

RESOLUTION R-5535

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AMENDING SECTION 3.24 OF THE KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES RELATED TO IN PERSON AND REMOTE COUNCILMEMBER ATTENDANCE AT CITY COUNCIL MEETINGS.

1 WHEREAS, rigorous limitations on in person attendance at
2 public meetings due to the COVID-19 pandemic are currently being
3 relaxed; and

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5 WHEREAS, the City Council has been meeting remotely since
6 the onset of the pandemic in accord with guidance from relevant
7 public health officials; and

8
9 WHEREAS, the City Council, following new guidance from
10 relevant public health officials, wishes to resume in-person City Council
11 meetings to the extent practical and has concluded that such meetings
12 can resume as of April 19, 2022; and

13
14 WHEREAS, the pandemic has successfully demonstrated the
15 efficacy of using technologies such as video conferencing to allow for
16 meaningful and interactive engagement at public meetings conducted
17 remotely between Councilmembers, City staff, and interested members
18 of the public; and

19
20 WHEREAS, many individuals, possibly including individual
21 Councilmembers, remain cautious about participating in in-person
22 Council meetings due to the continuing presence of COVID-19 in our
23 community; and

24
25 WHEREAS, there are other possible reasons why it might not
26 be possible or practical for a Councilmember to attend a Council
27 meeting in person from time to time, including but not limited illness
28 or injury, travel, or familial care needs; and

29
30 WHEREAS, the City Council generally expects Councilmembers
31 to attend most City Council meetings in person and also expects that
32 all Councilmembers will participate actively in meetings whether
33 participating in person or remotely; and

34
35 WHEREAS, to help assure these basic expectations are met the
36 Council reserves to itself the authority to determine by majority vote
37 that remote attendance at a meeting by a Councilmember failing to
38 meet these expectations constitutes an unexcused absence; and

39
40 WHEREAS, based on the foregoing, the City Council now
41 wishes to amend it policies and procedures related to Council meetings
42 to allow for both in person and remote Councilmember attendance,
43 utilizing technologies such as video conferencing and without
44 otherwise affecting the policies and procedures of the City Council,

45 including but not limited to those related to voting and the
46 establishment of quorums.

47
48 NOW, THEREFORE, be it resolved by the City Council of the
49 City of Kirkland as follows:
50

51 Section 1. The updated "City of Kirkland City Council Policies
52 and Procedures" dated April 2022, including amendments to Section
53 3.24 thereof related to in person and remote Councilmember
54 attendance at City Council meetings, attached as Exhibit A and
55 incorporated by this reference, is approved.
56


57 Passed by majority vote of the Kirkland City Council in open
58 meeting this 19 day of April, 2022.

59 Signed in authentication thereof this 19 day of April, 2022.
60



Penny Sweet, Mayor

Attest:



Kathi Anderson, City Clerk

CITY OF KIRKLAND
CITY COUNCIL POLICIES AND PROCEDURES



April 2022

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CHAPTER 1: CITY COUNCIL VISION AND GOALS

1.01 Vision. Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work, and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair, and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.

1.02 Goals — Purpose. The purpose of the City Council Goals is to articulate key policy and service priorities for Kirkland. Council goals guide the allocation of resources through the budget and capital improvement program to assure that organizational work plans and projects are developed that incrementally move the community towards the stated goals. Council goals are long term in nature. The City's ability to make progress towards their achievement is based on the availability of resources at any given time. Implicit in the allocation of resources is the need to balance levels of taxation and community impacts with service demands and the achievement of goals.

1.03 Operational Values. In addition to the Council goal statements, there are operational values that guide how the City organization works toward goal achievement:

- **Regional Partnerships** – Kirkland encourages and participates in regional approaches to service delivery to the extent that a regional model produces efficiencies and cost savings, improves customer service, and furthers Kirkland's interests beyond our boundaries.
- **Efficiency** – Kirkland is committed to providing public services in the most efficient manner possible and maximizing the public's return on their investment. We believe that a culture of continuous improvement is fundamental to our responsibility as good stewards of public funds.
- **Accountability** – Kirkland is accountable to the community for the achievement of goals. To that end, meaningful performance measures will be developed for each goal area to track our progress toward the stated goals. Performance measures will be both quantitative and qualitative, with a focus on outcomes. The City will continue to conduct a statistically valid community member survey every two years to gather quantitative data about public satisfaction. An annual Performance Measure Report will be prepared for the public to report on our progress.
- **Community** – Kirkland is one community composed of multiple neighborhoods. Achievement of Council goals will be respectful of neighborhoods while supporting the needs and values of the community as a whole.

The Council goals are dynamic. They should be reviewed on an annual basis and updated or amended as needed to reflect community member input as well as changes in the external environment and community demographics.

1.04 City Council Goals

- **Inclusive and Equitable Community:** Kirkland is a diverse and inclusive community that is concerned for the welfare of all community members and where everyone is respected, valued, and has a sense of belonging.

