



**LACEY CITY COUNCIL
WORKSESSION
THURSDAY, MAY 26, 2022
6:00 P.M. – 8:30 P.M.
REMOTE AND IN PERSON**

The Lacey City Council Worksession will be conducted both remote and in person.

The public may attend the meeting in person in the Council Chambers at Lacey City Hall, 420 College Street SE, Lacey, Washington, or you may view or listen to the meeting by using one of the following platforms:

Live through Zoom: <https://us02web.zoom.us/j/89927215209>

Live or as a recording on YouTube: <https://youtu.be/JCNwHVDy9qs>

Listen via telephone: (888) 788-0099 or (877) 853-5247 (Webinar ID 899 2721 5209)

AGENDA

6:00 I-5 PROJECT EFFORTS

*MARC DAILY, EXECUTIVE DIRECTOR, THURSTON REGIONAL PLANNING COMMISSION
(PRESENTATION)*

6:30 CAPITAL FACILITIES PLAN BRIEFING

*RYAN ANDREWS, PLANNING MANAGER
(STAFF REPORT)*

7:15 MARTIN WAY CORRIDOR STUDY

*RYAN ANDREWS, PLANNING MANAGER
(STAFF REPORT)*

8:00 COUNCIL POLICIES RELATED TO PUBLIC COMMENT

*SHANNON KELLEY-FONG, ASSISTANT CITY MANAGER
(STAFF REPORT)*

8:30 ADJOURN



LACEY CITY COUNCIL WORKSESSION

May 26, 2022

SUBJECT: Capital Facilities Plan

RECOMMENDATION: Receive a briefing from the City's consultant team on the needs assessment developed for the Facilities Master Plan and update to the Capital Facilities Plan.

STAFF CONTACT: Scott Spence, City Manager *SS*
Rick Walk, Community & Economic Development Director *RW*
Ryan Andrews, Planning Manager *RA*

ORIGINATED BY: Community and Economic Development Department

ATTACHMENTS: None.

FISCAL NOTE: None.

PRIOR REVIEW: None. This is part of the 2022 work program.

BACKGROUND:

The City has contracted with Makers Architecture and Urban Design to assess the City's current and future general government facility needs and develop a master plan for budgeting and long-range planning purposes that will culminate in a wholesale update to the Capital Facilities Plan. The facility needs are those that are general government-related and not covered under other specific master plans. The primary focus of the planning includes (but is not limited to): City Hall, Maintenance Center, Martin Way Operations Yard, Animal Services, and the Senior Center and Community Center.

The goals of the effort include:

1. Providing information needed to support City decisions and budgeting for facilities investments.
2. Leading a transparent, objective, collaborative process focused on what's best for the city as a whole over the life of the plan.
3. Identifying employee space and government facilities needed to serve population growth.

4. Coordinating with ongoing planning efforts for the Police Department.
5. Completing an overhaul of the existing Capital Facilities Plan so that it's easy to read, find information and be updated on an annual basis.

The Facilities Master Plan and Capital Facilities Plan update is an inclusive project that touches each department across the City. The process is being led at a high level by a leadership team that includes department directors and Animal Services as well as by a project team including a broad representation of employees from various departments including:

- Ryan Andrews, Planning Manager, Community and Economic Development
- Ashley Smith, Capital Projects Manager, Public Works
- Scott Devlin, Operations Manager, Public Works
- Wade Duffy, Building Official/Fire Marshall, Community and Economic Dev.
- Justin Beard, Recreation Supervisor; Parks, Culture and Recreation

The first step in the process is the development of a needs assessment. The needs assessment includes reviewing facilities and touring each, understanding how they are organized to deliver city services by conducting interviews and working with department leaders to identify underutilized areas and shortfalls, and identifying future projects needed to achieve the City's vision.

The needs assessment will be presented at the work session. The assessment provides square footage assumptions with general rough-order-of-magnitude cost estimates to support strategic planning and decision-making. The projections are based on industry standards given facility types and City-projected staffing levels based on projections for population and service demand growth while considering level of service standards.

Once the assessment has been completed, further visioning will occur with the leadership team and additional evaluation will be completed to develop alternative concepts. This will also include public outreach to refine alternatives. The City Council will be briefed again after this phase of the project is completed and is anticipated for this summer.

Ultimately, all of the recommendations will culminate in a draft Capital Facilities Plan template with an anticipated final consideration of adoption to occur by the end of 2022.

ADVANTAGES:

1. The Plan will provide the information needed to support City decisions and budgeting for facilities investments through a transparent, objective, and collaborative process.

DISADVANTAGES:

1. None identified.



LACEY CITY COUNCIL WORKSESSION

May 26, 2022

SUBJECT: Martin Way Corridor Study

RECOMMENDATION: Receive a briefing from Thurston Regional Planning Council staff on the preliminary land use and transportation recommendations of the Martin Way Corridor Study.

STAFF CONTACT: Scott Spence, City Manager *SS*
Rick Walk, Community & Economic Development Director *RW*
Ryan Andrews, Planning Manager *RA*

ORIGINATED BY: Community and Economic Development Department

ATTACHMENTS: None. See background information linked below.

FISCAL NOTE: None.

PRIOR REVIEW: None. This is a work program item that began in 2020 and will conclude by the end of 2022.

BACKGROUND:

The Martin Way Corridor Study is a joint planning effort between Thurston Regional Planning Council, Thurston County, Intercity Transit and the Cities of Lacey and Olympia. The purpose of the Study is to develop a coordinated vision for the future of Martin Way—a former state highway that is the area's primary alternative to Interstate 5. The Comprehensive Plan for Lacey and the Lacey Urban Growth Area identifies Martin Way as a prime location for growth and redevelopment in the next 20 years. This vision will identify infrastructure improvements, regulatory changes, and other tools to ensure that the corridor develops consistent with the vision.

