

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
AMENDING GUIDELINES 3.7, 3.10, 3.12 AND 3.22 OF THE OLYMPIA CITY COUNCIL
GUIDEBOOK RELATING TO CITY COUNCIL MEETINGS**

WHEREAS, on March 17, 2020, the Olympia City Council passed Ordinance No. 7233 declaring a state of emergency relating to the novel coronavirus (COVID-19) and authorizing actions as are reasonable and necessary to mitigate conditions caused by such public health emergency; and

WHEREAS, the Olympia City Council finds it is necessary to amend certain Guidelines in the Olympia City Council Guidebook for purposes of the declared state of emergency;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

Section 1. Guideline 3.7, Procedure for Public Communication, of the Olympia City Council Guidebook is hereby amended to read as follows:

3.7 Procedure for Public Communication

The City Council appreciates hearing from citizens about items relating to city business and normally sets aside up to thirty minutes near the beginning of Council business meetings for ~~public~~ Public Communication. This forum is a limited public forum and all matters discussed shall relate to city business.

The manner and extent to which members of the public participate in the Public Communication portion of the agenda is under the control of the Mayor. Therefore, to the extent necessary to prevent unreasonable interference with the meeting, the Mayor is empowered to curtail or prohibit ~~testimony~~ Public Communication that is overly repetitive or lengthy, beyond the reasonable scope of City business, or of a nature that would endanger the safety or wellbeing of the persons attending the meeting or individual city employees, or that is a personal attack upon a Councilmember's or other person's honesty, integrity, reputation, race, creed, national origin, ethnic background, color, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability. The Mayor is also empowered to establish time constraints or to suspend Public Communication ~~testimony~~, if necessary, to prevent unreasonable delay of the Council meeting or to suspend Public Communication during times of a declared emergency or disaster which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to the City of Olympia which may be overtaken by such occurrences, or which reaches such a dimension or degree of destructiveness as to warrant the governor proclaiming a state of emergency pursuant to RCW 43.06.010, or as provided in the state Emergency Management Act, RCW Chapter 38.52.

Interested citizens may sign up to speak before the Council regarding any item related to City business, except issues (1) for which the City Council either held a Public Hearing in the last 45 days or will hold a Public Hearing within 45 days; or (2) where the public testimony may implicate a

matter on which the City Council will be required to act in a quasi-judicial capacity; or (3) where the speaker promotes or opposes a candidate for public office or a ballot measure. Individuals will be asked to indicate on the sign-in sheet whether or not they have addressed the Council as part of Public Communication within the past 30 days. The Mayor has the discretion to move to the end of Public Communication ~~testimony from~~ those individuals who indicate on the sign-in sheet that they have testified in the last 30 days or who are known to the Mayor to have testified in the last 30 days. Sign-in for Public Communication begins when the lobby doors to the Council Chambers are open (about 30 minutes in advance of the start of the meeting) and continues until after the Mayor gavels the meeting to order, with the exact time at staff's discretion. Everyone who has signed in by the time registration is closed will be provided an opportunity to comment at that evening's meeting, either during the initial 30 minutes scheduled on the agenda for Public Communication, at the end of the meeting if everyone is not accommodated within the initial 30 minutes, or in another order if proposed by the Mayor at any time during a meeting and agreed to by a majority of Councilmembers in attendance at the meeting.

If time allows during the initial 30 minutes set aside on the agenda for Public Communications, the Mayor may ask if anyone else in the audience wishes to speak. In this circumstance, Public Communication will not exceed 30 minutes total of ~~testimony~~ time, and additional comment will not be carried forward to the end of the meeting.

Individual comment during Public Communication is generally limited to three minutes or less at the discretion of the Mayor. Comments shall be directed to the Council as a whole, not to the audience. Speakers may not cede all or a part of their time to another speaker or play recorded comments of other persons not present and signed in as speakers for the meeting. The Mayor is empowered to explain at the beginning of Public Communications that clapping, shouting and other demonstrations are not permitted at any time so that all persons wishing to speak, or in attendance, are not intimidated and feel safe to express their views or be present.