Council Goal: Protect and serve all those who live in, work in or visit Kirkland without regard for race, religion, color, national origin, gender identity, age, income or economic status, political affiliation, military status, sexual orientation, or physical, mental or sensory ability; strive for equitable access to justice and eliminate systemic barriers to equality.

- **Vibrant Neighborhoods:** Kirkland community members experience a high quality of life in their neighborhoods.

Council Goal: Achieve active neighborhood participation and a high degree of satisfaction with neighborhood services and infrastructure.

- **Community Safety:** Ensure that all those who live, work and play in Kirkland are safe.

Council Goal: Provide public safety services through a community-based approach that focuses on prevention of problems and a timely and appropriate response.

- **Supportive Human Services:** Kirkland supports a regional coordinated system of human services designed to meet the basic needs of our community and remove barriers to opportunity.

Council Goal: Meet basic human needs, help people through economic and personal crises, help individuals thrive, and strive to remove barriers to allow all equal opportunities to succeed.

- **Balanced Transportation:** Kirkland values an integrated multi-modal system of transportation choices.

Council Goal: Reduce reliance on single occupancy vehicles and improve connectivity and multi-modal mobility in Kirkland in ways that maintain and enhance travel times, safety, health and transportation choices.

- **Abundant Parks, Open Spaces, and Recreational Services:** Kirkland values an exceptional park, natural areas and recreation system that provides a wide variety of opportunities aimed at promoting the community's health and enjoyment.

Council Goal: Provide and maintain natural areas and recreational facilities and opportunities that enhance the health and wellbeing of the community.

- **Attainable Housing:** Kirkland's housing stock meets the need of a diverse community by providing a wide range of types, styles, sizes and affordability.

Council Goal: Provide access to housing and encourage the construction and preservation of housing stock that meet a diverse range of incomes and needs.

- **Financial Stability:** Kirkland community members enjoy high-quality services that meet the community's priorities.

Council Goal: Provide a sustainable level of core services that are funded from predictable revenue.

- **Sustainable Environment:** Kirkland is committed to the protection of the natural environment through an integrated natural resource management system.

Council Goal: Protect our natural environment through sustainable goals and practices to meet the needs of community members for a healthy environment and clean energy without compromising the needs of future generations.

- **Thriving Economy:** Kirkland has a diverse, business-friendly economy that supports the community's needs.

Council Goal: Attract, retain and grow a diverse and stable economic base that supports city revenues, needed goods and services and jobs for community members.

- **Dependable Infrastructure:** Kirkland has a well-maintained and sustainable infrastructure that meets the functional needs of the community.

Council Goal: Maintain levels of service commensurate with growing community requirements at optimum life-cycle costs.

CHAPTER 2: CITY COUNCIL AND ADVISORY BOARDS CODE OF CONDUCT

2.01 Code of Conduct for City Council and Advisory Boards and Commissions. The Code of Conduct is supplemental to the Kirkland Municipal Code and the Code of Ethics and applies to the City Council and all members of City advisory boards and commissions. The code of conduct describes how Kirkland officials treat each other and work together for the common good of the community. Conducting the City's business in an atmosphere of respect and civility is the underlying theme in this code. City Officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the code.

Implicit in the code is recognition of the worth of individual members and an appreciation for their individual talents, perspectives, and contributions. The code will ensure an atmosphere where individual members, staff, and the public are free to express their ideas and work to their full potential.

As a City Official of the City of Kirkland, I agree to these principles of conduct:

We consistently demonstrate the principles of professionalism, respect and civility in working for the greater good of Kirkland.

We assure fair and equitable treatment of all people.

We conduct ourselves both personally and professionally in a manner that is above reproach.

We refrain from abusive conduct, personal charges or verbal attacks on the character or motives of Councilmembers, members of boards and commissions, staff, and the public.

We take care to avoid personal comments that could offend others.

We show no tolerance for intimidating behaviors.

We listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.

We serve as a model of leadership and civility to the community.

Our actions inspire public confidence in Kirkland government.

Keeping in mind the common good as the highest purpose, we will focus on holding efficient meetings that achieve constructive solutions for the public benefit.

We work as a team to solve problems and render decisions that are based on the merits and substance of the matter.

We respect differences and views of other people.

We adhere to the principles and laws governing the Council/Manager form of government and treat all staff with respect and cooperation.

We will refrain from interfering with the administrative functions and professional duties of staff.

We will not publicly criticize individual staff but will privately communicate with the City Manager any concerns about a department or department director or staff person.

We will refrain from negotiating or making commitments without the involvement and knowledge of the City Manager.

We will work with staff in a manner that consistently demonstrates mutual respect.

We will not discuss personnel issues, undermine management direction, or give or imply direction to staff.

We will communicate directly with the City Manager, department directors, or designated staff contacts when asking for information, assistance, or follow up.

We will not knowingly blindside one another in public and will contact staff prior to a meeting with any questions or issues.

We will not attend City staff meetings unless requested by staff.

