

# CITY COUNCIL MEETING GUIDELINES

City of Burien, WA



*View of Burien in foreground from plane above Sea-Tac International Airport*

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## SECTION 1. AUTHORITY

- 1.1 Consistent with RCW 35.23.270, the Burien City Council establishes and adopts these Council Meeting Guidelines. These Guidelines take effect upon the Council's adoption of the Guidelines and remain effective until the Guidelines are amended or new procedures are adopted in the manner provided by these Guidelines. These Guidelines may be reviewed following any change in Council composition or at the request of at least three Councilmembers, but not more frequently than annually, unless a revision of federal or state law justifies a change in the Guidelines. If the Council wishes to deviate from these Guidelines, a Councilmember must make a Motion to Suspend the Guidelines for a specified reason and duration.
- 1.2 These guidelines are standards, not regulations. Unless otherwise required by law, a state or federal agency with authority, or a court of competent jurisdiction, the Council will not act to impose any penalty for the failure to meet these standards other than to censure a Councilmember for failure to meet a standard of conduct – and only upon a motion and a second and a vote of the majority of the Council.
- 1.3 Consistent with RCW 35.23.270, the Council may punish its members for disorderly conduct and upon written charges entered upon the minutes, may, after trial, expel a Councilmember for the remainder of the meeting by a two-thirds vote of all the elected Councilmembers.
- 1.4 Any provision of these guidelines not governed by state law or ordinance may be suspended by a majority vote of the Council.

## SECTION 2. COUNCIL MEETINGS

### 2.1 TYPES OF MEETINGS

- A. Regular Meetings as defined by RCW 42.30.075 are “recurring meetings held in accordance with a periodic schedule declared by statute or rule.” The schedule for the City of Burien Regular Meetings is stated in Resolution 329. Regular Meetings occur on the first, third, and fourth Monday of each month at 7:00 p.m., at Burien City Hall, virtually as permitted by law, or at any location that the City Council deems appropriate. Regular Meetings include Regular Business Meetings, occurring on the first and third Mondays of the month, and Regular Study Sessions, occurring on the fourth Monday of each month except for June, July, and August, when the Regular Study Sessions are canceled. Regular Business Meetings are used to conduct all of the City of Burien’s ordinary and routine business. Regular Study Sessions are used to review and discuss Burien’s pertinent business and policy issues and to prepare matters for action at a Regular Business Meeting.
- B. Special Council Meetings as provided in RCW 42.30.080 are Council meetings other than a Regular Business Meeting or Regular Study Session. Notice shall be given as required by RCW 42.30.080. A Special Council meeting may be scheduled by the Mayor or by a Council majority by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body with written notice subject to waiver as provided in RCW 42.30.080.
- C. All Regular Meetings and Special Meetings shall be open to the public, except for such times when the Council adjourns into Executive Session provided by RCW 42.30.110, or when the Council is legally allowed to meet in closed session under RCW 42.30.140.
- D. Emergency Meetings as provided by RCW 42.30.070 may be called without 24-hour notice if, the Council needs to take expedited action because of a fire, flood, earthquake, or some other emergency. In such an emergency, the Mayor may select a meeting site other than the regular meeting site and the notice requirements of RCW 42.30, the Open Public Meetings Act, shall be suspended during such an emergency. The minutes will indicate the reason for the emergency.
- E. If a Council Regular Business Meeting or Regular Study Session would be scheduled on a legal holiday, that meeting shall be canceled.

- F. The City Council is not required to permit public comment. However, public comment sign-up sheets (for in-person meetings) will be available at each Regular Business Meeting for those wishing to address the Council.
- G. The City Clerk's Office shall prepare minutes or a summary of all council meetings, which shall note all of the Council's official actions. The minutes will constitute the Council's official record and will be written as suggested by Robert's Rules of Order. Council meetings shall be video recorded and retained for the time as provided by state law.

