The Washington State Supreme Court reviewed the constitutionality of the “mental health” provision of the state statute in the case *State v. Williams*, 144 Wn.2d 197 (2001). The court held that this portion of the state statute was unconstitutional due to vagueness and overbreadth.

While the state statute remained unchanged for many years since the *Williams* case, the legislature did eventually remove the relevant portion during the 2023 legislative session, via SSB 5087 (effective July 23, 2023).

Section 9.12.060 of the Lacey Municipal Code includes the same language that was found unconstitutional in the state statute. Further, the language not included in the state statute pertaining to financial condition and personal relationships, while not put before the court in *Williams*, does appear to be subject to the same rationale as to vagueness and overbreadth. The attached draft ordinance removes the language in strikeout form that is considered subject to the court ruling in *Williams*.

City staff recommend update Section 9.12.060 of the Lacey Municipal Code to comply with the *Williams* ruling and conform to the recently amended RCW 9A.46.020.

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**ADVANTAGES:**

1. The Lacey Municipal Code will better comply with state law and the constitution.

**DISADVANTAGES:**

2. None identified.

ORDINANCE NO. \_\_\_\_

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY RELATED TO THE CRIME OF HARASSMENT, AMENDING SECTION 9.12.060 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, The Washington State Supreme Court has ruled that the state statute declaring the crime of harassment, RCW 9A.46.020 partially unconstitutionally vague and overbroad; and

WHEREAS, the state legislature has amended the RCW to remove the unconstitutional language under SSB 5087, which is effective July 23, 2023; and

WHEREAS, Section 9.12.060 of the Lacey Municipal Code contains the same language as that addressed in *State v. Williams*; and

WHEREAS, Staff have identified additional language in Section 9.12.060 of the Lacey Municipal Code that appears subject to the same analysis;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. Section 9.12.060 of the Lacey Municipal Code is hereby amended to read as follows:

**9.12.060 Harassment.**

A. A person is guilty of harassment if without lawful authority, the person knowingly threatens:

1. To cause bodily injury immediately or in the future to the person threatened or to any other person; or
2. To cause physical damage to the property of a person other than the actor; or
3. To subject the person threatened or any other person to unlawful physical confinement or restraint; or
4. Maliciously to do any other act which is intended to harm substantially the person threatened or another with respect to his or her physical ~~or mental health~~ or, safety, ~~financial condition, or personal relationships~~, and the person by words or conduct places the person threatened in reasonable fear the threat will be carried out.

B. A person who harasses another is guilty of a gross misdemeanor; provided, however, that should state law provide for a higher grade of offense for multiple violations of the acts prohibited by this section, said state law shall prevail.

Section 2. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY COUNCIL

By: \_\_\_\_\_  
Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

Attest:

\_\_\_\_\_  
City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO \_\_\_\_\_

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on \_\_\_\_\_, Ordinance No. \_\_\_\_\_, entitled "AN ORDINANCE OF THE CITY OF LACEY RELATED TO THE CRIME OF HARASSMENT, AMENDING SECTION 9.12.060 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance amends Section 9.12.060 of the Lacey Municipal Code, pertaining to the crime of Harassment,
2. The Ordinance approves this Summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: \_\_\_\_\_, 2023.



**GENERAL GOVERNMENT &  
PUBLIC SAFETY COMMITTEE**  
May 23, 2023

**SUBJECT:** Council Policies-Procedures Manual Update

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**RECOMMENDATION:** Review the updated Council Policies-Procedures Manual Chapters 7 and 9, and forward to the full City Council for approval through a Council resolution

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**STAFF CONTACT:** Rick Walk, Interim City Manager *RW*  
Shannon Kelley-Fong, Assistant City Manager *SKF*  
Peri Edmonds, City Clerk *PE*

**ORIGINATED BY:** City Manager Department

**ATTACHMENTS:** 1. [Council Policies-Procedures Manual - Ch. 7 and 9 \(redlined\)](#)  
2. [Council Policies-Procedures Manual - Ch. 7 and 9 \(clean\)](#)

**FISCAL NOTE:** None

**WORK PLAN GOAL AND STRATEGY:** None

**PRIOR REVIEW:** See background

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**BACKGROUND:**

On June 9, 2011, the Lacey City Council adopted the Council Policies-Procedures Manual to standardize the process for implementing current and new Council practices, procedures and policies. A review of the policies is performed by the General Government & Public Safety Committee as needed.

Since the last review and approval of revisions to the policies on March 2, 2023, staff identified the following proposed amendments for the Committee's review:

**Section 7.01 Meetings:**

Council Meetings and Worksessions

Update the start time for regular Council meetings and Worksessions from 7:00 p.m. to 6:00 p.m. Approved by Ordinance No. 1610 on December 16, 2021.

Special Meetings

Add 35<sup>th</sup> District.

**Section 7.05 Executive Session:**

Change policy language to align with the OPMA.

**Section 7.07 Order of Business:**

Council Meetings

Update policy to match the order of business in the current City Council meeting agenda.

Worksessions

Add the order of business for Worksession agendas.

**Section 9.12:**

Add language to allow Councilmembers to use an electronic voting system with the new agenda management software.

The draft changes are reflected in a redline copy of Chapters 7 and 9 identified as Attachment 1, and a clean version is attached as Attachment 2.

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**ADVANTAGES:**

1. A review of the Council Policies-Procedures Manual provides an opportunity for Council to review and approve any revisions to the manual to ensure policies remain appropriate and relevant.

**DISADVANTAGES:**

1. None identified.

# CHAPTER 7

## Council Meetings

In accordance with the Open Public Meetings Act, all Council regular and special meetings are open to the public with the exception of Executive Sessions.

### 7.01 Meetings

#### Council Meetings

The Council conducts its official business, enacting laws and approving policies during regular Council meetings. Regular Council meetings occur the first and third Thursday of the month. All regular meetings begin at ~~7~~6 p.m. in the Council Chambers at Lacey City Hall, 420 College Street SE. There are no regularly scheduled Council meetings on the 5<sup>th</sup> Thursday of the month.