CHAPTER 3: CITY COUNCIL MEETINGS

3.01 Rules Governing the Conduct of Meetings. The order of procedure contained in this Chapter shall govern deliberations and meetings of the Council of the City of Kirkland, Washington. *Roberts Rules of Order, Newly Revised, Latest Edition*, shall govern the deliberations of the City Council except when in conflict with any of the rules set forth in this chapter. Notice of Council meetings shall be given in accordance with chapter 42.30 RCW, the Open Public Meetings Act. Public notice is not required for events at which no action as defined by law may be taken, e.g. trainings, social and purely ceremonial events, such as ribbon-cuttings.

3.02 Submittal of Council Agenda Items. Items of business to be considered at any Council meeting shall be submitted to the City Manager no later than the Wednesday morning prior to a scheduled Council meeting. A written agenda and informational material is to be prepared and sent the Friday preceding each meeting to each Councilmember. Urgent items arising after the regular agenda has been prepared may be placed on the agenda if the Councilmember or City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

3.03 Regular Meetings. Regular meetings of the Council shall be held as provided for by ordinance.

3.04 Quorum. At all meetings of the Council, a majority of the Councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time to secure the attendance of absent members.

3.05 Order of Business. The order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Study Session
4. Honors and Proclamations
5. Communications
 - a. Announcements
 - b. Items from the Audience (See Section 3.07 for the three-minute limitation.)
 - c. Petitions
6. Public Hearings
7. Special Presentations
8. Consent Calendar
 - a. Approval of Minutes
 - b. Audit of Accounts and Payment of Bills and Payroll
 - c. General Correspondence
 - d. Claims
 - e. Award of Bids
 - f. Acceptance of Public Improvements and Establishing Lien Periods
 - g. Approval of Agreements
 - h. Other Items of Business
9. Business
10. Reports
 - a. City Council Regional and Committee Reports

b. City Manager Reports
(1) Calendar Update

11. Items from the Audience
12. Executive Session
13. Adjournment

3.06 Consent Calendar. Any matter, which because of its routine nature, would qualify for placement on the Consent Calendar pursuant to Section 3.05, may be included on the Consent calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a resolution or ordinance.

Any item may be removed from the calendar and moved to the regular agenda upon the request of any Councilmember. All items remaining on the calendar shall be approved by a single motion. Whenever an ordinance is included on the calendar, approval of the calendar shall be by roll call vote.

3.07 Public Comment. The Council believes that the following procedure for public comment during regular Council meetings will best accommodate the desires and concerns of the Council and the public:

1. During the time for "Items from the Audience," speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the Audience." Comments should be directed to the Council and speakers are encouraged to follow the Council's own principles of conduct related to professionalism, respect and civility in working for the greater good of Kirkland.
2. Speakers are not allowed under state law to offer public comment for the purposes of assisting a campaign for election of any person to any office. In addition, speakers are not allowed to offer public comment in support of or in opposition to any certified ballot measure unless the Council could but has not yet taken a position with respect to such measure.
3. During the times for "Items from the Audience," whether at the beginning or end of the meeting, each speaker will be limited to three minutes. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council. Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period at the end of the meeting; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject; however, speakers who have not yet addressed the Council will be given priority. Speakers may participate remotely through telephone or internet access provided by City staff even at meetings where in person comments may also be received.
4. Signs and placards may interfere with the orderly conduct of Council business and are not allowed at Council meetings, regardless of content.

3.08. Petitions. In the event that the Council is presented with a petition from a community member, the Council will take a formal vote providing direction which may include any of the following options:

1. Accept the petition for further study.
2. Accept the petition and refer to staff for follow-up.
3. Accept the petition and determine that no further action is needed.

Any petition referred to a Council Committee or staff will be presented at a subsequent regular meeting with an explanation of the resolution.

In order to be considered complete, a petition should include each signer's name and their city of residence.

3.09 Regional and Committee Reports. The Councilmember representative or chair of each respective regional or other committee, or the Councilmember acting for the chair in the place of the chair, shall submit or make all reports to the Council related to new or significant items or when so requested by the presiding officer or any member of the Council. The purpose of such reports is to provide other Councilmembers with information from the regional committees and meetings that may have significant financial or policy impacts to the City.

3.10 Duties of the Presiding Officer. It shall be the duty of the presiding officer of the Council to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Announce the agenda item and determine if the Council wishes to receive a staff report.
4. If, after presentation of the report or based upon the written report, action is desired, recognize a Councilmember to make a motion to propose appropriate action. Require a second to each motion for those motions which must be seconded.
5. Handle discussion in an orderly way:
 - a. Give every Councilmember who wishes an opportunity to speak.
 - b. Permit audience participation at appropriate times.
 - c. Keep all speakers to the rules and to the question.
 - d. Give pro and con speakers equal opportunity to speak.
 - e. Repeat motions, put motions to a vote and announce the outcome.
 - f. Suggest but not make motions for adjournment.
 - g. Appoint committees when authorized to do so.
6. Maintain order and decorum.
7. Provide direction to remove an individual or individuals from a Council meeting based on speech or conduct that has actually disrupted, disturbed, or impeded the orderly conduct of the meeting. If a disruption has rendered the orderly conduct of a meeting unfeasible and order cannot be restored through a recess or by the removal of the individual or individuals who interrupted the meeting, the Presiding Officer, upon a majority vote of the Councilmembers present, may order the meeting room cleared and continue the session or may adjourn the meeting and reconvene in another location in accordance with the provisions of the Open Public Meetings Act. This subsection will be followed and enforced on a content-neutral basis.