## **2.2 ORDER OF REGULAR BUSINESS MEETING AGENDA**

- A. Call to Order  
The Mayor calls the Regular Business Meeting to order.
- B. Pledge of Allegiance  
The Mayor, or at times guests, will lead the flag salute.
- C. Native Land Acknowledgement  
The Mayor, or the Mayor's designee, shall read a formal statement.
- D. Roll Call  
The City Clerk shall call the roll, and the Mayor shall identify any Councilmember who is not in attendance. If a Councilmember is absent, the Mayor will entertain a motion to excuse the absent Councilmember, which must be made if the Council wishes to excuse the absent Councilmember. If a motion is not made, the absence will be considered unexcused and the Mayor will state for the record that the absence is unexcused.
- E. Agenda Confirmation  
Councilmembers may offer motions to alter the current agenda through additions, deletions, or revisions to the agenda.
- F. Proclamations and Presentations  
Proclamations may be read and presented on behalf of the whole Council and read by the Mayor or by a sponsoring Councilmember. A proclamation is an official declaration of the City Council. Each Councilmember, including the Mayor, may request the preparation of two proclamations a year to honor individuals or groups for their work in or for the Burien community. Additionally, a Council majority may vote to add a proclamation to any agenda. Council-sponsored proclamations must be pre-approved by a Council majority before execution by the Mayor. Requests for proclamations from outside

organizations and groups will be placed in the City Manager's Report, reviewed by the City Council, and executed by the sponsoring Councilmember or by the Mayor or the Mayor's designee if it is sponsored by the Council. Staff requests for proclamations, if approved by the City Manager, will be executed by the Mayor. Proclamations may be placed on the council meeting agenda to be read and presented or mailed to the honored individual or organization as appropriate.

There may be no more than two (2) proclamations during a Regular Business Meeting and each proclamation can be for no more than 5 minutes. The Mayor or the sponsoring Councilmember may read the proclamation, and the recipient may make a brief acceptance speech. If the sponsoring Councilmember would like to explain to the public why the Councilmember has sponsored the proclamation, the Councilmember should submit a letter to the Clerk no later than the Wednesday at 4:00 p.m. before the meeting that the proclamation is to be presented, and the written explanation will be included in the packet and provided to the recipient.

G. City Manager's Report on Emerging Issues

This is a standing agenda item for the City Manager to address any current events or concerns that may be of interest to the Council or the Burien community.

H. Public Comments

Members of the public may comment in writing, by email, or verbally on items relating to any matter. See Section 5 of these Guidelines for details.

I. Correspondence to the Council

This is a standing item on the agenda to allow the Council to address any concerns presented to them by community members since the last meeting.

J. Public Hearings and Discussion (If Needed)

Public hearings are held to receive public comment on important issues or issues requiring a public hearing by statute or Burien ordinances. See Section 12.1 of these Guidelines for details on governing the public hearing process.

K. Consent Agenda

Consent Agenda items are considered to be routine and are approved by one motion. Items on the Consent Agenda include but are not limited to minutes, vouchers, routine items (*see a list of routine items in section 4.1*), or other matters discussed at a previous City Council Regular Business Meeting or Regular Study Session. Before approval of the agenda, a Councilmember may

remove any item(s) from the Consent Agenda for separate discussion and action. When an item is removed, the Consent Agenda is considered for action without that item. After the Consent Agenda has been considered, each item that was removed is considered during the Business Agenda in the order determined by the Council.

L. Business Agenda

These are business items on which the Council may take action.

M. Council Reports

This is a standing agenda item for Councilmembers to report on meetings and activities in which they have participated in or represented Burien. Councilmembers are encouraged to submit written reports when possible.

N. City Manager's Report

The City Manager will provide an update on current happenings within city governmental relations. Additionally, if the City Manager needs direction from Council it will be represented within the report.

O. Executive Session

See Section 2.1.C of these Guidelines for details.

P. Adjournment

With no further business to come before the Council, or as found necessary or appropriate after a majority vote to adjourn the Mayor shall adjourn the meeting.