#### Council Worksessions

Worksessions provide an opportunity for the full Council to review and discuss issues in depth without taking official action. Council Worksessions occur on the second and fourth Thursday of each month. All meetings begin at ~~7~~6 p.m. in the Council Chambers at Lacey City Hall, 420 College Street SE. Although most formal Council action occurs at regular Council Meetings, the Council may make decisions and take official action at Council Worksessions.

#### Council Committees

The Council holds committee meetings on a monthly basis to discuss issues related to community affairs, transportation, finance, economic development, land use, environment, utilities, general government, and public safety. Meeting times and dates are posted on the City's website. Staff distribute a weekly schedule of pending agenda items to Council and staff. Three Councilmembers serve on each committee to discuss emerging issues, review City programs and policies, and provide recommendations to the full Council. Committee issues can be forwarded to regular Council Meetings for action or to a Council Worksession or committee meeting for further review. Generally, audience participation is not allowed during committee meetings, unless permitted by the Chair. (*Refer to Chapter 2, Paragraph 2.12, and Attachment 2.12A, Council Policies, Organization & Procedures of Lacey Council – Resolutions 620, 842, 893.*)

#### Special Meetings

- Retreats – The Council meets annually to develop short goals, priorities and policies for the upcoming year, and strategic long-term goals.

- Legislative Meetings – Prior to the state legislative session in January, Councilmembers, City Manager, and/or staff meet with state legislators from the 2<sup>nd</sup> & 22<sup>nd</sup>, and 35<sup>th</sup> -Districts to discuss legislative issues of importance to the City.
- Joint Worksessions – The Council meets with the Planning Commission, School Board, and other interjurisdictional bodies are scheduled annually to discuss regional topics and issues.
- Bus Tours – Occasionally, the Council schedules community tours with Advisory Boards to view public works projects, parks, and similar private and public development projects.
- Editorial Board Meetings – Once or twice a year, the City ~~and~~ The Olympian Editorial Board requests a meeting to discuss current City issues. The City Manager and three Councilmembers attend. Council rotates in order to ensure everyone has an opportunity to attend.

#### 7.02 Guidelines for Editorial Board Meeting

In an effort to improve communications and discuss issues of public interest, ~~the~~ The Olympian Editorial Board may request quarterly meetings with Lacey Councilmembers. This policy is intended to set forth guidelines for attendance and communication at these meetings.

##### Procedure

1. In order to ensure conformance with the State Open Meetings Law, no more than three members of the Council should attend each meeting. If more than three Councilmembers plan to attend, the City Clerk will provide appropriate notice of the meeting to the public and retain a record of the meeting.
2. Whenever possible, Councilmembers rotate attendance at the quarterly Editorial Board meetings. Variance from this practice may occur where it is anticipated that special knowledge or experience on a particular issue may be necessary or desirable.
3. Whenever possible, the City Manager attends the Editorial Board/Councilmember meeting. The City Manager participates in discussions and provides supplemental details and information on behalf of the City.
4. When Editorial Board questions arise that involve an expression of a personal opinion or points-of-view opposed to Council decision or policy, Councilmembers and the City Manager should carefully distinguish between the two when sharing information and perspectives.
5. At the regular Council Meeting immediately following the Editorial Board discussion, the full Council will be briefed regarding the highlights of the meeting.

*(Refer to Chapter 7, Paragraph 7.01.)*

### 7.03 Public Notice of Meetings and Hearings

The City Clerk publishes public notices related to public hearings, special council meetings, budget approval, annexations, and street vacations in the legal section of the local paper, and on the City's website at [CityofLacey.org](http://CityofLacey.org) under ~~News & Events/Public Notices~~ News & Notices and Public & Legal Notices.

### 7.04 Special Meetings

Special meetings may be called at any time by the Mayor, a majority of the Council, or the City Manager by delivering personally, by mail, by fax, or by email, a written notice to each member of the Council and the City's official newspaper, and ~~to each local radio/television station the~~ City's press release list with a written notification request on file at least 24 hours before the time of such meeting specified in the notice. The notice specifies the time and place of the special meeting and the business to be transacted.

The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notices make it impractical.

### 7.05 Executive Session

When appropriate, the Council may ~~adjourn-meet to an~~ Executive Session to privately discuss and consider matters of confidential concern to the City. Executive Sessions are scheduled at the request or concurrence of the Mayor, or by a majority vote of the full Council during a meeting. The Council may hold Executive Sessions ~~during (beginning, before, middle, or end)after, or during~~ a regular or special meeting to consider matters permitted by [RCW 42.30](#), or other applicable state law. The purposes for which an Executive Session may be held include, but are not limited to:

- Discussion with legal counsel on pending or potential litigation;
- Property acquisition/disposition where public discussion may increase or decrease the price and influence the terms of the sale;
- Matters affecting national security;
- Quasi-judicial matters;
- Complaints or charges brought against a public officer or employee;
- Qualification/performance review of the City Manager;
- Evaluate qualifications of candidates for appointment to elective office;
- Planning or adopting a position to be taken during collective bargaining, professional negotiations, grievance or mediation proceedings, or reviewing proposals made in ongoing negotiations; or
- Receive confidential advice from the City Attorney under the attorney-client privilege.

Before convening in Executive Session, the Mayor, or presiding officer, publicly announces the purpose of the Executive Session, the estimated time when the Council will return to open session (e.g., 7:15 p.m.)~~the Executive Session will conclude~~, and whether the Council will reconvene to take action. An Executive Session may be extended to a later time by announcement of the Mayor or presiding officer ([RCW 42.30.110](#)). The purpose of convening an Executive Session shall be recorded in the meeting minutes.

## 7.06 Agenda Development

The City Manager coordinates the development of regular Council Meeting, Council Worksession, and committee agendas with the Mayor, Department Directors, and Committee Chairs.

### Advancing Agenda Items

A Councilmember may request an item be considered on a future agenda either by making a request at a regular Council Meeting, Council Worksession, or committee meeting, or by contacting the Mayor or City Manager. Items may be added to committee meeting agendas by consensus of the Committee.

Department Directors and staff may request an item be considered on future agendas by submitting their request to the City Manager. As needed, the City Manager will consult with the Mayor before taking matters to the full Council for consideration.

A member of the public may request an item be placed on a future agenda while addressing the Council during a regular meeting and/or by submitting the request in writing to the Council through the City Clerk's office. The Council will decide whether to consider an issue proposed for a future agenda.

In order to allow sufficient time for Council to review and staff to research the issue, the request should be submitted at least 15 working days prior to the meeting for which the item is requested to be placed on the agenda. Once the issue has been approved for placement on an agenda, the City Clerk's office will notify the requestor to invite their attendance.

Emergency items may be added to an agenda in accordance with state law. Emergency items are only those matters immediately affecting the public health, safety and welfare of the community, such as widespread civil disorder, disaster, and other severe emergencies. The reason for adding an emergency item to the agenda shall be announced publicly at the meeting and the issue shall be included in the minutes of the meeting.

### Agenda Timeline

The City Clerk's office developed the following timeline to ensure timely distribution of regular Council Meeting, Council Worksession, and committee meeting packs.

- Most agenda items require a Staff Report. Staff Reports must be ready for City Manager's review by 1 p.m. two Wednesdays prior to the meeting.
- Staff posts agendas and meeting packets on the City's website by 4 p.m. on the Friday prior to a council meeting.
- Staff notifies Council by email when the meeting packets are available.

The addition of ~~last-minute~~last-minute agenda items is discouraged, unless of an urgent nature, which will be determined by the City Manager and/or Mayor.

## 7.07 Order of Business

### Council Meetings

The Council agenda sets the order of business for regular council meetings.

### Call to Order

The Mayor, or in the Mayor's absence, the Deputy Mayor, presides over all meetings of the Council, and after determining a quorum is present, calls the meeting to order. In the absence of the Mayor and Deputy Mayor, a Councilmember is selected from among the body to act as Chair (see 2.07 Absence of the Mayor). ~~Following the call to order, those in attendance are asked to join the Council in reciting the Pledge of Allegiance.~~

### Roll Call, Remote Attendance, and Excused Absences

The Mayor takes roll call, announces any Councilmembers who may be attending remotely, and the excused absences of individual Councilmembers.

### Pledge of Allegiance

~~Those in attendance are asked to join the Council in reciting the Pledge of Allegiance.~~

### Approval of Agenda and Consent Agenda

The Consent Agenda consists of items that are routine in nature and do not require additional discussion. ~~The Consent Agenda includes minutes of regular Council Meetings and Council Worksessions, final plat approvals, and LID/ULID's (local improvement districts/utility local improvement districts).~~ The Mayor and Council can remove items from the Consent Agenda for further discussion.

### Public Recognition and Presentations

#### • ~~Public Recognition~~

When appropriate, the Council recognizes volunteer service, presents special awards, and receives public presentations.

#### • Public Comments

Members of the public may address the Council regarding topics scheduled, as well as not scheduled, on the agenda during public comment, with the exception of quasi-judicial matters forthcoming before the City Council and topics that have specified Public Hearings. Individuals who wish to address the Council are encouraged to sign in using the sign-in sheet in the Council Chambers or they may preregister to speak remotely using the link provided on the posted agenda. Each person addressing the Council at the meeting (either in person or remotely) is encouraged to give their name and address for the record, and is asked to limit their address to three minutes, unless City Council permits a longer period. If several people wish to speak to the same issue, the Mayor may limit the total amount of time dedicated to that specific issue. The Mayor may interrupt public comments that continue too long, relate negatively to others, or are otherwise inappropriate.

Provided there is time, the Mayor will offer the opportunity for members of the public that did not pre-register or sign-in to provide Public Comment.

Members of the public may provide written public comment to the Council ~~address the Council before a meeting by submitting written public comments~~ by mail or email to the City Clerk's office by 4:00 p.m. the day of the meeting.

Comments received by the City Clerk will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the Council meeting. Comments will be added to the official meeting record.

### Public Hearings

Council holds Public Hearings following the adoption of the consent agenda and public comment period. Individuals who wish to address the Council are encouraged to sign in using the sign-in sheet in the Council Chambers or they may preregister to speak remotely using the link provided on the posted agenda. The Mayor opens the Public Hearing and the City Clerk notes the time for the record. Speakers are called forward in the priority in which they signed in, and are required to state their name and address. Comments are limited to the specific matter for which the Public Hearing occurs and are limited to three minutes, unless the Mayor permits a longer period. Written comments are permitted prior to and during the public hearing, and should be submitted to the City Clerk before the public hearing closes. The City Clerk enters written documents into the record, but they are not read aloud.

Once the speakers from the pre-registered and sign-in lists complete their comments, the Mayor offers time to any additional members of the public who wish to speak at the Public Hearing. After the Public Hearing closes, members of the public are not permitted to address the Council or staff on that specific issue during the meeting. Once the Mayor closes the Public Hearing, the City Clerk notes the time for the record.

### Proclamations

In response to ~~citizen~~ requests by community members, the Mayor may issue proclamations in declaration or recognition of a special event, organization, or person according to Council Policy. ~~At this time, either t~~The Mayor ~~or a~~ and Councilmembers ~~s~~ reads the Proclamation into the record. (Refer to Chapter 10, Paragraph 10.05, and Attachment 10.05A, Council Policies, Reviewing Public Requests for Proclamations.)

### Referral from Planning Commission

The ~~nine member~~ nine-member Planning Commission develops recommendations for long-range comprehensive planning goals and policies in the City and areas outside of the City seeking annexation. Issues reviewed by the Planning Commission are forwarded to Council for consideration and adoption.

### Referral from Hearings Examiner

The Hearings Examiner interprets, reviews, and implements land use regulations. In addition, the Hearings Examiner hears appeals relating to the City's construction codes, as described in [LMC Section 14.18.030](#). The Mayor appoints the Hearings Examiner and any Deputy Examiners, subject to confirmation by the Council ([LMC 2.30.020](#)).