3.11 Rules for Councilmember Conduct.

1. No Councilmember shall speak more than twice on the same subject without permission of the presiding officer.
2. No person, not a member of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.
3. All questions on order shall be decided by the presiding officer with the right of appeal to the Council of any Councilmember.
4. Motions shall be reduced to writing when required by the presiding officer of the Council or any Councilmember. All resolutions and ordinances shall be in writing. The substance of Councilmember proposed amendments to resolutions and ordinances should be communicated to the City Manager whenever possible in order that City staff may reduce such amendments to writing for distribution by hard copy and Email to remaining Councilmembers no later than 5:00 p.m. on Council meeting days; provided, however, that nothing herein shall preclude amendments from being offered later, including orally during Council consideration of such resolutions and ordinances.

3.12 Voting. Each Councilmember present shall vote on all questions put to the Council. The duty to vote shall be excused when a Councilmember has a financial interest in the question or, in quasi-judicial matters, where a Councilmember has an appearance of fairness concern. When voting on any matter before the Council, a majority of the entire membership of the Council is required for passage of any ordinance, resolution or motion, provided that a simple majority of the Councilmembers present shall be sufficient with respect to the following motions:

1. To adjourn, to table or continue a matter,
2. To go into or out of executive session,
3. To schedule a special meeting of the Council,
4. To add or remove items on a future Council meeting agenda,
5. To approve or authorize the sending of a letter or other communication so long as the letter or communication sets forth a policy or position previously agreed to by a majority of the entire Council membership,
6. To establish the date for a public hearing, unless such hearing is required to be set by ordinance or resolution,
7. To authorize call for bids or requests for proposals,
8. To approve a Consent Calendar, provided that any ordinance, any grant or revocation of franchise or license, or any resolution for payment of money included on the calendar, has first been removed, and
9. To authorize a Councilmember to serve as presiding officer in the event of the absence, extended unavailability or vacancies in the offices of both the Mayor and Deputy Mayor.

3.13 Tie Votes. A tie vote, on a matter requiring four affirmative votes for passage, shall not be dispositive of the matter voted upon, but shall be deemed to have tabled the matter until the next succeeding regular meeting at which all seven Councilmembers are present. At that meeting, any Councilmember may move to take the matter off the table.

3.14 Non-Tie Vote with Lack of Affirmative Votes. A non-tie vote which fails for a lack of four affirmative votes, as to a matter which requires at least four affirmative votes for passage, shall be deemed to defeat the matter voted upon. Any Councilmember may move to reconsider the matter at the next succeeding regular meeting at which all seven Councilmembers are present.

3.15 **Motions to Reconsider.** Except as provided in Section 3.14, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.

3.16 **Motions to Lay A Matter on the Table.** Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

3.17 **Motion for Adjournment.** A motion for adjournment shall always be in order.

3.18 **Motions and Discussion by the Presiding Officer.** The presiding officer, as a member of the Council may, at such presiding officer's discretion, call any Councilmember to take the chair in order to allow the presiding officer to make a motion, but may otherwise discuss any other matter at issue subject only to such limitations as are imposed by these rules on other Councilmembers.

3.19 **Suspension of Rules.** The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; provided, that at least four affirmative votes be cast.

3.20 **City Staff Attendance at Meeting.** The City Manager, City Attorney, City Clerk, and such other officers and/or employees of the City shall, when requested, attend all meetings of the Council, which attendance may be either in person or remote.

3.21 **Minutes.** The City Clerk shall keep correct minutes of all proceedings. The votes of each Councilmember on any ordinance and the ayes and nays on any other question shall be entered in the minutes. Copies of the minutes shall be made available to the members of the Council as part of the Council meeting packet prior to their next regular meeting.

3.22 **Procedure for Considering Process IIA Appeals.** The Council shall consider a Process IIA appeal under Kirkland Zoning Code (KZC) Chapter 150 at one meeting, and shall vote on the appeal at the next or a subsequent meeting, in order for the Council to gather more information from the record and consider the appeal; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the appeal at the first meeting. The Council's vote (to affirm, modify or reverse the decision of the Hearing Examiner, or direct the Hearing Examiner to hold a rehearing) shall occur within 60 calendar days of the date on which the letter of appeal was filed, pursuant to KZC 150.125.