The Martin Way Corridor Study will identify a common vision, as well as opportunities to develop the identity and character of the Martin Way corridor as it grows into the future. Actions may include ways to improve safety for all users of the corridor, access to businesses, routes for pedestrian and cyclists and connections to other destinations.

The Study, which began in late 2019/early 2020 and will end in late 2022, is split into three phases:

Phase 1: A [Current Conditions Report](#) was completed in October 2021. The report summarizes existing conditions along the corridor including information about the people who live and work within the corridor, land use and transportation patterns, and preferences among the public and business community. It also identifies some of the challenges and opportunities to achieving the vision of the corridor. A [Market Study](#) was also completed which identifies economic opportunities and constraints for private development along the corridor.

Phase 2 (currently near completion): This phase will identify a preferred alternative that incorporates public input. An [Opportunities/Alternatives Analysis](#) that considers different options for redevelopment, land use standards, and transportation facilities along the corridor is currently under review and is part of a virtual open house and public forum held on May 12th. A [Pro Forma Analysis](#) also has been completed during this phase which identifies the feasibility of various residential, commercial, and office development.

Phase 3 (to be completed by the end of 2022): Completion of an action plan that will identify future strategies to recommend specific and measurable improvements to development conditions and infrastructure that aligns with the vision.

At the work session, staff will brief the City Council on the preliminary land use and transportation recommendations currently undergoing public review. The final recommendations will be presented in an action plan that will be reviewed at a later date. It is anticipated that this action plan will set the stage for a variety of adjustments to development codes (zoning and streets standards) and future infrastructure improvements that will help better align with the vision of the corridor.

ADVANTAGES:

1. The Martin Way Corridor Study will develop a coordinated vision for the future of Martin Way to ensure that the corridor meets the needs of the community in the future.

DISADVANTAGES:

1. None identified.



LACEY CITY COUNCIL WORKSESSION
May 26, 2022

SUBJECT: Open Public Meetings Act Updates

RECOMMENDATION: Review proposed Resolution related to Open Public Meetings Act changes.

STAFF CONTACT: Scott Spence, City Manager *SS*
Shannon Kelley-Fong, Assistant City Manager *SKF*
Dave Schneider, City Attorney
Peri Edmonds, City Clerk *PE*

ORIGINATED BY: City Manager's Department

ATTACHMENTS:

1. [ESHB 1329 Session Law](#)
2. [Draft Resolution with Exhibit A: Updated City of Lacey – City Council Policies-Procedures Manual](#)

FISCAL NOTE: De minimis. Changes require some additional staff time and limited resources (e.g., paper to post adjournments).

PRIOR REVIEW: None.

BACKGROUND:

During the 2022 legislative session, Engrossed Substitute [House Bill 1329](#) (ESHB 1329) was passed making changes to the State's Open Public Meetings Act (OPMA) related to public meeting accessibility and participation. This bill was signed into law by Governor Jay Inslee on March 24, 2022. While several of the OPMA changes were effective upon signature, the remaining modifications are effective on June 9, 2022. To align with the new OPMA language, it is recommended that the City of Lacey (City) make modifications to several longstanding public comment practices. **Attachment 1** provides a full copy of the ESHB 1329. **Attachment 2** provides a draft Resolution that would modify the City of Lacey – City Council Policies-Procedures Manual to meet these changes. Exhibit A of

Attachment 2 provides the recommended changes to the City of Lacey – City Council Policies-Procedures Manual. It is recommended that the City Council adopt Resolution XXX at the June 2, 2022, City Council meeting.

In brief, the changes incurred with the adoption of ESHB 1329 are outlined in **Table A**. Items that require changes to City processes are denoted in red.

TABLE A			
ESHB 1329 Changes (in brief)			
#	Change	Changes to City Processes	Effective On
1	Physical Location of Meetings - Meetings subject to the OPMA must have a physical location (with a few allowed exceptions).	No changes. The City will need to continue to provide a physical location for all City Council and advisory body meetings.	March 24, 2022
2	Remote Meeting Attendance by Members of the Legislative Body - Allowing for remote meeting attendance by members of the legislative body.	No changes. The City currently offers hybrid meetings and allows City Council and advisory body members to meet remotely.	March 24, 2022
3	Online Posting of Regular Meetings & Special Meeting Agendas	No changes. The City currently meets posting agenda requirements and will continue to do so.	March 24, 2022
4	Receiving Public Comment – Public comment must be received orally or by submitting written comments before or at regular meetings where final action is taken.	The City should change its policies related to public comments. See recommended changes in Attachment 2 .	June 9, 2022
5	Meeting Recordings - The OPMA encourages agencies to make an audio or video recording of the regular meetings and make those recordings available online for a minimum of six months.	No changes. The City already makes video recordings available of all City Council and advisory board meetings online via YouTube and Granicus.	June 9, 2022
6	Purpose of Executive Sessions – Purpose must be entered into the meeting minutes.	No changes. The City currently enters the purpose of an Executive Session in meeting minutes.	June 9, 2022

1. Physical Location of Meetings

A 2017 Attorney General opinion concluded that the OPMA requires a physical location for a meeting of the legislative body (see AGO 2017 No.4). With ESHB1329, this position is now codified into the OPMA (RCW 42.30).

During the COVID-19 pandemic, the Governor’s proclamations made an exception to the physical location requirement, mandating that meetings of the legislative body be held

remotely. While throughout the pandemic, Governor Inslee enacted several proclamations regarding OPMA suspensions. On June 1, 2022 ([Proclamation 20-28.16](#)), the new language in the OPMA will control.