In order to hear as many people as possible, the Council will refrain from commenting on individual statements until all ~~Public comment~~ Public Communication has been taken, or at the end of the 30-minute time allotment.

Out of respect for the time of our citizens, Council and staff – the Mayor, on behalf of the entire Council, will thank the individuals who spoke. Councilmembers may request additional information from the persons who spoke, information or a report from the City Manager, or make brief comments to help inform the issues.

Section 2. Guideline 3.10, Public Hearings, of the Olympia City Council Guidebook is hereby amended to read as follows:

3.10 Public Hearings

For Frequently Asked Questions about Public Hearings, see the MRSC website at <http://www.mrsc.org/subjects/governance/hearings.aspx>

Sign in for Public Hearings is similar to Public Communication. Please refer to that section.

Individual comment during Public Hearings is generally limited to three minutes or less. Comments should be directed to the Council as a whole. Speakers may not cede all or a part of their time to another speaker. The Mayor will determine the order and protocols for Public Hearing testimony. Testimony on a topic subject to public hearing will not be accepted by the Council at a meeting either 45 days before or after the public hearing. The Mayor shall announce at the start of Public Communication a list of any public hearings scheduled within the upcoming 45 days or held in the previous 45 days. However, by concurrence of a majority of Councilmembers, testimony for a public hearing may be continued or remain open until a specified date and time.

The Mayor is also empowered to establish time constraints on testimony during Public Hearings, if necessary, to permit time for all persons wishing to speak. Likewise, the Mayor may suspend verbal testimony at a Public Hearing in the event of a declared emergency or disaster which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to the City of Olympia which may be overtaken by such occurrences, or which reaches such a dimension or degree of destructiveness as to warrant the governor proclaiming a state of emergency pursuant to RCW 43.06.010, or as provided in the state Emergency Management Act, RCW Chapter 38.52. In the event of a declared public emergency, the Mayor will provide for testimony at the Public Hearing to be submitted to the Council in writing or by email or recorded video presentation, so long as such video recorded testimony is limited to three minutes or less. All such testimony shall be distributed to the Council for review prior to any Council action.

Section 3. Guideline 3.12, Open Public Meetings Act, of the Olympia City Council Guidebook is hereby amended to read as follows:

3.12 Open Public Meetings Act

RCW 42.30 outlines the Open Public Meetings Act, which applies to all city and town councils and to all county councils and boards or county commissions, boards and committees. Basically, the Act requires that all "meetings" of such bodies be open to the public and that all "action" taken by such bodies be done at meetings that are open to the public. The terms "meetings" and "action" are defined broadly in the Act.

Please see Appendix B for the Municipal Research and Services Center (MRSC) Guide to the Open Public Meetings Act. For Frequently Asked Questions about Open Public Meetings, see the MRSC website at <http://www.mrsc.org/askmrsc/pastinqsubject.aspx?sid=22> .

In the event of a declared emergency or disaster which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to the City of Olympia which may be overtaken by such occurrences, or which reaches such a dimension or degree of destructiveness as to warrant the governor proclaiming a state of emergency pursuant to RCW 43.06.010, or as provided in the state Emergency Management Act (RCW Chapter 38.52), the Council as a body or individual Councilmembers, will act in accord with the General Guidance from the Attorney General on the Open Public Meetings Act Regarding the Coronavirus Disease (COVID-19) Event by making a speakerphone, conference call-in number or video streaming available at a location in City Hall or other city meeting location where the public can attend and listen to the Council or committee meeting.

