



## **Proposed Rule Walk-on Amendments And Changing Citizens' Forum to Community Forum**

City of Tacoma | City Attorney's Office

**City Council Study Session  
November 19, 2019**



## **OVERVIEW**



- Background information on current “process” for amending Council legislation
- Policy and process issues
- Review amendment rules from other jurisdictions
- Proposed Rule

## BACKGROUND



- There are no state laws governing how an ordinance (or resolution) is to be amended in a first class city. Individual city charters may, however, dictate the procedure that must be used.
- Tacoma City Charter Section 2.14 – No ordinance or section thereof shall be revised, reenacted or amended by reference to its title, but the ordinance or section to be revised, reenacted, or amended shall be reenacted at length as revised or amended . . . .

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## BACKGROUND



- Section 2.24 – No ordinance heretofore or hereafter enacted by vote of the people shall be amended or repealed by the Council within two years after enactment, unless such amendatory or repealing ordinance shall be submitted to the qualified electors for their approval or rejection in the same manner as is required by this charter in respect to the submission of an ordinance initiated or referred.

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## BACKGROUND



- Rules of Procedure of the City Council do not provide a process or procedure for amending ordinances or resolutions.
- Current practice varies greatly, but a single Council member may present an amendment in the follow ways:
  1. Distribute draft to members 1-2 weeks prior to the meeting date.

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## BACKGROUND



2. Draft placed in the published agenda, distributed to members as part of the Thursday agenda packet.
3. Draft directly sent to Council members prior to the regular meeting, but after agenda distributed.
4. Draft distributed at Study Session prior to regular meeting.
5. Draft distributed at the regular meeting.
6. Variation of the above.

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## POLICY AND PROCESS ISSUES



### Potential Problems

- Public and constituent group(s) input
- Fair and equitable
- Solid analysis
- Transparent
- Effective and efficient
- Respect (surprises, choices, compromise, and credit)
- Compliance with the Open Public Meetings Act

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## POLICY AND PROCESS ISSUES



### Process Issues

- How and when should Council receive or vote on the amendment?
- Should the amendment be part of the published agenda?
- Should the amendment be printed and distributed at a separate meeting before considered?
- Should the public, constituent groups, and interested parties be allowed to comment on the amendment?

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## POLICY AND PROCESS ISSUES

### Process Issues (cont'd)

- Should the amendment be referred back to the City board, committee, or commission that originally referred/recommended/gave input on the legislation for comment prior to the Council vote?
- Should the amendment be referred to outside organizations and groups for comment who may have provided input on the original legislation?
- Should staff or other “experts” give input?

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## WHAT OTHER JURISDICTIONS DO

City of Seattle: Formal rule, no amendments can be presented to full Council unless previously circulated to Council and review by law department two hours before meeting.

City of Vancouver: Formal rule, if amendments submitted, Council can defer final action until the new language has been embodied in the document and resubmitted, or pass or adopt.

City of Lakewood: No formal rule, but have enacted a protocol that new topics or issues first raised at study session must have “consensus” to be added to the full Council agenda.

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## WHAT OTHER JURISDICTIONS DO



King County: Formal rule, if legislation was reviewed or recommended by regional committee, if amended, it must go back to that committee for review/ recommendation (within 60 days).

- Cannot change scope, restricted to one subject.
- Filed within 30 minutes of meeting.
- In writing.
- Substitute legislation may come before Council only after consideration by standing committee.

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## WHAT OTHER JURISDICTIONS DO



Pierce County: Formal rule, agenda approved by the Rules and Operations Committee.

- Any proposal can be placed on the draft agenda if sponsored by one or more members.
- No amendments if changes scope/object of resolution or ordinance.

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Government Performance and Finance Committee  
Recommends Council Rules Change – New Rule 8.B.

- Purpose – Process that is fair, equitable, and respectful towards the public, constituents, and Council Members.
- Applies to motions, resolutions, and ordinances.
- Amendments include substitutes.

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Council will only consider an amendment if the following requirements are met:

- The amendment shall be in writing.
- The amendment shall include a brief statement or analysis of the effect of the amendment.
- The amendment shall be provided to all Council Members, City Manager, City Clerk, and City Attorney a minimum of two hours prior to the meeting in which it will be offered.

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## PROPOSED COUNCIL RULE

- Requirements may be waived by a two-thirds majority of Council Members present at the meeting.
- Intent of the rule is NOT to limit the public's right to influence the legislative process or to devalue the public's right to comment on and change pending legislation.

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## PROPOSED COUNCIL RULE

- Council Members encouraged to consider best practices prior to submission of an amendment that will *substantially* change:
  1. Policy scope or policy language
  2. Use of City resources
  3. Costs to City

if the original legislation is amended.

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## PROPOSED COUNCIL RULE



Best Practices include distribution to:

- Council Study Session at least one week prior to the meeting in which it will be offered.
- Public, constituents groups, and/or committee, board, or commission that may have provided comment on the original legislation.
- City Manager, for purposes of obtaining input from City staff or outside experts.

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## PROPOSED COUNCIL RULE



Best Practices include distribution to (cont'd):

- City Clerk's Office on the Thursday prior to the regular meeting, so it can be published in the agenda.
- Council Members, for co-sponsorship.

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- Rule 9 - the Council appreciates hearing from members of the public on items on the agenda or under the jurisdiction of the Council
- Rule 9 uses the term “citizen” and names the public forum “Citizens’ Forum”
- To make public participation in the Council meetings more inclusive, the Mayor requests the name of Citizens’ Forum be changed to “Community Forum” and change references in Rules from citizen to resident or community member.

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- If acceptable, the proposed Council Rule changes will be brought to Council on December 3, 2019.
- Amendments to Council Rules must be made by resolution, and require two readings of the Council.
- Questions?

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