The new OPMA language requires that all meetings of a governing body of a public agency be held in a physical location where the public can attend, with two exceptions:

1. If a local, state, or federal emergency has been declared and the public agency determines it cannot hold an in-person meeting, the meeting can be fully remote.
 - o If required by the emergency, the public agency can either fully prohibit or limit in-person public attendance at the meeting.
 - o If the meeting is held remotely or the public attendance is limited or prohibited, the agency must provide a cost-free option to attend in real-time, either by telephone or another readily available alternative.
2. If a governing body held some of its regular meetings remotely prior to March 1, 2020, they may continue to hold these meetings remotely with no declared emergency so long as the public may also attend remotely. This exception is not applicable to the City of Lacey.

The new OPMA language encourages, but does not require, that a governing body provide a remote meeting attendance option when there are no limitations to in-person meeting attendance by the public.

Impact to the City: No changes required. The City will need to continue to provide a physical location for all City Council *and* advisory body meetings.

2. Remote Meeting Attendance by Members of the Legislative Body

The new OPMA language now specifically permits members of the governing body to attend the meeting by phone or other electronic means that allows for real-time verbal communication. While the meeting must be held in a physical location and must allow the public to attend in-person (absent an emergency), any or all members of the governing body can choose to attend the in-person meeting remotely.

Impact to the City: No changes required. The City currently offers hybrid meetings and allows City Council *and* advisory body members to meet remotely. In 2021, the City Council passed Resolution 1112 expressly allowing for remote participation of members of the Lacey City Council.

3. Online Posting of Regular Meetings & Special Meeting Agendas

For regular meetings, with the new OPMA language, only special purpose districts, cities, or towns that meet the following criteria *may opt out* of online agenda posting:

- Has an aggregate valuation of the property subject to taxation by the district, city, or town of less than \$400,000,000;

- Has a population of under 3,000; and
- Provides confirmation to the state auditor that the cost of posting notices on its website or a shared website would exceed one-tenth of 1% of the local government's budget.

These exemptions are not applicable to the City.

For Special Meetings, the new OPMA language provides new rules for noticing.

Impact to the City: No changes required. The City currently meets agenda posting and special meeting notice requirements, and will continue to do so.

4. Receiving Public Comment

The new OPMA language requires governing bodies to receive public comment at regular meetings of a governing body of a public agency where final action is taken. Notably, this includes advisory bodies (i.e., planning commissions, civil service commissions, and other policy or rule-making bodies, and committees that act on behalf of the governing body, conduct hearings, or take testimony or public comment).

Per the new language, public agencies, such as the City, must allow for the public to orally comment at the meeting **or** submit written comment prior to or at all regular meetings. When public comments occur at a meeting they are at the discretion of the agency.

Public comment is not required in emergency situations and is not required (but is recommended) at special meetings, even when final action is taken.

Notably, if oral comment is allowed and an individual who has difficulty attending the meeting in-person requests an opportunity to provide oral comment remotely, the agency must provide this opportunity when feasible. The City currently provides hybrid meetings, and as such, would be able to satisfy this type of request in the future.

Impact to the City: Several sections of the City of Lacey City Council Policies-Procedures Manual should be modified to align the new OPMA language. In brief, this includes allowing for public comment on items on the agenda, as well as not on the agenda, with the exception of quasi-judicial matters and items with designated public hearings. In addition, given that Worksessions at the City are considered regular meetings under Lacey Municipal Code 2.04.010, the recommendation is to allow for written comment prior to Worksessions. The recommendation is to also allow written comment prior to Council Committees. The City Clerk's Office would provide any written public comment to the City Council prior to a Worksession or Committee meeting, similar to a Council meeting. Recommended changes are provided in Exhibit A of **Attachment 2**.

In addition to these changes, the City will modify language listed on City Council agendas to state:

VERBAL PUBLIC COMMENT

~~Persons wishing to provide verbal public comment on items NOT on the agenda must preregister to speak at https://us02web.zoom.us/webinar/register/WN_ZHBPmNipQs-KFD31F0lxgw. Instructions and access details will be provided once registration is complete. Registration for verbal public comment closes at 4:00 p.m. on January 20, 2022.~~

*In person: Persons wishing to provide public comment at the meeting **may** register using the sign-up sheet located in the Council Chambers prior to the start of the meeting.*

*Remote: Persons ~~unable to~~ **attending** the meeting ~~in-person~~ **remotely** may provide public comment by preregistering to speak at [enter zoom link]. Instructions and access details will be provided once registration is complete. Registration for verbal public comment closes at 4:00 p.m. on [date of meeting].*

WRITTEN PUBLIC COMMENT

Public comments may also be submitted by email to publiccomment@ci.lacey.wa.us or mailed or delivered to 420 College Street SE, Lacey WA 98503, ATT: City Clerk – Public Comment. Written comments will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the Council meeting; however, comments received will be added to the official record. The commenting period will close at 4:00 p.m. on [date of meeting].

Finally, the City would need to ensure that moving forward, all advisory bodies receive public comment at regular meetings. This could be done orally or by written comment, or combination of both. Most City advisory bodies currently allow for verbal and written public comment at regular meetings.

5. Meeting Recordings

The new OPMA language encourages agencies to make an audio or video recording of the regular meetings and make those recordings available online for a minimum of six months.

Impact to the City: This is not a requirement as agencies are only “encouraged.” However, the City currently makes video recordings available of all City Council and advisory board meetings online via YouTube and Granicus to increase transparency and accessibility.

6. Purpose of Executive Sessions

The new OPMA language now requires the announced purpose of the executive session be entered into the meeting minutes.

Impact to the City: No changes required. The City currently provides the reason for executive session in the meeting minutes.

