

RESOLUTION NO. 1118

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**

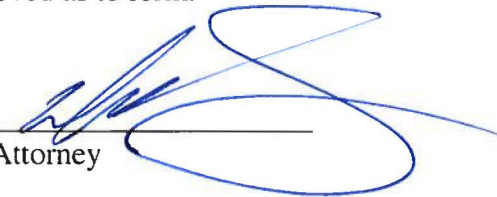
LACEY CITY COUNCIL

By   
Deputy Mayor

Attest:

  
City Clerk

Approved as to form:

  
City Attorney

# 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 5<sup>th</sup> Thursday of the month.

##### Council Worksessions

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

##### Council Committees

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

### Special Meetings

- Retreats – The Council meets annually to develop short goals, priorities and policies for the upcoming year, and strategic long-term goals.
- Legislative Meetings – Prior to the state legislative session in January, Councilmembers, City Manager, and/or staff meet with state legislators from the 2<sup>nd</sup> & 22<sup>nd</sup> 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](http://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 specified Public Hearings. Individuals who wish to address the Council are encouraged to sign in using the sign-in sheet in the Council Chambers or they may preregister to speak remotely using the link provided on the posted agenda. Each person addressing the Council at the

meeting (either in person or remotely) is encouraged to give their name and address for the record, and is asked to limit their address to three minutes, unless City Council permits a longer period. If several people wish to speak to the same issue, the Mayor may limit the total amount of time dedicated to that specific issue. The Mayor may interrupt public comments that continue too long, relate negatively to others, or are otherwise inappropriate. ~~The Mayor has the option to allow or not allow comments on matters before Council.~~

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

Members of the public may 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](http://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.