Q. Breaks

The Mayor will ask whether the Council would like a 10-minute break during the Regular Business Meeting at or around 9 p.m.

### **2.3 ORDER OF REGULAR STUDY SESSION AGENDA**

A. Call to Order

B. Pledge of Allegiance

C. Land Acknowledgement

D. Roll Call

E. Agenda Confirmation

F. Public Comment on Agenda Topics

G. Correspondence to the Council

H. Presentations or Discussion on Study Session Topics

These are business items the Council wishes to discuss and study in preparation for action at a future Council Regular Business Meeting.

I. Adjournment

## SECTION 3. AGENDA PREPARATION

- 3.1** The City Clerk, in consultation with the Mayor and City Manager, will prepare an agenda for each Council Regular Business Meeting, Regular Study Session, or Special Meeting specifying the time and place of the meeting. To the degree possible, the City Clerk will send a draft agenda to Councilmembers before it is finalized.
- 3.2** Organized by the City Clerk, up to two Councilmembers may attend an agenda-setting meeting with the Mayor, City Manager, City Clerk, and City Attorney before each Council Meeting.
- 3.3** The Council Meeting Planning Calendar will be reviewed during each Council Regular Business Meeting and Regular Study Session. The City Manager and City Clerk will maintain a list of future agenda items for all future Council agendas items at the end of the calendar. Changes in the proposed schedule from the previous meeting will be bolded.
- 3.4** The Mayor or City Manager may place items on a Council Regular Business Meeting or Regular Study Session agenda, according to the Proposed Council Agenda Schedule. Future agenda items may be proposed at Regular Business Meetings or Regular Study Sessions with agreement from at least three (3) Councilmembers.
- 3.5** A Council proposed agenda item listed as a future agenda item may be removed with agreement by at least four Councilmembers at a Council meeting.
- 3.6** An item may be continued to the next Regular Business Meeting if the Mayor or the City Manager knows that it is of particular importance to an absent Councilmember.
- 3.7** Legally required and advertised public hearings will always be placed on the agenda before the Consent Agenda because they have a higher priority over other time-scheduled agenda items that have been scheduled by convenience rather than for statutory or other legal reasons.
- 3.8** Agenda items will be ordered as the Mayor or City Manager sees fit, and whenever possible, items that are presented by non-leadership team staff members or the public will be given priority on the agenda to allow them to leave as early as possible.

- 3.9** When possible, Agenda Packets for meetings or study sessions will be available online by Thursday before the meeting, but no later than the end of business on Friday before the said meeting. Councilmembers may access the packet electronically (but, if there are accessibility issues, the Councilmember must notify the City Clerk for assistance) and the public may access the packet on the Burien website.
- 3.10** The Council may use the “Recommended Motion” language on the agenda bill to make a motion.

## SECTION 4. COUNCIL DISCUSSION AND DECISION-MAKING PROCESS

- 4.1** Action on all items on the Consent Agenda (and any Emergency Items) will be taken at the meeting they are presented. The following are examples of routine items that may be placed on the Consent Agenda and do not require a “two-touch” process:
- Contract/Lease Renewals and Extensions
  - Preliminary and Final Short Plat Approvals
  - Voucher payments
- 4.2** Under the “two-touch” process, action on Business Agenda items will be taken at the next Regular Business Meeting unless the Council agrees that action can be taken immediately. Unless the Council requests changes to the item, or for other purposes that are clearly stated/requested by the Council, all items on the Business Agenda shall be placed on the Consent Agenda for the next Regular Council Meeting (for the item’s second touch).
- 4.3** The Mayor will facilitate the discussion.
- 4.4** The Mayor will state the public hearing procedures before each public hearing.
- 4.5** Staff/consultants will provide brief information and respond to questions by Councilmembers or as requested by the City Manager.
- 4.6** Each Councilmember is responsible for gathering additional information on issues and for contacting the City Manager, not staff, with questions not covered during the formal Regular Business Meeting or Regular Study Session process.
- 4.7** To the extent not otherwise stated in these Guidelines, the procedure for Council discussion will be consistent with ROBERT’S RULES OF ORDER, 12<sup>th</sup> Edition.
- 4.8** The Council shall take no action that is inconsistent with RCW 35A.13.010 that states that the City Manager shall be responsible to the Council for the proper administration of all city affairs; RCW 35A.13.120 that provides that the Council shall deal with the administrative service solely through the City Manager, and neither the Council, its members, nor any committee shall give orders to any City Manager subordinate; and RCW 35A.13.080, which details the City Manager’s powers and duties.