RECOMMENDATION:

Staff recommends adopting the Resolution at the June 2, 2022, City Council meeting updating the City of Lacey City Council Policies-Procedures Manual to reflect recent Open Public Meetings Act changes related to enhancing public meeting accessibility and participation.

ADVANTAGES:

1. Adoption of Resolution would align the City of Lacey City Council Policies-Procedures Manual with the new OPMA language.

DISADVANTAGES:

1. None identified.

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1329

Chapter 115, Laws of 2022

67th Legislature
2022 Regular Session

OPEN PUBLIC MEETINGS—VARIOUS PROVISIONS

EFFECTIVE DATE: June 9, 2022—Except for sections 5 through 11, which take effect March 24, 2022.

Passed by the House March 7, 2022
Yeas 87 Nays 11

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 3, 2022
Yeas 47 Nays 0

DENNY HECK

President of the Senate

Approved March 24, 2022 8:34 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1329** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 24, 2022

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1329

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By House Local Government (originally sponsored by Representatives Wicks, Pollet, Taylor, Ryu, Wylie, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley, and Peterson)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to public meeting accessibility and
2 participation; amending RCW 42.30.010, 42.30.030, 42.30.040,
3 42.30.050, 42.30.070, 42.30.077, 42.30.080, 42.30.090, 42.30.110, and
4 42.30.900; adding new sections to chapter 42.30 RCW; creating a new
5 section; and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds and declares that,
8 due to technological advances since the 1971 adoption of the open
9 public meetings act, elected officials no longer conduct the public's
10 business solely at in-person meetings, but can and do utilize
11 telephonic and other electronic methods to efficiently conduct the
12 business of state and local government remotely. Further, limitations
13 on public gatherings required as the result of a disaster or
14 emergency, for example, to assist in preventing the spread of
15 infectious diseases, may affirmatively necessitate the use of
16 technology and the avoidance of in-person attendance at public
17 meetings for the conduct of governmental business. It is the policy
18 of the state that a governing body's actions, including
19 deliberations, shall be taken and conducted in the open. When the
20 public cannot observe and participate in person, it may limit
21 participation in democracy. Therefore, this act shall be construed in

1 favor of ensuring access by the public to observe elected officials
2 when they meet pursuant to this act. It is the intent of this act to
3 modernize and update the open public meetings act emergency
4 procedures to reflect technological advances, while maintaining the
5 act's public policy that governing body's actions and deliberations
6 be taken and conducted openly while balancing public safety in
7 emergency conditions. Governing bodies are encouraged to adopt
8 resolutions or ordinances establishing where and how meetings will be
9 held in the event of an emergency, in order to allow the public to
10 more easily learn about and observe public agency action in an
11 emergent situation.

12 The legislature further finds people participating in their
13 government, especially through public comment, is an essential part
14 of developing public policy. The legislature finds that there are
15 numerous developing technologies that can be used to facilitate
16 public comment, especially for those with disabilities, underserved
17 communities, and those who face time or distance challenges when
18 traveling to public meetings. Therefore, the legislature intends to
19 encourage public agencies to make use of remote access tools as fully
20 as practicable to encourage public engagement and better serve their
21 communities.

22 **Sec. 2.** RCW 42.30.010 and 1971 ex.s. c 250 s 1 are each amended
23 to read as follows:

24 The legislature finds and declares that all public commissions,
25 boards, councils, committees, subcommittees, departments, divisions,
26 offices, and all other public agencies of this state and subdivisions
27 thereof exist to aid in the conduct of the people's business. It is
28 the intent of this chapter that their actions be taken openly and
29 that their deliberations be conducted openly.

30 The people of this state do not yield their sovereignty to the
31 agencies which serve them. The people, in delegating authority, do
32 not give their public servants the right to decide what is good for
33 the people to know and what is not good for them to know. The people
34 insist on remaining informed and informing the people's public
35 servants of their views so that they may retain control over the
36 instruments they have created. For these reasons, even when not
37 required by law, public agencies are encouraged to incorporate and
38 accept public comment during their decision-making process.

1 **Sec. 3.** RCW 42.30.030 and 1971 ex.s. c 250 s 3 are each amended
2 to read as follows:

3 (1) All meetings of the governing body of a public agency shall
4 be open and public and all persons shall be permitted to attend any
5 meeting of the governing body of a public agency, except as otherwise
6 provided in this chapter.

7 (2) Public agencies are encouraged to provide for the increased
8 ability of the public to observe and participate in the meetings of
9 governing bodies through real-time telephonic, electronic, internet,
10 or other readily available means of remote access that do not require
11 an additional cost to access the meeting.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.30
13 RCW to read as follows:

14 (1) Public agencies are encouraged to make an audio or video
15 recording of, or to provide an online streaming option for, all
16 regular meetings of its governing body, and to make recordings of
17 these meetings available online for a minimum of six months.

18 (2) This section does not alter a local government's
19 recordkeeping requirements under chapter 42.56 RCW.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.30
21 RCW to read as follows:

22 (1) If, after the declaration of an emergency by a local or state
23 government or agency, or by the federal government, a public agency
24 determines that it cannot hold a meeting of the governing body with
25 members or public attendance in person with reasonable safety because
26 of the emergency, the public agency may:

27 (a) Hold a remote meeting of the governing body without a
28 physical location; or

29 (b) Hold a meeting of the governing body at which the physical
30 attendance by some or all members of the public is limited due to a
31 declared emergency.

32 (2) During a remote meeting, members of the governing body may
33 appear or attend by phone or by other electronic means that allows
34 real-time verbal communication without being in the same physical
35 location. For a remote meeting or a meeting at which the physical
36 attendance by some or all members of the public is limited due to a
37 declared emergency, the public agency must provide an option for the
38 public to listen to the proceedings telephonically or by using a

1 readily available alternative in real-time that does not require any
2 additional cost for participation. Free readily available options
3 include, but are not limited to, broadcast by the public agency on a
4 locally available cable television station that is available
5 throughout the jurisdiction or other electronic, internet, or other
6 means of remote access that does not require any additional cost for
7 access to the program. The public agency may also allow the other
8 electronic means of remote access.

9 (3) No action may be taken at a remote meeting or a meeting at
10 which the physical attendance by some or all members of the public is
11 limited due to a declared emergency if the public agency has not
12 provided an option for the public to listen to proceedings pursuant
13 to subsection (2) of this section, except for an executive session as
14 authorized in this chapter.

15 (4) Notice of a remote meeting without a physical location or a
16 meeting at which the physical attendance by some or all members of
17 the public is limited due to a declared emergency must be provided in
18 accordance with this chapter and must include instructions on how the
19 public may listen live to proceedings and on how the public may
20 access any other electronic means of remote access offered by the
21 public agency.

22 (5) A remote meeting or a meeting at which the physical
23 attendance by some or all members of the public is limited due to a
24 declared emergency that is held under the provisions of this section
25 shall be considered open and public in compliance with the
26 requirements of this chapter. Nothing in this section alters the
27 ability of public agencies to take action in response to an emergency
28 as provided for in RCW 42.30.070, or to have members of a governing
29 body participate in a meeting remotely with no declared emergency.

30 (6) Notwithstanding any other provision in this section, any
31 governing body of a public agency which held some of its regular
32 meetings remotely prior to March 1, 2020, may continue to hold some
33 of its regular meetings remotely with no declared emergency so long
34 as the public agency provides an option for the public to listen to
35 the proceedings pursuant to subsection (2) of this section.

36 **Sec. 6.** RCW 42.30.040 and 2012 c 117 s 124 are each amended to
37 read as follows:

38 A member of the public shall not be required, as a condition to
39 attendance at a meeting of a governing body, to register his or her

1 name and other information, to complete a questionnaire, or otherwise
2 to fulfill any condition precedent to his or her attendance. This
3 section does not prohibit any generally applicable conditions
4 determined by the governing body to be reasonably necessary to
5 protect the public health or safety, or to protect against
6 interruption of the meeting, including a meeting at which the
7 physical attendance by some or all members of the public is limited
8 due to a declared emergency.

9 **Sec. 7.** RCW 42.30.050 and 1971 ex.s. c 250 s 5 are each amended
10 to read as follows:

11 In the event that any meeting is interrupted by a group or groups
12 of persons so as to render the orderly conduct of such meeting
13 unfeasible and order cannot be restored by the removal of individuals
14 who are interrupting the meeting, the members of the governing body
15 conducting the meeting may order the meeting room cleared and
16 continue in session or may adjourn the meeting and reconvene at
17 another location selected by majority vote of the members. In such a
18 session, final disposition may be taken only on matters appearing on
19 the agenda. Representatives of the press or other news media, except
20 those participating in the disturbance, shall be allowed to attend
21 any session held pursuant to this section. Nothing in this section
22 shall prohibit the governing body from establishing a procedure for
23 readmitting an individual or individuals not responsible for
24 disturbing the orderly conduct of the meeting. Nothing in this
25 section prohibits the governing body from stopping people from
26 speaking to the governing body when not recognized by the governing
27 body to speak.

28 **Sec. 8.** RCW 42.30.070 and 1983 c 155 s 2 are each amended to
29 read as follows:

30 The governing body of a public agency shall provide the time for
31 holding regular meetings by ordinance, resolution, bylaws, or by
32 whatever other rule is required for the conduct of business by that
33 body. Unless otherwise provided for in the act under which the public
34 agency was formed, meetings of the governing body need not be held
35 within the boundaries of the territory over which the public agency
36 exercises jurisdiction. If at any time any regular meeting falls on a
37 holiday, such regular meeting shall be held on the next business day.
38 If, by reason of fire, flood, earthquake, or other emergency, there

1 is a need for expedited action by a governing body to meet the
2 emergency, the presiding officer of the governing body may provide
3 for a meeting site other than the regular meeting site, for a remote
4 meeting without a physical location, or for a meeting at which the
5 physical attendance by some or all members of the public is limited
6 due to a declared emergency, and the notice requirements of this
7 chapter shall be suspended during such emergency. It shall not be a
8 violation of the requirements of this chapter for a majority of the
9 members of a governing body to travel together or gather for purposes
10 other than a regular meeting or a special meeting as these terms are
11 used in this chapter: PROVIDED, That they take no action as defined
12 in this chapter.

13 **Sec. 9.** RCW 42.30.077 and 2014 c 61 s 2 are each amended to read
14 as follows:

15 (1) Public agencies with governing bodies must make the agenda of
16 each regular meeting of the governing body available online no later
17 than ((~~twenty-four~~)) 24 hours in advance of the published start time
18 of the meeting. An agency subject to provisions of this section ((is
19 not required to post an agenda if it does not have a website or if it
20 employs fewer than ten full-time equivalent employees)) may share a
21 website with, or have its website hosted by, another public agency to
22 post meeting agendas, minutes, budgets, contact information, and
23 other records, including any resolution or ordinance adopted by the
24 agency establishing where and how the public agency will meet in the
25 event of an emergency. Nothing in this section prohibits subsequent
26 modifications to agendas nor invalidates any otherwise legal action
27 taken at a meeting where the agenda was not posted in accordance with
28 this section. Nothing in this section modifies notice requirements or
29 shall be construed as establishing that a public body or agency's
30 online posting of an agenda as required by this section is sufficient
31 notice to satisfy public notice requirements established under other
32 laws. Failure to post an agenda in accordance with this section shall
33 not provide a basis for awarding attorney fees under RCW 42.30.120 or
34 commencing an action for mandamus or injunction under RCW 42.30.130.