3.23 **Procedure for Considering Process IIB Applications.** The Council shall consider a Process IIB application under KZC Chapter 152 at one meeting, and shall vote on the application at the next or a subsequent meeting; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the application at the first meeting. The Council shall first consider the application at a meeting held within 45 calendar days of the date of issuance of the Hearing Examiner's recommendations, pursuant to KZC 152.90.

3.24 **Attendance at Council Meetings.** Councilmembers may attend Council meetings in person or virtually in accordance with this section:

1. Councilmembers are generally expected to attend Council meetings in person, absent emergent or other extenuating circumstances. However, the Council also intends that Councilmembers retain the flexibility to participate in Council meetings remotely from time to time, for reasons including, but not limited to, illness or injury, travel, or familial care by

utilizing technologies such as video conferencing that allow interactive engagement with other Councilmembers and interested members of the community. Whether participating in person or remotely, Councilmembers are expected to participate actively in Council meetings. The Council reserves to itself the authority to determine by majority vote that remote attendance by a Councilmember failing to meet these expectations constitutes an unexcused absence.

2. The Council has a strong preference for video and sound communication links that allow Councilmembers participating remotely to see and be seen and to hear and be heard. However, to account for different needs that may exist (e.g. those related to sight or hearing), the Council intends to allow for flexible approaches to meeting these communication needs. In any event, the ability to communicate effectively in real time is essential.
3. In the event a remote communication link is broken or significantly degraded such that it is no longer possible to communicate effectively in real time, the presiding officer shall confirm the loss of service and announce the termination of such remote attendance until such time as such service may be restored. An affected Councilmember shall not be considered to be present at any time during which remote service has been terminated. The City Clerk shall record the time period of any such closure.
4. For all other purposes under these policies and procedures, including voting, remote attendance by a Councilmember at a Council meeting shall be considered equal to being physically present at the meeting.

3.25 Special Meetings and Emergencies. Special meetings, including dates, times and locations for meetings conducted during emergencies, shall be held in accordance with the Open Public Meetings Act. Special meetings are held at the request of the Mayor or, in the event of the extended unavailability of the Mayor, the Deputy Mayor. In the event of the extended unavailability of both the Mayor and the Deputy Mayor, special meetings are held at the request of the Councilmember designated by the Council as presiding officer in the extended unavailability or vacancies in the offices of the Mayor and Deputy Mayor or, if no Councilmember has been so designated, then the Presiding Officer shall be the Councilmember present at such special meeting and selected as acting chair by motion for the duration of such meeting. When the unavailability of any Councilmember becomes extended depends on the facts and circumstances but generally occurs when a special meeting needs to be scheduled and held on an urgent basis and such Councilmember is not available for any reason other than vacancy. The extended unavailability of a Councilmember does not, by itself, constitute a vacancy.

3.26 Vacancies. Vacancies on the Council created by operation of applicable state law shall be filled as follows in accordance with RCW 42.12.070:

1. Where one position is vacant, the remaining Councilmembers shall appoint a qualified person to fill the vacant position.
2. Where two or more positions are vacant and two or more Councilmembers remain in office, the remaining Councilmembers shall appoint a qualified person to fill one of the vacant positions, the remaining Councilmembers and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled, with each of the new appointees participating in each appointment that is made after the new appointee's appointment.
3. If less than two Councilmembers remain in office, the King County Council shall appoint a qualified person or persons to the Council until the Council has two Councilmembers.

4. If the Council fails to appoint a qualified person to fill a vacancy within 90 days of the occurrence of the vacancy, the authority of the Council shall cease and the King County Council shall appoint a qualified person to fill the vacancy.
5. If the King County Council fails to appoint a qualified person within 180 days of the occurrence of the vacancy, the King County Council or the Council may petition the Governor to appoint a qualified person to fill the vacancy. The Governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the Governor fills the vacancy the King County Council has not appointed a qualified person to fill the vacancy.
6. As provided for in chapter 29A.24 RCW, each person who is appointed to the Council shall serve until a qualified person is elected at the next election at which a member of the Council normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

3.27 Legislative Request Memoranda. The City Manager Calendar Update is the time during the order of business of a Council meeting for a Councilmember to propose the consideration of new legislation or request staff resources be allocated to issues not included in a current adopted budget, City Work Program, or department work plan. The process by which such proposals should be made is follows:

1. The Councilmember summarizes the issue and requests the preparation of a legislative request memorandum for the proposal. In appropriate consultation with the Councilmember, the legislative request memorandum analysis will follow a structured template which identifies at a high level:
 - a. Potential impacts and benefits of the proposal.
 - b. How the proposal supports the Council vision and goals.
 - c. How the proposal impacts diversity, equity, and inclusion.
 - d. Potential stakeholders impacted.
 - e. Potential outreach needed.
 - f. Potential staff resources needed.
 - g. Potential options or alternatives that could be evaluated.
 - h. Whether current staff resources and budget authority could accommodate the request.
2. The Council must by motion approve the preparation of a legislative request memorandum in connection with a proposal. The City Manager will include any such approved memorandum as part of a City Council packet for inclusion as part of a City Manager Calendar Update within two regular City Council meetings following the approved request. As part of such update the Council may by motion authorize staff to proceed with development of the proposal. Such authorization does not mean the Council has made a legislative decision or taken an action to approve adoption of the proposal. Any such decision or action must be taken, if at all, when final proposed legislation comes before the Council. If the Council does not approve proceeding with a proposal, the legislative request will be considered closed and the memorandum will be filed with the City Clerk to maintain a record of the request.