## SECTION 5. COMMENTS, CONCERNS, AND TESTIMONY TO COUNCIL

- 5.1** At Regular Business Meetings, persons addressing the Council are not required to but may state their name and city of residence for the record, and must limit their remarks to two (2) minutes or less. Attendees may also give or send the City Clerk comments to read at the meeting or provide written comments to the City Clerk for distribution to Council.
- 5.2** The time for audience comments should not extend beyond 30 minutes. If, after 30 minutes, there are still audience members who have signed up to speak, the Council must vote whether to extend the time for comments.
- 5.3** At Regular Study Sessions, if a person wishes to address Council regarding an item being discussed, they may do so when called upon and shall limit their remarks to two (2) minutes or less. Additionally, if a person wishes to speak, they may provide their name or initials to the clerk so that they can be called to speak.
- 5.4** At the Council’s reasonable discretion the allocated time for audience comments (two minutes) may be shortened to one (1) minute.
- 5.5** All remarks will be addressed to the Council as a whole. Any person who becomes disruptive while addressing the Council may be requested to leave the Regular Business Meeting, Regular Study Session, or Special Meeting under RCW 42.30.050.
- 5.6** Consistent with RCW 42.30.050, the Council has the authority to have any person who is being disruptive removed from any meeting to enforce the Council Guidelines. The Mayor may command the assistance of any peace officer to enforce all lawful orders of the Mayor to restore order at any meeting.

## SECTION 6. MOTIONS

- 6.1** A motion can be made at any time during the meeting. *After* the motion has been moved and seconded, a motion-related discussion may take place. After the discussion, the Mayor, or the presiding official, shall call for a vote.
- 6.2** If a motion does not receive a second, it dies and there is no discussion of that topic. Motions that do not need to be seconded include nominations, withdrawals of a motion, agenda orders, requests for a roll call vote, and points of order.
- 6.3** A motion that results in a tie vote has failed.
- 6.4** Motions shall be clear and concise and not contain arguments for the motion.
- 6.5** Motions are encouraged to be made in writing and submitted to the City Clerk before the meeting – ideally, at least two (2) hours before the meeting. If a lengthy, complex, or multiclaused motion is to be made during the meeting, the Councilmember must send it by email to the [CityClerk@burienwa.gov](mailto:CityClerk@burienwa.gov).
- 6.6** After a motion has been made and seconded, the Council may discuss their opinions on the issue before the vote and may state why they will vote for or against a motion. The Mayor will state the result of the vote on the motion.
- 6.7** When the Council agrees that an item that does not require a formal motion, the Mayor may summarize the Council’s consensus after the discussion for the record.
- 6.8** Once a motion has been made, seconded, and stated by the chair, the Council must consent if there is a motion to withdraw the motion.
- 6.9** A *Motion to Table* is undebatable and shall preclude all amendments or debate of the issue under consideration. If the motion to table prevails, the matter may be “taken from the table” only by adding it to the agenda of a future Regular Business Meeting or Special Meeting at which time discussion will continue; and if an item is tabled, it *cannot be* reconsidered at the same meeting.
- 6.10** A *Motion to Postpone to a certain time* is debatable, amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or at a specified time of a future Regular Business Meeting or Special Meeting.
- 6.11** A *Motion to Postpone indefinitely* is debatable, not amendable, and may be reconsidered at the same meeting if the *Motion to Postpone indefinitely* passed.

- 6.12** A *Motion to Call for the question* closes debate on the main motion and is undebatable. This motion must be seconded and fails without a two-thirds (2/3) vote or at least five (5) affirmative votes by Councilmembers present. The debate is reopened if the motion fails.
- 6.13** A *Motion to Amend* amends a seconded motion that is on the floor by adding, inserting, striking, striking and inserting, or substituting language in the motion.
- 6.14** Proposed substantive motions and amendments should be clearly stated, and repeated by the presider of the meeting to ensure the Council understands the complexity of what is being requested, and that the correct motion is reflected in the minutes. The City Council votes on the motion as restated. The Mayor will announce the results of the vote.
- 6.15** When the discussion is concluded, the motion-maker, Mayor, City Clerk, or City Attorney shall repeat the motion before the Council votes on the motion.
- 6.16** Once the vote has been taken, the topic of discussion is closed. Councilmembers don't need to justify or explain their vote. If Councilmembers wish to make their positions known, they may do so during the discussion *preceding* the vote.
- 6.17** When a question has been decided, any Councilmember who voted in the majority may move for a reconsideration, but no motion for reconsideration of a vote shall be made after the meeting has adjourned.
- 6.18** The City Attorney shall decide all questions of interpretations of these Guidelines and, with the assistance of the City Clerk, the City Attorney shall decide other questions of a parliamentary nature that may arise at a Regular Business Meeting, Regular Study Session, or Special Meeting. All questions not provided for in these meeting guidelines shall be consistent with Robert's Rules of Order, 12<sup>th</sup> Edition.

*Motions to Rescind or Amend something previously adopted:* Unless "Previous Notice" is provided of the intent to bring a Motion to Rescind or a Motion to Amend a previously adopted item, such a motion requires a two-thirds Council majority vote. "Previous Notice" is provided by (1) a Councilmember announcing an intent to make a Motion to Rescind or a Motion to Amend a previously adopted item by the Council; or (2) having the City Clerk include notice of the Councilmember's intent to make such a motion in the next meeting's agenda.

Regarding *Motions to Rescind or Amend something previously adopted*, in the event of a conflict, these council meeting guidelines shall prevail.

## SECTION 7. ORDINANCES

- 7.1** The City Attorney shall review or prepare all ordinances and consistent with RCW 35.23.111, approve all such ordinances as to form. No ordinance shall be added to the agenda unless requested by a Council majority, the City Manager, or the City Attorney.
- 7.2** Ordinances shall be introduced by an Agenda Bill. The City Clerk shall assign a permanent ordinance number before placing the ordinance on the agenda. The City Attorney shall review the ordinance before it is placed on the council agenda.
- 7.3** Under RCW 35A.12.120, a majority of the council must approve an ordinance for it to be enacted.
- 7.4** Upon enactment of the ordinance, the Mayor shall sign the ordinance and the City Clerk shall attest the ordinance.
- 7.5** Ordinance summaries (containing the title of the Ordinance) shall be published in the official newspaper as a legal publication in the first possible publication following enactment.
- 7.6** Consistent with RCW 35A.13.200 an ordinance becomes effective five (5) calendar days after the publication of the ordinance summary unless otherwise specified in the ordinance, except that an ordinance passed by 5 or more Councilmembers, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

## SECTION 8. PRESIDING OFFICER OF THE COUNCIL

As the presiding officer of the Council, the Mayor shall:

- A. Preside at all meetings of the Council.
- B. Preserve order and decorum in the Council Chambers and during meetings.
- C. Be the official head of Burien for ceremonial purposes.
- D. Consistent with RCW 35A.13.030, in times of public danger or emergency, and if authorized by ordinance, take command of the police, maintain law, and enforce order.
- E. Be Burien's official spokesperson.
- F. Sign documents on behalf of the City Council.
- G. Observe and enforce the City Council Meeting Guidelines.
- H. Decide all Guideline questions of order subject to Councilmember appeal.
- I. Recognize Councilmembers in the order in which they request the floor using the polling/queuing system. When called upon by the Mayor, each Councilmember shall have five minutes for debate, comments, and questions until next recognized by the Chair using the polling/queuing system. The Mayor shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.
- J. Endeavor to facilitate a concise discussion and minimize repetitive comments.
- K. Share information with Councilmembers on meetings, issues, etc. that the Mayor has received, conducted, or participated in as Burien's Mayor.
- L. Appoint Councilmembers to serve on ad-hoc committees, if necessary.
- M. In the absence of the Mayor, the Deputy Mayor shall carry out the aforementioned responsibilities.
- N. In the absence of the Mayor and Deputy Mayor, or their unavailability for a meeting or study session, the Council will vote on who should be the presiding

officer, and whoever fills the role should have adequate knowledge regarding how to perform these duties.

- O. The acting Mayor and Deputy Mayor shall serve until new members are appointed to fill any vacancies on the Council.
- P. When the Council again has seven members, it shall elect a Mayor and Deputy Mayor to fill the previously unexpired terms.

## SECTION 9. STAFF ATTENDANCE AT MEETINGS

- 9.1** The City Manager shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in the Council discussions but shall have no vote. When the City Manager has an excused absence, the designated Acting City Manager shall attend the meeting.
- 9.2** The City Attorney shall attend all meetings of the Council unless excused and shall, upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. The City Manager or City Attorney may raise a Point of Order to support the presiding officer and Council in ensuring compliance with the City Council Meeting Guidelines and parliamentary procedures. When the City Attorney has an excused absence, the Deputy or Assistant City Attorney shall attend the meeting.
- 9.3** The City Clerk, or designee, shall attend Regular Business Meetings, Regular Study Sessions, and Special Meetings of the Council, keep the official journal (minutes) and perform such other duties as may be needed for the orderly conduct of the meeting.

## SECTION 10. COUNCILMEMBER ATTENDANCE AT MEETINGS

- 10.1** Councilmembers will inform the Mayor, a fellow Councilmember, the City Manager, or the City Clerk if they are unable to attend a meeting, or if they anticipate being late to a meeting. The Council must then vote on whether or not the absence will be excused (as specified in Section 2.2). The minutes will reflect whether the Councilmember's absence was excused or unexcused.
- 10.2** The Mayor will announce for the record a Councilmember's excused or unexcused absence at the Regular Business Meetings, Regular Study Sessions, and Special Meetings after roll-call is taken.
- 10.3** If Councilmembers wish to attend an Advisory Board Meeting, they shall attend as observers and not as participants. If an Advisory Board Meeting involves a quasi-judicial hearing, Councilmembers are not allowed to attend such meetings.
- 10.4** If more than three (3) Councilmembers have notified the City Manager that they wish to attend a meeting where City Business will be discussed, they will notify the City Clerk's office and a notice of a Quorum of the Council will be posted, as regulated in RCW 42.30.

## SECTION 11. PUBLIC HEARINGS

There are two types of public hearings: legislative and quasi-judicial. The Mayor will state the public hearing procedures before each public hearing. Anyone wishing to comment will follow the same procedure as for “Public Comments” and may speak after being recognized by the Mayor. After everyone who wishes to speak on the public hearing topic has spoken, the hearing is closed. Time limits for public testimony in quasi-judicial public hearings may be set by the Mayor and be subject to appeal. See Section 5 of these Guidelines for details.

The Council may then proceed with deliberation. For legislative public hearings, the Council’s decision will occur at the next Regular Business Meeting, Regular Study Session, or Special Meeting.

### A. Legislative Public Hearings

The purpose of a legislative public hearing is to obtain public input on legislative decisions on matters of policy, including without limitation, review by the City Council of its Comprehensive Land Use Plan, or the biennial budget.