35 (2) A special purpose district, city, or town subject to the
36 provisions of this section is not required to post an agenda online
37 if the district, city, or town:

38 (a) Has an aggregate valuation of the property subject to
39 taxation by the district, city, or town of less than \$400,000,000, as

1 placed on the last completed and balanced tax rolls of the county
2 preceding the date of the most recent tax levy;

3 (b) Has a population within its jurisdiction of under 3,000
4 persons; and

5 (c) Provides confirmation to the state auditor at the time it
6 files its annual reports under RCW 43.09.230 that the cost of posting
7 notices on a website of its own, a shared website, or on the website
8 of the county in which the largest portion of the district's, city's,
9 or town's population resides, would exceed one-tenth of one percent
10 of the district's, city's, or town's budget.

11 **Sec. 10.** RCW 42.30.080 and 2012 c 188 s 1 are each amended to
12 read as follows:

13 (1) A special meeting may be called at any time by the presiding
14 officer of the governing body of a public agency or by a majority of
15 the members of the governing body by delivering written notice
16 personally, by mail, by fax, or by ((~~electronic mail~~)) email to each
17 member of the governing body. Written notice shall be deemed waived
18 in the following circumstances:

19 (a) A member submits a written waiver of notice with the clerk or
20 secretary of the governing body at or prior to the time the meeting
21 convenes. A written waiver may be given by telegram, fax, or
22 ((~~electronic mail~~)) email; or

23 (b) A member is actually present at the time the meeting
24 convenes.

25 (2) Notice of a special meeting called under subsection (1) of
26 this section shall be:

27 (a) Delivered to each local newspaper of general circulation and
28 local radio or television station that has on file with the governing
29 body a written request to be notified of such special meeting or of
30 all special meetings;

31 (b) Posted on the agency's website. An agency is not required to
32 post a special meeting notice on its website if it ((~~i~~)) does not
33 have a website((~~i~~)) or share a website with another agency.
34 Except in the case of a remote meeting or a meeting at which the
35 physical attendance by some or all members of the public is limited
36 due to a declared emergency as provided for in this chapter, an
37 agency is not required to post a special meeting notice on its
38 website if it employs ((~~fewer than ten~~)) no full-time equivalent
39 employees((~~i~~)), or ((~~iii~~)) does not employ personnel whose duty, as

1 defined by a job description or existing contract, is to maintain or
2 update the website; and

3 (c) Prominently displayed at the main entrance of the agency's
4 principal location and the meeting site if it is not held at the
5 agency's principal location and is not held as a remote meeting;
6 except that during a declared emergency which prevents a meeting from
7 being held in-person with reasonable safety an agency that hosts a
8 website or shares a website with another agency may instead post
9 notice of a remote meeting without a physical location on the website
10 hosted or shared by the agency.

11 Such notice must be delivered or posted, as applicable, at least
12 (~~twenty-four~~) 24 hours before the time of such meeting as specified
13 in the notice.

14 (3) The call and notices required under subsections (1) and (2)
15 of this section shall specify the time and place of the special
16 meeting and the business to be transacted. Final disposition shall
17 not be taken on any other matter at such meetings by the governing
18 body.

19 (4) The notices provided in this section may be dispensed with in
20 the event a special meeting is called to deal with an emergency
21 involving injury or damage to persons or property or the likelihood
22 of such injury or damage, when time requirements of such notice would
23 make notice impractical and increase the likelihood of such injury or
24 damage, or when the required notice cannot be posted or displayed
25 with reasonable safety, including but not limited to declared
26 emergencies in which travel to physically post notice is barred or
27 advised against.

28 **Sec. 11.** RCW 42.30.090 and 2012 c 117 s 125 are each amended to
29 read as follows:

30 The governing body of a public agency may adjourn any regular,
31 adjourned regular, special, or adjourned special meeting to a time
32 and place specified in the order of adjournment. Less than a quorum
33 may so adjourn from time to time. If all members are absent from any
34 regular or adjourned regular meeting the clerk or secretary of the
35 governing body may declare the meeting adjourned to a stated time and
36 place. He or she shall cause a written notice of the adjournment to
37 be given in the same manner as provided in RCW 42.30.080 for special
38 meetings, unless such notice is waived as provided for special
39 meetings. (~~Whenever~~) Except in the case of remote meetings without

1 a physical location as provided for in this chapter, whenever any
2 meeting is adjourned a copy of the order or notice of adjournment
3 shall be conspicuously posted immediately after the time of the
4 adjournment on or near the door of the place where the regular,
5 adjourned regular, special, or adjourned special meeting was held.
6 When a regular or adjourned regular meeting is adjourned as provided
7 in this section, the resulting adjourned regular meeting is a regular
8 meeting for all purposes. When an order of adjournment of any meeting
9 fails to state the hour at which the adjourned meeting is to be held,
10 it shall be held at the hour specified for regular meetings by
11 ordinance, resolution, bylaw, or other rule.