### Ordinances

~~Ordinances are the official laws of the City and must be approved by Council prior to enactment. The City Attorney's office prepares ordinances, which are published by the City Clerk on the Monday following the meeting at which they were approved. An ordinance officially becomes law five business days after publication in the City's official newspaper (The Olympian). The ordinance is codified by the City Clerk's office into the Lacey Municipal Code. The original ordinance is archived as a permanent record. Beginning in 2010, adopted ordinances will be posted on the City's website. Requests for ordinances prior to this time are available as a public records request through the City Clerk's office.~~

### Resolutions

Resolutions signify the intent of the Council related to specific issues, events, or ballot measures. The City Attorney, or designated City staff, prepare resolutions. The City Attorney approves to form all resolutions. Once approved by the Council, the City Clerk archives the resolution as a permanent record. The City Clerk posts all adopted resolutions ~~adopted on or after January 1, 2010,~~ on the [City's website](#). Requests for resolutions ~~prior to 2010~~ are available as a public records request through the City Clerk's office.

### Ordinances

Ordinances are the official laws of the City and must be approved by Council prior to enactment. The City Attorney's office prepares ordinances, which are published by the City Clerk on the Monday following the meeting at which they were approved. An ordinance officially becomes law five business days after publication in the City's official newspaper (The Olympian). The ordinance is codified by the City Clerk's office into the Lacey Municipal Code. The original ordinance is archived as a permanent record. Adopted ordinances will be posted on the City's website. Requests for ordinances are available as a public records request through the City Clerk's office.

### Mayor's Report

The Mayor reports on ceremonial events, functions, and meetings attended on behalf of the Council. The Mayor may also make announcements, and appoint, with Council approval, community members to Council advisory boards and commissions.

### City Manager's Report

The Council awards bids, and authorizes the City Manager to sign City contracts during this section of the meeting. The City Manager may also make announcements regarding City operations. In an effort to keep the public informed of City business, and to provide education on City operations, staff may provide brief informative presentations to the Council and the public during this time.

### Standing Committee Reports

There are six standing Council committees with three Councilmembers appointed to each committee. At this time, Committee Chairs report on the topics discussed, and any recommendations forwarded to full Council for action.

### Other Business

Items and topics that need further discussion may be placed under this agenda item.

### Intergovernmental Boards & Commission Reports

Councilmembers provide reports and updates of activities and discussions from each of the Intergovernmental Boards and Commissions to which they are appointed. If additional discussion or consensus is required on a regional issue, the topic may be forwarded to a Council Worksession for further review and discussion.

### Old Business

~~Items and topics previously discussed by Council, but need further discussion, may be placed under this agenda item.~~

### Executive Session

As needed, the Council may meet in Executive Session to privately discuss and consider matters of confidential concern to the City. For more information, refer to 7.05 Executive Sessions.

### Adjourn

The Mayor adjourns the meeting and the City Clerk notes the time of adjournment for the record. All meetings will conclude no later than 10:00 p.m., unless this provision is waived by a majority of the Council. Consideration of the agenda matter then on the floor is continued beyond 10:00 p.m. by majority vote of the Council. In the event the remaining agenda cannot be concluded at any meeting by 10:00 p.m., the meeting is recessed to a definite time and place, and notice of such continued meeting is given as provided by statute.

### Executive Session

~~As needed, the Council may adjourn to an Executive Session to privately discuss and consider matters of confidential concern to the City. For more information, refer to 7.04 Executive Sessions.~~

### Worksessions

The Worksession agenda sets the order of business for Worksession meetings. Members of the public may provide written public comment to the Council by mail or email to the City Clerk's office by 4:00 p.m. the day of the meeting.

Comments received by the City Clerk will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the Worksession. Comments will be added to the official meeting record.

### Call to Order

The Mayor, or in the Mayor's absence, the Deputy Mayor, presides over all meetings of the Council, and after determining a quorum is present, calls the meeting to order. In the absence of the Mayor and Deputy Mayor, a Councilmember is selected from among the body to act as Chair (see 2.07 Absence of the Mayor).

### Roll Call, Remote Attendance, and Excused Absences

The Mayor takes roll call, announces any Councilmembers who may be attending remotely, and the excused absences of individual Councilmembers.

### Approval of Agenda

The Mayor calls for a motion to approve the agenda.

### Agenda Items

Each agenda item will be listed under Agenda Items and will include the presenter and presenter's title or agency they represent.

### Adjourn

The Mayor adjourns the meeting and the City Clerk notes the time of adjournment for the record. All meetings will conclude no later than 10:00 p.m., unless this provision is waived by a majority of the Council. Consideration of the agenda matter then on the floor is continued beyond 10:00 p.m. by majority vote of the Council. In the event the remaining agenda cannot be concluded at any meeting by 10:00 p.m., the meeting is recessed to a definite time and place, and notice of such continued meeting is given as provided by statute.

## 7.08 Audio and Video Recordings of Meetings

The City Clerk's office records and makes available online all regular Council Meetings, Council Worksessions, committee meetings, and advisory board and commission meetings except for those portions of the meeting conducted in Executive Session. Recordings are available under the Public Disclosure Act and archived for six years according to the State Records Retention Schedule.

The City contracts with Thurston County Media (TC Media) to provide local television programming of all regular Council meetings on Channel 3 (TCTV). Meetings are rebroadcast on TCTV. Recordings are available by contacting TC Media.

Since 2011, the City has streamed Council meetings online to provide greater public access to government operations. The videos are available on the City's website at [CityofLacey.org](http://CityofLacey.org).

## 9.12 Voting Procedures

Each Councilmember votes on all questions put to the Council, unless a conflict of interest under State law or an appearance of fairness question is present.

If it is determined by majority vote of the Council as a whole, plus one, that a Councilmember has a conflict of interest under State law or would violate the appearance of fairness doctrine by participating in, and/or voting on, a matter coming before the Council, then the member determined to have the conflict of interest or appearance of fairness doctrine violation shall not participate in or vote on said matter. In the event a challenged member or members requests additional time prior to the challenge having been voted on by the Council in order for the Councilmember to present further information to the Council, then the Council's determination with respect to the challenge shall be continued to the next regularly scheduled meeting of the Council, at which time the member or members requesting the additional time shall present such additional information. At the conclusion of the presentation, the Council shall make its determination as provided above. When the debate appears to be over and if no one indicates a desire to continue discussion, the chair puts the motion to a vote by stating, "If there is no further discussion, cast your votes."

Only those ordinances, resolutions, or motions that receive an affirmative vote by the majority of the present and voting members of the Council who also constitute a quorum shall be passed or become effective unless other voting requirements are provided by Washington State law. Pursuant to state law, any ordinance or resolution granting or revoking a franchise or license for authorizing the payment of money shall require an affirmative vote of at least a majority of the whole membership of the Council. In order for an ordinance to take effect immediately, rather than five days after its publication, the ordinance must receive an affirmative vote of a majority plus one of the whole membership of the Council, and designate that the ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace. Such emergency ordinance may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money.

A conflict of interest is declared whenever appropriate and in compliance with state law. The affected Councilmember will not participate in the discussion and will abstain from the voting process by leaving the Council Chambers until such time as consideration of the item has been concluded.

### Voting Process

Votes will be cast in an audible tone of voice if possible or by casting their vote electronically using a City-approved platform, if available. —If any Councilmember is unable to vote by audible tone of voice, or by voting electronically using a City-approved platform due to technical difficulties or otherwise, votes may be cast by clear hand signal. At the conclusion of the vote, the presiding officer shall summarize the total votes both for and against, and state whether any Councilmember(s) voted by clear hand signal. If the presiding officer is unable to make such determination, then the undermined vote shall not be considered. Only those votes that the presiding officer can determine shall be considered.

A Councilmember who casts their vote electronically using a City-approved platform must have internet connection and use their City-issued device. Votes cast using this method must be displayed publicly to avoid a vote by secret ballot pursuant to RCW 42.30.060.

Voting Process when participation by Remote Communication Occurs. City Councilmembers may appear in City Council meetings via remote communication pursuant to Section 7.11. During any City Council meeting in which any Councilmember appears via remote communication, the City Council meeting voting procedures shall be as follows:

1. For all questions put to the City Council vote, the Presiding Officer will repeat the names of the Councilmembers that presented the motion and the second to the motion.
2. At such time as the Presiding Officer calls for the vote, a Councilmember attending via remote communication must provide an audible vote so that any participant may hear their vote or by using a City-approved platform that records electronic votes where votes are displayed publicly. If any Councilmember is unable to vote by audible tone of voice or by voting electronically using a City-approved platform, due to technical difficulties or otherwise, votes may be cast by clear hand signal. If the presiding officer is unable to determine a vote, then the undetermined vote shall not be considered. Only those votes that the presiding officer can determine shall be considered.
3. Should technical difficulties arise that prevents any Councilmember appearing via remote communication from audibly casting their vote, by City-approved electronic voting platform, or by clear hand signal when called upon, including, but not limited to dropped or compromised device connectivity, the following shall occur:
  - a. The Presiding Officer shall pause the meeting for up to ten (10) minutes to allow for resolution to the technical difficulties prior to closing the vote. No other matters shall be discussed by the City Council during any period when the meeting is paused under these circumstances.
  - b. The Councilmember experiencing technical difficulties shall first attempt to rejoin the meeting telephonically to cast a vote by voice.
2. Once telephonic connection is established, or if the Councilmember is unable to establish a telephonic connection, the Councilmember experiencing technical difficulties may attempt to rejoin the meeting using other remote communication means. Upon rejoining the meeting by other remote communication means, the Councilmember should mute or end any telephonic connection to minimize audio feedback.

#### Abstention from Voting

Any member may abstain from voting on any question; provided, at the time of declaring their abstention, they state the reason.

### Tie Vote

A tie vote results in a failed motion. The presiding officer may publicly explain the effect of the tie vote for the benefit of the audience.

### Reconsideration

Reconsideration of an item may occur by a majority vote of the Council. A member of the prevailing majority must make a motion for reconsideration when the previous vote was taken, and can be made no later than the next regular meeting after which the previous vote was taken.

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# CHAPTER 7

## Council Meetings

In accordance with the Open Public Meetings Act, all Council regular and special meetings are open to the public with the exception of Executive Sessions.

### 7.01 Meetings

#### Council Meetings

The Council conducts its official business, enacting laws and approving policies during regular Council meetings. Regular Council meetings occur the first and third Thursday of the month. All regular meetings begin at 6 p.m. in the Council Chambers at Lacey City Hall, 420 College Street SE. There are no regularly scheduled Council meetings on the 5<sup>th</sup> Thursday of the month.

#### Council Worksessions

Worksessions provide an opportunity for the full Council to review and discuss issues in depth without taking official action. Council Worksessions occur on the second and fourth Thursday of each month. All meetings begin at 6 p.m. in the Council Chambers at Lacey City Hall, 420 College Street SE. Although most formal Council action occurs at regular Council Meetings, the Council may make decisions and take official action at Council Worksessions.

#### Council Committees

The Council holds committee meetings on a monthly basis to discuss issues related to community affairs, transportation, finance, economic development, land use, environment, utilities, general government, and public safety. Meeting times and dates are posted on the City's website. Staff distribute a weekly schedule of pending agenda items to Council and staff. Three Councilmembers serve on each committee to discuss emerging issues, review City programs and policies, and provide recommendations to the full Council. Committee issues can be forwarded to regular Council Meetings for action or to a Council Worksession or committee meeting for further review. Generally, audience participation is not allowed during committee meetings, unless permitted by the Chair. (*Refer to Chapter 2, Paragraph 2.12, and Attachment 2.12A, Council Policies, Organization & Procedures of Lacey Council – Resolutions 620, 842, 893.*)

#### Special Meetings

- Retreats – The Council meets annually to develop short goals, priorities and policies for the upcoming year, and strategic long-term goals.

- Legislative Meetings – Prior to the state legislative session in January, Councilmembers, City Manager, and/or staff meet with state legislators from the 2<sup>nd</sup>, 22<sup>nd</sup>, and 35<sup>th</sup> Districts to discuss legislative issues of importance to the City.
- Joint Worksessions – The Council meets with the Planning Commission, School Board, and other interjurisdictional bodies are scheduled annually to discuss regional topics and issues.
- Bus Tours – Occasionally, the Council schedules community tours with Advisory Boards to view public works projects, parks, and similar private and public development projects.
- Editorial Board Meetings – Once or twice a year, the City and The Olympian Editorial Board requests a meeting to discuss current City issues. The City Manager and three Councilmembers attend. Council rotates in order to ensure everyone has an opportunity to attend.

#### 7.02 Guidelines for Editorial Board Meeting

In an effort to improve communications and discuss issues of public interest, The Olympian Editorial Board may request quarterly meetings with Lacey Councilmembers. This policy is intended to set forth guidelines for attendance and communication at these meetings.

##### Procedure

1. In order to ensure conformance with the State Open Meetings Law, no more than three members of the Council should attend each meeting. If more than three Councilmembers plan to attend, the City Clerk will provide appropriate notice of the meeting to the public and retain a record of the meeting.
2. Whenever possible, Councilmembers rotate attendance at the quarterly Editorial Board meetings. Variance from this practice may occur where it is anticipated that special knowledge or experience on a particular issue may be necessary or desirable.
3. Whenever possible, the City Manager attends the Editorial Board/Councilmember meeting. The City Manager participates in discussions and provides supplemental details and information on behalf of the City.
4. When Editorial Board questions arise that involve an expression of a personal opinion or points-of-view opposed to Council decision or policy, Councilmembers and the City Manager should carefully distinguish between the two when sharing information and perspectives.
5. At the regular Council Meeting immediately following the Editorial Board discussion, the full Council will be briefed regarding the highlights of the meeting.

*(Refer to Chapter 7, Paragraph 7.01.)*

### 7.03 Public Notice of Meetings and Hearings

The City Clerk publishes public notices related to public hearings, special council meetings, budget approval, annexations, and street vacations in the legal section of the local paper, and on the City's website at [CityofLacey.org](http://CityofLacey.org) under News & Notices and Public & Legal Notices.

### 7.04 Special Meetings

Special meetings may be called at any time by the Mayor, a majority of the Council, or the City Manager by delivering personally, by mail, by fax, or by email, a written notice to each member of the Council and the City's official newspaper, and the City's press release list with a written notification request on file at least 24 hours before the time of such meeting specified in the notice. The notice specifies the time and place of the special meeting and the business to be transacted.

The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notices make it impractical.

### 7.05 Executive Session

When appropriate, the Council may meet in Executive Session to privately discuss and consider matters of confidential concern to the City. Executive Sessions are scheduled at the request or concurrence of the Mayor, or by a majority vote of the full Council during a meeting. The Council may hold Executive Sessions during (beginning, middle, or end) a regular or special meeting to consider matters permitted by [RCW. 42.30](#), or other applicable state law. The purposes for which an Executive Session may be held include, but are not limited to:

- Discussion with legal counsel on pending or potential litigation;
- Property acquisition/disposition where public discussion may increase or decrease the price and influence the terms of the sale;
- Matters affecting national security;
- Quasi-judicial matters;
- Complaints or charges brought against a public officer or employee;
- Qualification/performance review of the City Manager;
- Evaluate qualifications of candidates for appointment to elective office;
- Planning or adopting a position to be taken during collective bargaining, professional negotiations, grievance or mediation proceedings, or reviewing proposals made in ongoing negotiations; or
- Receive confidential advice from the City Attorney under the attorney-client privilege.

Before convening in Executive Session, the Mayor, or presiding officer, publicly announces the purpose of the Executive Session, the estimated time when the Council will return to open session (e.g., 7:15 p.m.), and whether the Council will reconvene to take action. An Executive Session may be extended to a later time by announcement of the Mayor or presiding officer ([RCW 42.30.110](#)). The purpose of convening an Executive Session shall be recorded in the meeting minutes.

## 7.06 Agenda Development

The City Manager coordinates the development of regular Council Meeting, Council Worksession, and committee agendas with the Mayor, Department Directors, and Committee Chairs.

### Advancing Agenda Items

A Councilmember may request an item be considered on a future agenda either by making a request at a regular Council Meeting, Council Worksession, or committee meeting, or by contacting the Mayor or City Manager. Items may be added to committee meeting agendas by consensus of the Committee.

Department Directors and staff may request an item be considered on future agendas by submitting their request to the City Manager. As needed, the City Manager will consult with the Mayor before taking matters to the full Council for consideration.

A member of the public may request an item be placed on a future agenda while addressing the Council during a regular meeting and/or by submitting the request in writing to the Council through the City Clerk's office. The Council will decide whether to consider an issue proposed for a future agenda.

In order to allow sufficient time for Council to review and staff to research the issue, the request should be submitted at least 15 working days prior to the meeting for which the item is requested to be placed on the agenda. Once the issue has been approved for placement on an agenda, the City Clerk's office will notify the requestor to invite their attendance.

Emergency items may be added to an agenda in accordance with state law. Emergency items are only those matters immediately affecting the public health, safety and welfare of the community, such as widespread civil disorder, disaster, and other severe emergencies. The reason for adding an emergency item to the agenda shall be announced publicly at the meeting and the issue shall be included in the minutes of the meeting.

### Agenda Timeline

The City Clerk's office developed the following timeline to ensure timely distribution of regular Council Meeting, Council Worksession, and committee meeting packs.

- Most agenda items require a Staff Report. Staff Reports must be ready for City Manager's review by 1 p.m. two Wednesdays prior to the meeting.
- Staff posts agendas and meeting packets on the City's website by 4 p.m. on the Friday prior to a council meeting.
- Staff notifies Council by email when the meeting packets are available.

The addition of last-minute agenda items is discouraged, unless of an urgent nature, which will be determined by the City Manager and/or Mayor.

## 7.07 Order of Business

### Council Meetings

The Council agenda sets the order of business for regular council meetings.

#### Call to Order

The Mayor, or in the Mayor's absence, the Deputy Mayor, presides over all meetings of the Council, and after determining a quorum is present, calls the meeting to order. In the absence of the Mayor and Deputy Mayor, a Councilmember is selected from among the body to act as Chair (see 2.07 Absence of the Mayor).

#### Roll Call, Remote Attendance, and Excused Absences

The Mayor takes roll call, announces any Councilmembers who may be attending remotely, and the excused absences of individual Councilmembers.

#### Pledge of Allegiance

Those in attendance are asked to join the Council in reciting the Pledge of Allegiance.

#### Approval of Agenda and Consent Agenda

The Consent Agenda consists of items that are routine in nature and do not require additional discussion. The Mayor and Council can remove items from the Consent Agenda for further discussion.

#### Public Recognition and Presentations

When appropriate, the Council recognizes volunteer service, presents special awards, and receives public presentations.

#### Public Comments

Members of the public may address the Council regarding topics scheduled, as well as not scheduled, on the agenda during public comment, with the exception of quasi-judicial matters forthcoming before the City Council and topics that have specified Public Hearings. Individuals who wish to address the Council are encouraged to sign in using the sign-in sheet in the Council Chambers or they may preregister to speak remotely using the link provided on the posted agenda. Each person addressing the Council at the meeting (either in person or remotely) is encouraged to give their name and address for the record, and is asked to limit their address to three minutes, unless City Council permits a longer period. If several people wish to speak to the same issue, the Mayor may limit the total amount of time dedicated to that specific issue. The Mayor may interrupt public comments that continue too long, relate negatively to others, or are otherwise inappropriate.

Provided there is time, the Mayor will offer the opportunity for members of the public that did not pre-register or sign-in to provide Public Comment.

Members of the public may provide written public comment to the Council by mail or email to the City Clerk's office by 4:00 p.m. the day of the meeting.

Comments received by the City Clerk will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the Council meeting. Comments will be added to the official meeting record.

### Public Hearings

Council holds Public Hearings following the adoption of the consent agenda and public comment period. Individuals who wish to address the Council are encouraged to sign in using the sign-in sheet in the Council Chambers or they may preregister to speak remotely using the link provided on the posted agenda. The Mayor opens the Public Hearing and the City Clerk notes the time for the record. Speakers are called forward in the priority in which they signed in, and are required to state their name and address. Comments are limited to the specific matter for which the Public Hearing occurs and are limited to three minutes, unless the Mayor permits a longer period. Written comments are permitted prior to and during the public hearing, and should be submitted to the City Clerk before the public hearing closes. The City Clerk enters written documents into the record, but they are not read aloud.

Once the speakers from the pre-registered and sign-in lists complete their comments, the Mayor offers time to any additional members of the public who wish to speak at the Public Hearing. After the Public Hearing closes, members of the public are not permitted to address the Council or staff on that specific issue during the meeting. Once the Mayor closes the Public Hearing, the City Clerk notes the time for the record.

### Proclamations

In response to requests by community members, the Mayor may issue proclamations in declaration or recognition of a special event, organization, or person according to Council Policy. The Mayor and Councilmembers read the Proclamation into the record. (*Refer to Chapter 10, Paragraph 10.05, and Attachment 10.05A, Council Policies, Reviewing Public Requests for Proclamations.*)

### Referral from Planning Commission

The nine-member Planning Commission develops recommendations for long-range comprehensive planning goals and policies in the City and areas outside of the City seeking annexation. Issues reviewed by the Planning Commission are forwarded to Council for consideration and adoption.

### Referral from Hearings Examiner

The Hearings Examiner interprets, reviews, and implements land use regulations. In addition, the Hearings Examiner hears appeals relating to the City's construction codes, as described in [LMC Section 14.18.030](#). The Mayor appoints the Hearings Examiner and any Deputy Examiners, subject to confirmation by the Council ([LMC 2.30.020](#)).

### Resolutions

Resolutions signify the intent of the Council related to specific issues, events, or ballot measures. The City Attorney, or designated City staff, prepare resolutions. The City Attorney approves to form all resolutions. Once approved by the Council, the City Clerk archives the resolution as a permanent record. The City Clerk posts all adopted resolutions on the [City's website](#). Requests for resolutions are available as a public records request through the City Clerk's office.

### Ordinances

Ordinances are the official laws of the City and must be approved by Council prior to enactment. The City Attorney's office prepares ordinances, which are published by the City Clerk on the Monday following the meeting at which they were approved. An ordinance officially becomes law five business days after publication in the City's official newspaper (The Olympian). The ordinance is codified by the City Clerk's office into the [Lacey Municipal Code](#). The original ordinance is archived as a permanent record. Adopted ordinances will be posted on the [City's website](#). Requests for ordinances are available as a public records request through the City Clerk's office.

### Mayor's Report

The Mayor reports on ceremonial events, functions, and meetings attended on behalf of the Council. The Mayor may also make announcements, and appoint, with Council approval, community members to Council advisory boards and commissions.

### City Manager's Report

The Council awards bids, and authorizes the City Manager to sign City contracts during this section of the meeting. The City Manager may also make announcements regarding City operations. In an effort to keep the public informed of City business, and to provide education on City operations, staff may provide brief informative presentations to the Council and the public during this time.

### Standing Committee Reports

There are six standing Council committees with three Councilmembers appointed to each committee. At this time, Committee Chairs report on the topics discussed, and any recommendations forwarded to full Council for action.

### Other Business

Items and topics that need further discussion may be placed under this agenda item.

### Intergovernmental Boards & Commission Reports

Councilmembers provide reports and updates of activities and discussions from each of the Intergovernmental Boards and Commissions to which they are appointed. If additional

discussion or consensus is required on a regional issue, the topic may be forwarded to a Council Worksession for further review and discussion.

### Executive Session

As needed, the Council may meet in Executive Session to privately discuss and consider matters of confidential concern to the City. For more information, refer to 7.05 Executive Sessions.

### Adjourn

The Mayor adjourns the meeting and the City Clerk notes the time of adjournment for the record. All meetings will conclude no later than 10:00 p.m., unless this provision is waived by a majority of the Council. Consideration of the agenda matter then on the floor is continued beyond 10:00 p.m. by majority vote of the Council. In the event the remaining agenda cannot be concluded at any meeting by 10:00 p.m., the meeting is recessed to a definite time and place, and notice of such continued meeting is given as provided by statute.

### Worksessions

The Worksession agenda sets the order of business for Worksession meetings. Members of the public may provide written public comment to the Council by mail or email to the City Clerk's office by 4:00 p.m. the day of the meeting.

Comments received by the City Clerk will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the Worksession. Comments will be added to the official meeting record.

### Call to Order

The Mayor, or in the Mayor's absence, the Deputy Mayor, presides over all meetings of the Council, and after determining a quorum is present, calls the meeting to order. In the absence of the Mayor and Deputy Mayor, a Councilmember is selected from among the body to act as Chair (see 2.07 Absence of the Mayor).