### B. Quasi-Judicial Public Hearings

1. The purpose of a quasi-judicial public hearing is to decide issues including the right of specific parties and include, without limitation, certain land use matters such as site-specific rezones, preliminary plats, and variances.
2. According to RCW 42.36.010, quasi-judicial actions include those actions of the Council that “determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding.
3. According to RCW 42.36.010, quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.
4. Under BMC 19.65.075.7.B, quasi-judicial public hearings before the City Council are closed-record hearings. The City Council’s decision on a quasi-judicial matter must be based upon and supported by the “record” in the matter. The “record” consists of all testimony or comment presented at a prior open record hearing and all documents and exhibits that have been submitted.

### C. Appearance of Fairness Doctrine

1. In quasi-judicial hearings, Councilmembers shall comply with all applicable laws including without limitation the Appearance of Fairness Doctrine.
2. The Washington State Supreme Court explained in *Raynes v. Leavenworth*, 118 Wn.2d 237 (1992) that the Appearance of Fairness Doctrine was judicially established in *Smith v. Skagit Cy.*, 75 Wn.2d 715 (1969), to ensure fair hearings by legislative bodies. The doctrine as later clarified in *Buell v. Bremerton*, 80 Wn.2d 518, 523 (1972), requires that public hearings which are adjudicatory meet two requirements:
  - a. the hearing must be procedurally fair, and
  - b. it must be conducted by impartial decisionmakers.
3. Before any quasi-judicial hearing, each Councilmember should consider whether a potential violation of the Appearance of Fairness Doctrine exists. If so, no matter how remote, the Councilmember should disclose the facts to the City Manager who may ask the City Attorney for a legal opinion, which will be communicated to the Councilmember and the Mayor.
4. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require the establishment of a conflict of interest, but merely an appearance of a conflict of interest to the average reasonable person. This may involve the Councilmember or a Councilmember's business associate, or immediate family. It could involve *ex parte* (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predispositions, and the like. Challenges to Councilmembers' participation in quasi-judicial hearings shall be governed by RCW 42.36.080.

## **SECTION 12. MEDIA REPRESENTATION AT COUNCIL MEETINGS**

All Regular Business Meetings, Regular Study Sessions, or Special Meetings of the City Council and its advisory committees shall be open to the media and may be recorded provided that such arrangements do not interfere with the orderly conduct of the Regular Business Meeting, Regular Study Session, or Special Meeting.

## SECTION 13. CONFIDENTIALITY

Councilmembers shall keep confidential *all* written materials and verbal information provided to them during Executive Sessions to ensure that Burien's position is not compromised. Information provided to Councilmembers outside of Executive Sessions, when the information is considered to be exempt from disclosure under the Public Records Act, RCW 42.56, shall also be kept confidential.

## **SECTION 14. MAYOR/DEPUTY MAYOR SELECTION PROCESS**

- 14.1** The Councilmembers shall elect from its members the Mayor and Deputy Mayor according to the Council/Manager form of government.
- 14.2** The Mayor shall be elected to a two-year term according to RCW 35A.13.030.
- 14.3** The Deputy Mayor shall be elected to a one-year term at the first Regular Business Meeting or Regular Study Session of the year.
- 14.4** The City Clerk or designee shall conduct the election for Mayor. The Mayor shall then conduct the election for Deputy Mayor.

## **SECTION 15. APPOINTMENTS TO COMMITTEES AND REGIONAL ORGANIZATIONS**

- 15.1** City Council may appoint Councilmember(s) to ad-hoc committees during a Regular Business Meeting, Regular Study Session, or a Special Meeting. Appointments to regional bodies, ad-hoc community committees, or other special committees outside the City auspices may be made in two ways: (1) the regional committee may request recommendations for ultimate appointment by the regional committee; or (2) the City Council may make a direct appointment to a regional committee when asked to do so by that body.
- 15.2** Any Councilmember may express an interest in a particular subject and interest in serving on a particular regional body.
- 15.3** When a regional body requests membership recommendations where the regional body makes the final appointment, the Mayor shall ask Councilmembers to state their interest in the appointment.
- 15.4** When the Council has the authority to make a direct appointment to a regional committee, a Council discussion shall take place to determine interest. The Councilmember receiving a majority vote will be Burien's representative.
- 15.5** Changes in representation to regional committees where the Council has the authority to make a direct appointment shall also be determined through a Council discussion and a majority vote of the Council.
- 15.6** Councilmembers shall report on meetings and activities in which they have participated and represented Burien. Councilmembers are encouraged to submit written reports to be included in a future Council Packet under Council Reports.