CHAPTER 4: STUDY SESSIONS AND RETREATS

4.01 Study Sessions. Study sessions shall be held as provided by Kirkland Municipal Code 3.10.020. Study sessions are used by the City Council to review upcoming agenda items, current and future programs or projects, to discuss, investigate, review or study matters of City business for informational purposes. No final action is taken while in study session; however, the Council may provide direction to staff by consensus or vote. Council direction shall be summarized in

writing and presented to the Council at a regular meeting. Final action on direction provided at a study session will be scheduled for a regular or special council meeting.

4.02 Council Retreats. Council retreats are held annually, semi-annually or more frequently at the Council's discretion. The purpose of the retreats is to allow the Council to devote concentrated attention to single or multiple time consuming or general interest subjects. No final action is taken at retreats; however, the Council may provide direction to staff by consensus or vote. Council direction shall be summarized in writing and presented to the City Council at a regular meeting. Final action on direction provided at a Council retreat will be scheduled for a regular or special Council meeting.

CHAPTER 5: COUNCIL COMMUNICATIONS

5.01 **Written Correspondence.** Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular community member. The Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Kirkland. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the Council is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the Council in a quasi-judicial or land use hearing context. Special care in the way the content of those communications is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. **Correspondence of an Information Only Nature** — Correspondence which is purely of an informational nature and which does not require a response or action should not be placed on the Council meeting agenda by the City Clerk, but rather transmitted to the Councilmembers in the normal course of daily business.

2. **Routine Requests** — Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be answered by staff. Routine requests and staff responses shall be transmitted to the Councilmembers in the normal course of daily business.

3. **Significant Correspondence** — Correspondence that requires policy decision or approval by Council shall be placed by the City Clerk on the regular Council agenda and shall be accompanied by staff report as are all other agenda items. Direct replies may be made by the City Manager if policy matters are not involved or the Council has previously provided policy direction. Replies shall be transmitted to the Councilmembers in the normal course of daily business.

4. **Correspondence Directly Relating to Quasi-Judicial Hearing Matters** — All such correspondence when so identified by the City Clerk shall not be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be coming to the attention of the Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.

5. **Prompt Acknowledgments** — The City Manager or designee will promptly acknowledge the receipt of all written correspondence and inquiries and, where appropriate, advise the writer of referral to the Council or a City department.

5.02 **Council Communications with the Public.** The Councilmembers are committed to open and progressive communications in their capacity as elected officials. Individual Councilmembers use a variety of methods to communicate with the public, stakeholders, partners and the media. Social media platforms offer a way to deliver public information and customer service to constituents and

give community members another means to interact with their government. The purpose of this policy is to provide guidelines for Council communication with the public, when Councilmembers are acting in their official capacity or commenting on City government matters, either through traditional media outlets or the use of social media platforms through personal accounts or pages.

The Council believes that the following guidelines will provide consistency in procedures and allow for use of more tools to communicate with the public.

1. The content and tenor of all public communications should model the same professional behavior displayed during Council meetings and community meetings and reflect well on the individual Councilmember, the Council as a whole, and the community.
2. The following disclaimers should be included in whole or referenced with a link to the disclaimers for all communications initiated by Councilmembers in open forums.
 - a. The views expressed represent the views of the author and may not reflect the views of the City of Kirkland or the Kirkland City Council.
 - b. Responses to this communication by other Councilmembers may be limited by the provisions of the Open Public Meetings Act. under which a policy discussion or other action taken must be held in an open public meeting if a quorum of the Council participates.
 - c. Comments posted in response to a Councilmember-initiated communication may be subject to public disclosure under chapter 42.56 RCW, the Public Records Act.
3. Media outlets such as newspapers, radio and television news coverage may be used as communications medium by individual Councilmembers provided that the communication clearly states that the views expressed do not represent those of the City Council or the City of Kirkland but the views of the individual Councilmember.
4. Communications Initiated by Councilmembers. Guest editorials, letters to the editor and blog posts published by Councilmembers should be provided to the full Council at the same time they are delivered to the media outlet. Drafts of guest editorials, letters to the editor or blog posts which may be submitted on behalf of the Council as opposed to an individual Councilmember may not be circulated for comment to a quorum of the Council prior to publication as this may violate the Open Public Meetings Act.
5. Use of Social Media. Posts to social media sites (Web 2.0) such as blogs, Facebook and Twitter may be used by individual Councilmembers to communicate with the public provided the following guidelines are used:
 - a. Blog posts or other posts to social media sites should include, or reference by a link, the disclaimers listed in Section 2.
 - b. Social media sites are not to be used for the conduct of Council business other than to informally communicate with the public. Public notices, items of legal or fiscal significance that have not been released to the public and discussion of quasi-judicial matters may not be included in Councilmembers social media posts. Councilmembers are encouraged to maintain social media sites with settings that can restrict users' ability to comment in order to avoid inadvertent discussions of

these items. Unsolicited public comments on quasi-judicial matters must be placed on the record by the Councilmember at the time the matter is before the Council for consideration.

- c. In order to demonstrate openness and a willingness to listen to the entire community, Councilmember posts on social media sites should be made through a public-facing page or by marking individual posts as available to the public as a whole.
 - d. When commenting on a post or an article published by someone other than a Councilmember, a link to the standard disclaimers in Section 2 should be included within the thread.
6. If a Councilmember makes a factual error in a public communication, it should be corrected as soon as the error is discovered. Blog posts may be corrected by amending a previous post with a note that a correction was made.
7. Retention of Council Electronic Communications and Social Media Content. All Email and text messages, files downloaded from outside sources and other electronic files, relating to the conduct of government or the performance of any governmental or proprietary function, are considered official City business records and are subject to the Public Records Act and the laws governing the retention and destruction of public records.¹
- a. Email messages sent or received via City Email addresses are captured by the City archiving system servers. Council communications are potentially archival and will be retained in accordance with the State retention schedule.
 - b. Email messages sent or received using personal addresses should be forwarded to the Councilmember's City account and also maintained in their original form to preserve associated metadata. Attachments should be saved to City server drives as appropriate.
 - c. Text message records are maintained by the communications carrier/providers with varying policies and practices and can be difficult to retrieve and to maintain in accordance with state law. Councilmembers should only use text messaging for transitory communications and not to discuss City business.
 - d. Social Media postings should be captured via screen shots which are emailed to, and retained in, the Councilmember's City Email account as an interim archiving method pending selection of an appropriate social media archiving technology solution.
 - e. Members should consult with the City Clerk's Office for assistance with any retention questions.
8. Use of City-owned equipment to update personal social media sites or Email accounts is subject to Administrative Policy 7.1 which allows for incidental use of City equipment for personal needs provided the activity does not cause the City to incur additional cost or liability or pose additional risk to security, privacy or conflict with any other City policy.

¹ "Public record" is broadly defined in RCW 42.56.010(3) to include, ". . . any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. . . ."

Use of City-owned equipment or Email accounts for campaign purposes is prohibited by
RCW 42.17A.555.

CHAPTER 6: PROCLAMATIONS AND COMMENDATIONS

6.01 Proclamations and Commendations. A proclamation or commendation is a formatted certificate or letter, issued by the Mayor, to give recognition and support to ceremonial occasions and special events, civic achievements, or to raise awareness about concerns of interest to the community as a whole. Proclamations and commendations are symbolic; no official policy, action or legal act is imparted or intended as a result.

1. All proclamations and commendations will be issued at the discretion of the Mayor.
2. Proclamations generally recognize international, national, state, and local events, as well as matters of historical interest, in order to bring them to the attention of Kirkland community members. Commendations generally honor a group or individual for civic achievements. Proclamation and commendation content should relate to a public purpose or benefit. The City Council shall maintain and publicly display a list of recurring proclamations generally issued by the Mayor on at least an annual basis. The list of recurring proclamations shall be reviewed by the Council at least every two years (in even years) to ensure they reflect the current values and policy positions of the Council.
3. A proclamation or commendation that has not previously been issued by the Mayor shall be reviewed by the Council whenever possible at least ten days before the Council meeting at which it is to be presented to ensure that it does not conflict with an adopted policy position of the Council.
4. The City Manager's Office will coordinate all requests for proclamations and commendations. Proclamation and commendation requests should be received no later than thirty (30) days in advance to allow time for the proclamation or commendation to be prepared and reviewed. Proclamations are generally added to a Council Meeting Agenda. Commendations are generally mailed to the recipient. Proclamation and commendation requests shall be made through the City Manager's Office on a template form that includes at least the following information: (a) target issuance date; (b) requestor's name, organization, address, telephone, and Email contact information; (c) proposed written content; and (d) brief narrative that includes a description of the event, cause or civic achievement to be recognized and the public benefits or purposes that would be served thereby.
5. Proclamations shall be presented at Council meetings only if a recipient is participating in the meeting or at the discretion of the Mayor. All other proclamations, like commendations, will be sent by mail to the recipient.

CHAPTER 7: COUNCIL COMMITTEES

7.01 Purpose and Relationship to City Council. Council Committees are advisory and do not take action on behalf of the Council. The purpose of committees is to review matters in detail and to make reports to the full Council for possible Council actions. The Council does not have standing committees but may have ad hoc or intermittent committees, which are appointed for special or time-limited subjects. Ad hoc committees are disbanded when they complete their assigned task(s). Issues which are not assigned to ad hoc or intermittent committees may be addressed by the Council during study sessions and at retreats.