Section 4. Guideline 3.22, Attendance via Speakerphone, of the Olympia City Council Guidebook is hereby amended to read as follows:

3.22 Attendance via Speakerphone or Streaming Video via Internet

On rare occasions, a Councilmember will not be able to be physically present at a Council or committee meeting but will want to be involved in Council or committee discussions and/or decisions. The procedure and guidelines for permitting a Councilmember to remotely attend a Council or committee meeting via speakerphone or by streaming video shall be as follows:

1. If a Councilmember wishes to attend a Council or committee meeting via speakerphone or, the Councilmember shall notify the Mayor or the City Manager's office no later than 12:00 Noon on the day of the meeting to advise of such absence and to request remote attendance at the Council or committee meeting via speakerphone or streaming video.
2. The Councilmember attending remotely via speakerphone or streaming video shall provide the Mayor or City Manager's office with a telephone number where the Councilmember may be contacted at the start of the Council or committee meeting. The Councilmember attending via speakerphone or streaming video must be able to hear the discussions at the Council or committee meeting and taking place in Council Chambers or before the committee. Likewise, the Councilmember must be able to be heard by all present in Council Chambers or before the committee.
3. If attending by speakerphone, the Councilmember should also log in by computer or iPad/tablet to view the internet streaming video website of the Council meeting.
4. At the commencement of the Council or committee meeting, the Mayor (or presiding officer if the Mayor is not physically present at the Council or committee meeting) shall state for the record that a Councilmember, identifying the member by name, is attending the Council or committee meeting via speakerphone or streaming video and the reason for the Councilmember's remote attendance (i.e., illness, business travel, vacation, etc.). The Mayor shall establish that the Councilmember attending remotely via speakerphone or streaming video can hear the Mayor's or committee chair's voice. There must be a clearly audible response from the Councilmember attending remotely. The Mayor or committee chair shall then state on the record that the remotely attending Councilmember is attending via speakerphone or streaming video and can be heard by all present in Council Chambers or before the committee.

A Councilmember attending a Council or committee meeting remotely via speakerphone or streaming video should review all of the applicable material on the agenda. Any technical prohibitions or difficulties that prevent all parties present at the Council or committee meeting from communicating or hearing one another will negate the ability of the Councilmember to participate remotely via speakerphone or streaming video in the Council meeting or committee. Such inability to participate in the Council or committee meeting, due to technical prohibitions or difficulties, shall be deemed an excused absence for the Councilmember attempting remote attendance.

The Mayor and Mayor Pro Tem may attend remotely, ~~however, they will not be able to~~ and may preside over the meeting remotely. ~~The presiding officer for the Council or committee meeting must be in physical attendance at the Council or committee meeting.~~ In the event the Mayor and Mayor

Pro Tem ~~must both attend a Council meeting remotely~~ are excused, the Councilmember having the longest service on the Council shall be acting presiding officer for purposes of the Council meeting.

Remote attendance via speakerphone or streaming video shall constitute attendance for quorum purposes and voting. A request for remote attendance via speakerphone or streaming video shall be exercised on rare and infrequent occasions by a Councilmember and it shall not be a substitute for regular, physical attendance at Council or committee meetings. The Council, as a legislative body, retains the ability upon motion to deny an individual Councilmember's request for remote attendance.

In the event of a declared emergency or disaster which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to the City of Olympia which may be overtaken by such occurrences, or which reaches such a dimension or degree of destructiveness as to warrant the governor proclaiming a state of emergency pursuant to RCW 43.06.010, or as provided in the state Emergency Management Act (RCW Chapter 38.52), the Council as a body or individual Councilmembers, may attend a Council business meeting or committee meeting remotely from separate locations or a location other than the usual and customary location in Council Chambers or may close Council Chambers when there is risk of contagion or disease, but will provide an outlet for attendance for persons wishing to hear the Council business or committee meeting via speakerphone, conference call-in number or streaming video. In the event of a declared public emergency, the Council shall make provision for accepting Public Communication in writing, email or recorded video limited to three minutes or less, which shall be distributed to all Councilmembers. In accord with the General Guidance from the Attorney General on the Open Public Meetings Act Regarding the Coronavirus Disease (COVID-10) Event, the Council shall make a speakerphone or conference call-in number available or video streaming at City Hall or other city meeting location, where the public can attend to listen to the Council meeting.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY