



TO: Elizabeth Pauli, City Manager
FROM: Bill Fosbre, City Attorney, City Attorney's Office
COPY: City Council and City Clerk
SUBJECT: Resolution - Updates to City Council Rules of Procedure required by legislative changes to the Open Public Meetings Act - May 24, 2022
DATE: May 17, 2022

SUMMARY AND PURPOSE:

The Washington State Legislature enacted Engrossed Substitute House Bill 1329 ("ESHB 1329"), making changes to the Open Public Meetings Act ("OPMA"). The Rules of Procedure of the Council of the City of Tacoma ("City Council Rules of Procedure") must be amended to be in compliance with the changes made in state law.

BACKGROUND:

ESHB 1329, SSB 1329. Chap. 115 Laws of 2022 made changes in five specific areas:

Effective March 24, 2022:

- 1) Special meetings - Section 10 (amending RCW 42.30.080). Update where the notice of special meeting must be posted and when notice can be waived.
- 2) Physical meeting location - Section 5. Includes the street address for the physical meeting location.
- 3) Remote attendance - Section 5. Provides all City Council Members may attend remotely as allowed under state law during a declared emergency and updates when remote attendance is allowed in other circumstances.

Effective June 9, 2022:

- 4) Public Comment - Section 13. Updates language to require public comment at any meeting where final action is taken. Public comment can be allowed before or at the meeting. Includes a provision allowing remote comments by a member of the public if the individual will have difficulty attending a meeting by reason of disability, limited mobility, or other reason making physical attendance difficult. *Please note staff recommends written comments should be submitted 24 hours prior to the meeting.*
- 5) Transgressions - Section 13. Adds language that authorizes the City Council to deal with interruptions, put time limits on public comment, how public comment is accepted, and prohibit public comment that renders orderly conduct of the meeting unfeasible.

2025 STRATEGIC PRIORITIES: N/A

ALTERNATIVES:

Failure to act will render portions of the City Council Rules of Procedure unenforceable.



City of Tacoma

City Council Action Memorandum

STAFF/SPONSOR RECOMMENDATION:

The proposed amendments will bring the City Council Rules of Procedure into compliance with changes to the OPMA. The proposed amendments also include a recommendation that written comments submitted by the public to the City Council be provided to the City Clerk's Office 24 hours prior to the meeting so that the comments can be compiled, copied, and distributed to the City Council. The changes to the OPMA require that if the City Council accepts written comments, then the comments must be compiled and distributed to the City Council prior to final action (vote) being taken. The 24-hour recommendation will ensure compliance with this requirement, as well as allowing the written comments to be made available to the public prior to a vote.

Proposed amendments to the City Council Rules of Procedure require two readings of the City Council. To meet the June 9, 2022, RCW effective date, first reading should be scheduled for May 24, 2022, with second reading on June 7, 2022.

FISCAL IMPACT:

There is no fiscal impact.