## **SECTION 16. PROCEDURE FOR FILLING COUNCIL VACANCIES**

- 16.1** If a Council vacancy occurs, the Council will follow the procedure outlined in RCW 35A.13.020(1), which requires the remaining Councilmembers to appoint a qualified person to fill the vacant position within ninety (90) calendar days of the effective date of the vacancy.
- 16.2** The Councilmember who is resigning from the council will submit a letter of resignation to be accepted by the City Council at its next Regular Business Meeting.
- 16.3** The City Council shall review and make any revisions they wish to the Council Vacancy Application form.
- 16.4** The legal announcement shall appear at least twice in the legal section of Burien's official newspaper and any other publication or on any internet site deemed appropriate by the City Council.
- 16.5** The City Clerk shall receive all applications for the specified time.
- 16.6** The City Council shall submit questions for an interview process to the City Clerk.
- 16.7** The City Clerk shall compile the applications for an interview process, set an interview date according to the Council's availability, and schedule interviews with the applicants. The City Clerk shall prepare the final list of interview questions as agreed upon by the Council.
- 16.8** The City Clerk shall prepare a notice of the meeting to interview candidates.
- 16.9** The Council, in a Regular Business Meeting, Regular Study Session, or Special Meeting open to the public will interview all candidates who have applied, and the interview process shall be recorded, televised, and open to the public. Councilmembers will ask the same questions of all candidates. Each candidate will be allowed two minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.
- 16.10** The Council may recess into Executive Session to discuss the candidates' qualifications. Nominations, voting, and selection of a person to fill the vacancy will be conducted during a Regular Business Meeting or Special Meeting.

- 16.11** The City Clerk will prepare the Oath of Office and swear in the newly appointed Councilmember at the same or next scheduled Regular Business Meeting, Regular Study Session, or Special Meeting.
- 16.12** Upon appointment, the City Clerk shall send a letter to the Department of Elections notifying it of the new appointment.
- 16.13** The Council will comply with RCW 45.12.040 to fill any vacant Council position.

## SECTION 17. MISCELLANEOUS

- 17.1** When Councilmembers register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a Regular Business Meeting or Special Meeting by a majority vote. When possible, the selection of voting delegate(s) shall be done on a rotating basis to allow all Councilmembers the opportunity to be an official voting delegate.
- 17.2** Council attendance at conferences and/or trainings that require out-of-state or overnight travel will be noted in the City Manager's Report.
- 17.3** Seating arrangements during a Regular Business Meeting, Regular Study Session, or Special Meeting may be varied.

Adopted by the Burien City Council

July 25, 1994

Revised February 13, 1995

Revised November 20, 1995, by Resolution 072

Revised December 18, 1995, by Resolution 071

Revised January 26, 1998, by Resolution 095, 097, & 100

Revised June 1, 1998, by Motion

Revised September 21, 1998, by Resolution No. 103

Revised April 27, 1999, by Ordinance No. 228 and Ordinance 229

Revised June 7, 1999, by Ordinance No. 258

Revised October 4, 1999, by Motion

Revised February 26, 2001, by Motion

Revised February 4, 2002, by Motion

Revised February 3, 2003, by Motion

Revised November 1, 2004, by Motion

Revised June 6, 2005, by Motion and Resolution No. 215

Revised May 6, 2013, by Motion

Revised September 21, 2015, by Motion

Revised October 8, 2015, by staff in error

Corrected December 21, 2015 (wording verified to correspond to July 6, 2015, Council direction)

Revised October 2, 2017, by Motion

Revised January 7, 2019, by Motion

Revised November 2, 2020, by Motion