12 **Sec. 12.** RCW 42.30.110 and 2019 c 162 s 2 are each amended to
13 read as follows:

14 (1) Nothing contained in this chapter may be construed to prevent
15 a governing body from holding an executive session during a regular
16 or special meeting:

17 (a)(i) To consider matters affecting national security;

18 (ii) To consider, if in compliance with any required data
19 security breach disclosure under RCW 19.255.010 and 42.56.590, and
20 with legal counsel available, information regarding the
21 infrastructure and security of computer and telecommunications
22 networks, security and service recovery plans, security risk
23 assessments and security test results to the extent that they
24 identify specific system vulnerabilities, and other information that
25 if made public may increase the risk to the confidentiality,
26 integrity, or availability of agency security or to information
27 technology infrastructure or assets;

28 (b) To consider the selection of a site or the acquisition of
29 real estate by lease or purchase when public knowledge regarding such
30 consideration would cause a likelihood of increased price;

31 (c) To consider the minimum price at which real estate will be
32 offered for sale or lease when public knowledge regarding such
33 consideration would cause a likelihood of decreased price. However,
34 final action selling or leasing public property shall be taken in a
35 meeting open to the public;

36 (d) To review negotiations on the performance of publicly bid
37 contracts when public knowledge regarding such consideration would
38 cause a likelihood of increased costs;

1 (e) To consider, in the case of an export trading company,
2 financial and commercial information supplied by private persons to
3 the export trading company;

4 (f) To receive and evaluate complaints or charges brought against
5 a public officer or employee. However, upon the request of such
6 officer or employee, a public hearing or a meeting open to the public
7 shall be conducted upon such complaint or charge;

8 (g) To evaluate the qualifications of an applicant for public
9 employment or to review the performance of a public employee.
10 However, subject to RCW 42.30.140(4), discussion by a governing body
11 of salaries, wages, and other conditions of employment to be
12 generally applied within the agency shall occur in a meeting open to
13 the public, and when a governing body elects to take final action
14 hiring, setting the salary of an individual employee or class of
15 employees, or discharging or disciplining an employee, that action
16 shall be taken in a meeting open to the public;

17 (h) To evaluate the qualifications of a candidate for appointment
18 to elective office. However, any interview of such candidate and
19 final action appointing a candidate to elective office shall be in a
20 meeting open to the public;

21 (i) To discuss with legal counsel representing the agency matters
22 relating to agency enforcement actions, or to discuss with legal
23 counsel representing the agency litigation or potential litigation to
24 which the agency, the governing body, or a member acting in an
25 official capacity is, or is likely to become, a party, when public
26 knowledge regarding the discussion is likely to result in an adverse
27 legal or financial consequence to the agency.

28 This subsection (1)(i) does not permit a governing body to hold
29 an executive session solely because an attorney representing the
30 agency is present. For purposes of this subsection (1)(i), "potential
31 litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a)
32 concerning:

33 (i) Litigation that has been specifically threatened to which the
34 agency, the governing body, or a member acting in an official
35 capacity is, or is likely to become, a party;

36 (ii) Litigation that the agency reasonably believes may be
37 commenced by or against the agency, the governing body, or a member
38 acting in an official capacity; or

39 (iii) Litigation or legal risks of a proposed action or current
40 practice that the agency has identified when public discussion of the

1 litigation or legal risks is likely to result in an adverse legal or
2 financial consequence to the agency;

3 (j) To consider, in the case of the state library commission or
4 its advisory bodies, western library network prices, products,
5 equipment, and services, when such discussion would be likely to
6 adversely affect the network's ability to conduct business in a
7 competitive economic climate. However, final action on these matters
8 shall be taken in a meeting open to the public;

9 (k) To consider, in the case of the state investment board,
10 financial and commercial information when the information relates to
11 the investment of public trust or retirement funds and when public
12 knowledge regarding the discussion would result in loss to such funds
13 or in private loss to the providers of this information;

14 (l) To consider proprietary or confidential nonpublished
15 information related to the development, acquisition, or
16 implementation of state purchased health care services as provided in
17 RCW 41.05.026;

18 (m) To consider in the case of the life sciences discovery fund
19 authority, the substance of grant applications and grant awards when
20 public knowledge regarding the discussion would reasonably be
21 expected to result in private loss to the providers of this
22 information;

23 (n) To consider in the case of a health sciences and services
24 authority, the substance of grant applications and grant awards when
25 public knowledge regarding the discussion would reasonably be
26 expected to result in private loss to the providers of this
27 information;

28 (o) To consider information regarding staff privileges or quality
29 improvement committees under RCW 70.41.205.

30 (2) Before convening in executive session, the presiding officer
31 of a governing body shall publicly announce the purpose for excluding
32 the public from the meeting place, and the time when the executive
33 session will be concluded. The executive session may be extended to a
34 stated later time by announcement of the presiding officer. The
35 announced purpose of excluding the public must be entered into the
36 minutes of the meeting required by RCW 42.30.035.

37 NEW SECTION. **Sec. 13.** A new section is added to chapter 42.30
38 RCW to read as follows:

1 (1) Except in an emergency situation, the governing body of a
2 public agency shall provide an opportunity at or before every regular
3 meeting at which final action is taken for public comment. The public
4 comment required under this section may be taken orally at a public
5 meeting, or by providing an opportunity for written testimony to be
6 submitted before or at the meeting. If the governing body accepts
7 written testimony, this testimony must be distributed to the
8 governing body. The governing body may set a reasonable deadline for
9 the submission of written testimony before the meeting.

10 (2) Upon the request of any individual who will have difficulty
11 attending a meeting of the governing body of a public agency by
12 reason of disability, limited mobility, or for any other reason that
13 makes physical attendance at a meeting difficult, the governing body
14 shall, when feasible, provide an opportunity for that individual to
15 provide oral comment at the meeting remotely if oral comment from
16 other members of the public will be accepted at the meeting.

17 (3) Nothing in this section prevents a governing body from
18 allowing public comment on items not on the meeting agenda.