### Roll Call, Remote Attendance, and Excused Absences

The Mayor takes roll call, announces any Councilmembers who may be attending remotely, and the excused absences of individual Councilmembers.

### Approval of Agenda

The Mayor calls for a motion to approve the agenda.

### Agenda Items

Each agenda item will be listed under Agenda Items and will include the presenter and presenter's title or agency they represent.

## Adjourn

The Mayor adjourns the meeting and the City Clerk notes the time of adjournment for the record. All meetings will conclude no later than 10:00 p.m., unless this provision is waived by a majority of the Council. Consideration of the agenda matter then on the floor is continued beyond 10:00 p.m. by majority vote of the Council. In the event the remaining agenda cannot be concluded at any meeting by 10:00 p.m., the meeting is recessed to a definite time and place, and notice of such continued meeting is given as provided by statute.

### 7.08 Audio and Video Recordings of Meetings

The City Clerk's office records and makes available online all regular Council Meetings, Council Worksessions, committee meetings, and advisory board and commission meetings except for those portions of the meeting conducted in Executive Session. Recordings are available under the Public Disclosure Act and archived for six years according to the State Records Retention Schedule.

The City contracts with Thurston County Media (TC Media) to provide local television programming of all regular Council meetings on Channel 3 (TCTV). Meetings are rebroadcast on TCTV. Recordings are available by contacting TC Media.

Since 2011, the City has streamed Council meetings online to provide greater public access to government operations. The videos are available on the City's website at [CityofLacey.org](http://CityofLacey.org).

## 9.12 Voting Procedures

Each Councilmember votes on all questions put to the Council, unless a conflict of interest under State law or an appearance of fairness question is present.

If it is determined by majority vote of the Council as a whole, plus one, that a Councilmember has a conflict of interest under State law or would violate the appearance of fairness doctrine by participating in, and/or voting on, a matter coming before the Council, then the member determined to have the conflict of interest or appearance of fairness doctrine violation shall not participate in or vote on said matter. In the event a challenged member or members requests additional time prior to the challenge having been voted on by the Council in order for the Councilmember to present further information to the Council, then the Council's determination with respect to the challenge shall be continued to the next regularly scheduled meeting of the Council, at which time the member or members requesting the additional time shall present such additional information. At the conclusion of the presentation, the Council shall make its determination as provided above. When the debate appears to be over and if no one indicates a desire to continue discussion, the chair puts the motion to a vote by stating, "If there is no further discussion, cast your votes."

Only those ordinances, resolutions, or motions that receive an affirmative vote by the majority of the present and voting members of the Council who also constitute a quorum shall be passed or become effective unless other voting requirements are provided by Washington State law. Pursuant to state law, any ordinance or resolution granting or revoking a franchise or license for authorizing the payment of money shall require an affirmative vote of at least a majority of the whole membership of the Council. In order for an ordinance to take effect immediately, rather than five days after its publication, the ordinance must receive an affirmative vote of a majority plus one of the whole membership of the Council, and designate that the ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace. Such emergency ordinance may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money.

A conflict of interest is declared whenever appropriate and in compliance with state law. The affected Councilmember will not participate in the discussion and will abstain from the voting process by leaving the Council Chambers until such time as consideration of the item has been concluded.

### Voting Process

Votes will be cast in an audible tone of voice if possible or by casting their vote electronically using a City-approved platform, if available. If any Councilmember is unable to vote by audible tone of voice or by voting electronically using a City-approved platform due to technical difficulties or otherwise, votes may be cast by clear hand signal. At the conclusion of the vote, the presiding officer shall summarize the total votes both for and against, and state whether any Councilmember(s) voted by clear hand signal. If the presiding officer is unable to make such determination, then the undermined vote shall not be considered. Only those votes that the presiding officer can determine shall be considered.

A Councilmember who casts their vote electronically using a City-approved platform must have internet connection and use their City-issued device. Votes cast using this method must be displayed publicly to avoid a vote by secret ballot pursuant to [RCW 42.30.060](#).

Voting Process when participation by Remote Communication Occurs. City Councilmembers may appear in City Council meetings via remote communication pursuant to Section 7.11. During any City Council meeting in which any Councilmember appears via remote communication, the City Council meeting voting procedures shall be as follows:

1. For all questions put to the City Council vote, the Presiding Officer will repeat the names of the Councilmembers that presented the motion and the second to the motion.
2. At such time as the Presiding Officer calls for the vote, a Councilmember attending via remote communication must provide an audible vote so that any participant may hear their vote or by using a City-approved platform that records electronic votes where votes are displayed publicly. If any Councilmember is unable to vote by audible tone of voice or by voting electronically using a City-approved platform due to technical difficulties or otherwise, votes may be cast by clear hand signal. If the presiding officer is unable to determine a vote, then the undetermined vote shall not be considered. Only those votes that the presiding officer can determine shall be considered.
3. Should technical difficulties arise that prevents any Councilmember appearing via remote communication from audibly casting their vote, by City-approved electronic voting platform, or by clear hand signal when called upon, including, but not limited to dropped or compromised device connectivity, the following shall occur:
  - a. The Presiding Officer shall pause the meeting for up to ten (10) minutes to allow for resolution to the technical difficulties prior to closing the vote. No other matters shall be discussed by the City Council during any period when the meeting is paused under these circumstances.
  - b. The Councilmember experiencing technical difficulties shall first attempt to rejoin the meeting telephonically to cast a vote by voice.
2. Once telephonic connection is established, or if the Councilmember is unable to establish a telephonic connection, the Councilmember experiencing technical difficulties may attempt to rejoin the meeting using other remote communication means. Upon rejoining the meeting by other remote communication means, the Councilmember should mute or end any telephonic connection to minimize audio feedback.

#### Abstention from Voting

Any member may abstain from voting on any question; provided, at the time of declaring their abstention, they state the reason.

### Tie Vote

A tie vote results in a failed motion. The presiding officer may publicly explain the effect of the tie vote for the benefit of the audience.

### Reconsideration

Reconsideration of an item may occur by a majority vote of the Council. A member of the prevailing majority must make a motion for reconsideration when the previous vote was taken, and can be made no later than the next regular meeting after which the previous vote was taken.

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