



GENERAL GOVERNMENT & PUBLIC SAFETY COMMITTEE

TUESDAY, NOVEMBER 23, 2021

9:30 A.M.

REMOTE ATTENDANCE

The General Government & Public Safety Committee meeting will be conducted remotely, not in person. However, you may view the meeting by watching live through Zoom (<https://us02web.zoom.us/j/85155271771>).

NEW: Watch live or as a recording on YouTube (<https://youtu.be/6qd5WtJDWzI>).

The public may also listen to the meeting via telephone by dialing toll-free:
(888) 788-0099 or **(877) 853-5247** – when prompted, enter Webinar ID: **851 5527 1771**
press # (participant ID not required)

PROTOCOL FOR VIRTUAL MEETINGS

SCOTT SPENCE, CITY MANAGER

DAVE SCHNEIDER, CITY ATTORNEY

(STAFF REPORT)



GENERAL GOVERNMENT & PUBLIC SAFETY COMMITTEE

November 23, 2021

SUBJECT: Remote Participation at Council Meetings

RECOMMENDATION: Forward proposed changes to Council Policies-Procedures Manual to the full City Council for adoption by resolution.

STAFF CONTACT: Scott Spence, City Manager *SS*
Shannon Kelley-Fong, Assistant City Manager *SKF*
Dave Schneider, City Attorney *DS*

ORIGINATED BY: City Attorney's Office

ATTACHMENTS:

1. [Proposed new Chapter 7.11 of the City Council Policies-Procedures Manual](#)
2. [Proposed changes to Chapter 9.12 of the City Council Policies-Procedures Manual](#)

FISCAL NOTE: NA

PRIOR REVIEW: None.

BACKGROUND:

Remote participation at meetings of all types has become commonplace during the COVID-19 emergency. The City of Lacey is no exception, with staff and Councilmembers appearing remotely for regular, special, worksession and committee meetings. It is anticipated that some level of remote participation could be useful and/or necessary even after the emergency has come to an end.

The City Council Policies-Procedures Manual does not provide guidance for remote participation. Staff recommends the following changes to the Manual:

1. Adding a new Chapter 7.11 related to Remote Participation.
2. Amending Chapter 9.12 related to the Voting Process.

Proposed amendments are attached for the Committee's consideration.

ADVANTAGES:

1. The amendments provide a clear process for remote participation.
2. The amendments provide guidance for resolving technical difficulties.
3. The amendments provide clarity to the voting process.

DISADVANTAGES:

1. None foreseen.

Chapter 7.11 Remote Participation

Councilmembers may appear via remote communication, e.g., telephonically or via other electronic means, in all or part of a regular, special, Worksession, executive session, or committee meeting if the following conditions are met:

1. Satisfactory equipment is available, preferably City-provided devices. Satisfactory equipment shall mean any telephone or other device equipped with a microphone function capable of capturing and broadcasting the Councilmember's voice clearly and sufficiently enough to be heard by those in attendance at the meeting. The device must allow the Councilmember to pose and answer questions as posed from time to time.
2. During any meeting that a Councilmember is attending via remote communication, the Presiding officer shall state for the record that a particular Councilmember is attending via remote communication and the reasons for such attendance.
3. Councilmembers appearing via remote communication will participate and vote during the meeting as if they were physically present at the meeting.
4. Councilmembers appearing by remote communication shall comply with all OPMA regulations and the Lacey City Council Policies and Procedures.
5. Any technical difficulties that prevent all Councilmembers participating in the meeting from adequately hearing and speaking to each other shall be addressed immediately. If technical difficulties occur during a vote, the City Council shall proceed with the procedure prescribed in Section 9.12.
6. Remote participation in an executive session shall be conducted in a manner that promotes and protects the confidential nature of the proceeding.

9.12 Voting Procedures

Each Councilmember shall vote on all questions put to the City Council, unless a conflict of interest under State law or appearance of fairness question is present. ~~Unless a member of the Council states that he or she is not voting, his or her silence shall be recorded as an affirmative vote.~~

If it is determined by majority vote of the City 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 City Council in order for the Councilmember to present further information to the Council, then the City Council's determination with respect to the challenge shall be continued to the next regularly scheduled meeting of the City Council, at which time the member or members requesting the additional time shall present such additional information. At the conclusion of the presentation, the City 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 City 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 5 days after its publication, the ordinance must receive an affirmative vote of a majority plus 1 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 shall be 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.

Affirmative Vote Voting Process

~~Affirmative v~~otes will be cast in an audible tone of voice if possible. ~~If any Councilmember is unable to vote by audible tone of voice, 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 undetermined vote shall not be considered. Only those votes that the presiding officer can determine shall be considered.~~

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. The Presiding Officer will take the vote on the item by roll call. A Councilmember attending via remote communication must provide an audible vote so that any participant may hear their vote. If any Councilmember is unable to vote by audible tone of voice, 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 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 a 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.
 - c. 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 his/her abstention, he/she shall state the reason.

Tie Vote

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

Reconsideration

Reconsideration of an item will be considered 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.