19 (4) Nothing in this section diminishes the authority of governing
20 bodies to deal with interruptions under RCW 42.30.050, limits the
21 ability of the governing body to put limitations on the time
22 available for public comment or on how public comment is accepted, or
23 requires a governing body to accept public comment that renders
24 orderly conduct of the meeting unfeasible.

25 **Sec. 14.** RCW 42.30.900 and 1971 ex.s. c 250 s 16 are each
26 amended to read as follows:

27 This chapter may be known and cited as the (~~"Open Public~~
28 ~~Meetings Act of 1971".~~) Washington state open public meetings act or
29 OPMA.

30 NEW SECTION. **Sec. 15.** Sections 5 through 11 of this act are
31 necessary for the immediate preservation of the public peace, health,
32 or safety, or support of the state government and its existing public
33 institutions, and take effect immediately.

Passed by the House March 7, 2022.
Passed by the Senate March 3, 2022.
Approved by the Governor March 24, 2022.
Filed in Office of Secretary of State March 24, 2022.

--- END ---

RESOLUTION NO. _____

CITY OF LACEY

A RESOLUTION OF THE CITY OF LACEY RELATED TO PUBLIC ACCESSIBILITY AND PARTICIPATION AT COUNCIL MEETINGS AND AMENDING THE POLICIES AND PROCEDURES OF THE CITY COUNCIL.

WHEREAS, on June 9, 2011, the Lacey City Council adopted the Council Policies and Procedures Manual to standardize the process for implementing current and new Council practices, procedures, and policies; and

WHEREAS, on March 24, 2022, Engrossed Substitute House Bill 1329 was signed into law by Governor Jay Inslee changing the Open Public Meetings Act related to enhancing public meeting accessibility and participation; and

WHEREAS, city staff prepared proposed changes to the Council Policies-Procedures Manual to meet the new Open Public Meetings Act.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Chapter 7.05 of the Council Policies and Procedures Manual, related to Executive Session, shall be amended as set forth in Exhibit A.

Section 2. Chapter 7.07 of the Council Policies and Procedures Manual, related to Public Participation, shall be amended as set forth in Exhibit A.

Section 3. Chapter 7.08 of the Council Policies and Procedures Manual, related to Audio and Televised Recordings of Meetings, shall be amended as set forth in Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 2nd day of June, 2022.

SIGNATURE PAGE FOLLOWS

LACEY CITY COUNCIL

By _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

DRAFT

EXHIBIT A

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 p.m. in the Council Chambers at Lacey City Hall, 420 College Street SE. There are no regularly scheduled Council meetings on the 5th 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 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 2nd & 22nd 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 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 www.ci.lacey.wa.us under News & Events/Public 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 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 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 before, 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 publicly announces the purpose of the Executive Session, the estimated time when 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 (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

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.

Excused Absences

The Mayor announces the excused absences of individual Councilmembers.

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

- *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 specificied 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. ~~The Mayor has the option to allow or not allow comments on matters before Council.~~

Members of the public may 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 Comments for Items on the Agenda*~~

~~As appropriate, the Council may allow the public to address items on the agenda. A three-minute limit applies, but may be reduced to two minutes if there are more than four persons wishing to comment on a subject. These comments are not considered as part of a hearing. The public should ask the Mayor in advance of the start of the Council Meeting if they may speak.~~

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, the Mayor may issue proclamations in declaration or recognition of a special event, organization, or person according to Council Policy. At this time, either the Mayor or a Councilmember 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 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 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.

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.

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.

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.

7.08 Audio and Televised Video Recordings of Meetings

The City Clerk's office records **and makes available online** all regular Council Meetings, Council Worksessions, and 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 www.ci.lacey.wa.us. CityofLacey.org.

7.09 General Procedures

Seating Arrangement of the Council

Customarily, the Deputy Mayor sits next to the Mayor, and newly elected Councilmembers sit adjacent to the City Clerk. However, the Mayor with the approval of Council may reorder the seating arrangements for regular Council Meetings.

The seating order of the Council dais from left to right is:

- City Clerk
- Newly-elected Councilmembers
- Current Councilmembers
- Deputy Mayor
- Mayor
- City Manager
- City Attorney

Department Directors sit at the staff table immediately to the left of the City Clerk.

Signing of City Documents

The Mayor, City Clerk and City Attorney sign all ordinances and/or resolutions approved by Council, immediately following the meeting. If the Mayor is unavailable, the Deputy Mayor signs the ordinances and/or resolutions. The City Manager is authorized by the Council to sign all contracts and agreements.

Quorum

Four members of the Council constitute a quorum and are necessary for the transaction of City business. If a quorum is not present, the Council Meeting is cancelled.

Minutes

The City Clerk or designee takes minutes of all regular Council Meetings, Council Worksessions and committee meetings. The City Clerk or designee posts the draft minutes on the City website on the Friday prior to the Council Meeting and Council approval. Once Council approves the minutes, staff updates the website to reflect that the minutes are approved. Copies of minutes are available upon public records request through the City Clerk's office. Original minutes are archived as permanent records.

Corrections to minutes made by Councilmembers will be so noted, and revised minutes will be posted and archived as the City's official record.

7.10 Open Public Meeting Act

The Open Public Meeting Act applies to the Council, all quasi-judicial bodies, and all standing or advisory boards, commissions, and committees. All meetings of the Council shall be open to the public, except in special instances as provided in RCW 42.30.110. A meeting takes place when a quorum (a majority total number of Councilmembers currently seated on the Council) is present and information concerning City business is received, discussed, and/or acted upon. The only exception to the public meeting requirement is an Executive Session.

Under the Americans with Disabilities Act, the City provides accommodations to provide accessible meetings for people with disabilities. Assisted-listening devices are available for use in the Council Chambers. If special accommodations are required, please contact the City Clerk three days prior to the meeting.