7.02 Council Committee Meetings.

Unless a quorum of the Council is in attendance, meetings of Council Committees do not need to be posted to the City's website.

If a committee member is unable to attend the committee meeting in person, they may attend by speaker phone provided that adequate notice is provided to the Chair and the City Manager.

7.03 Council Intermittent Committees

Committee/Topic Areas	Staff
<ul style="list-style-type: none">State and Federal Legislative Work Group	Intergovernmental Relations Manager
<ul style="list-style-type: none">Transportation Ad Hoc Work Group	Transportation Manager
<ul style="list-style-type: none">Lake Washington School District Coordinating Committee	Senior Neighborhood Services Coordinator

7.04 Council Committee Membership and Attendees. Each ad hoc or intermittent Council Committee will consist of no more than three appointed Councilmembers in order to support their advisory nature. In some limited instances, and with the prior approval of the Council by action taken at a Council meeting, additional Councilmembers may attend a committee meeting, but in such instances the committee may not vote on any matter before it. Further, each committee meeting expected to be attended by more than three Councilmembers will be noticed as a special meeting of the Council in accordance with the Open Public Meetings Act. Councilmembers not attending a committee meeting noticed as a special meeting of the Council and not appointed to such committee shall not be considered absent from such meeting.

CHAPTER 8: BOARD AND COMMISSION APPOINTMENTS

City advisory boards and commissions ("City advisory boards") shall consist of up to seven (7) and eight (8) members appointed by the City Council except to the extent otherwise provided by state law; provided further, however, that the Youth and Senior Council boards will continue to make their own appointments. All board meetings shall comply with the requirements of the Open Public Meetings Act, with meetings recorded and minutes posted on the City's website.

It shall be the policy of the City Council to make appointments to City advisory boards generally in accordance with the following:

8.01 **Applicability/Definition.** Unless otherwise provided by statute or the Kirkland Municipal Code, for the purposes of this policy, the term City advisory board shall include the following appointed bodies:

- Cultural Arts Commission
- Design Review Board
- Human Services Commission
- Park Board
- Planning Commission
- Library Board
- Tourism Development Committee (Lodging Tax Advisory Committee)
- Salary Commission
- Transportation Commission

8.02 **Eligibility.** Relatives, family members or domestic partners of Councilmembers will not be eligible to serve on City advisory boards. Members of the family of a City employee who works in a department, that provides staff assistance or support to a board, shall not be eligible to serve on that board.

8.03 **Non-Discrimination.** The Council shall not discriminate on the basis of an applicant's race, ethnic background, creed, age*, sex, marital status, sexual orientation, gender identification, or the presence of any sensory, mental, or physical disability in the making of appointments.

*City Council has made age a qualification for specific seats on certain advisory bodies.

8.04 **Concurrent Offices.** At no time shall any person serve concurrently as a member of more than one of the above listed City advisory boards.

8.05 **Terms.** Appointments shall be made for four-year terms, unless otherwise provided by statute or Kirkland Municipal Code. Terms shall expire on the 31st of March of the applicable year. A member being appointed to fill a vacant position on a City advisory board shall be appointed to fill the vacancy for the remainder of the unexpired term. Subject to Section 8.06, and by mutual agreement, appointments may be extended by the Council for up to an additional one year in exigent circumstances and after considering the general benefits of staggered board terms.

8.06 **Term Limitations.** No individual shall serve more than two full four-year terms as a member of a City advisory board; provided, if an individual is appointed to fill 730 days or less of an unexpired term and serves that term, the individual is eligible to apply for and serve two additional

four-year terms. If an individual is appointed to fill 731 days or more of an unexpired term and serves that term, the individual would be eligible to apply for and serve for only one additional four-year term.

8.07 Attendance. Appointees shall attend 80 percent of all City advisory board meetings in any 12-month period for which there is no prearranged absence, but in any case shall attend no less than 60 percent of all meetings unless waived by the Council.

8.08 Appointment/Reappointment. Pursuant to Section 2.1, all City advisory board members shall adhere to the City Council code of conduct. An open competitive process will be used to fill vacancies. The Council will initiate an open and competitive application process and solicit applicants for the position(s). Each such appointment and reappointment process shall include a City staff representative whose primary focus is on helping ensure diversity, equity and inclusion. All board members completing their term who are interested in and eligible for reappointment may be reappointed by the Council for a second term without an open competitive process.

8.09 Criteria for Reappointment. Information will be sought from the relevant City advisory board chair, the other current members of the board, and the City Manager (or appropriate staff) when considering reappointments. Reappointments are based on the following criteria:

Minimum performance – Attendance, incumbent reads the materials, has a basic understanding of the issues and participates in discussion.

Performance – Has well-thought-out arguments, logically presented, and is a good advocate. Shows ability to analyze complex issues and to judge issues on substantive grounds. Understands difference between quasi-judicial and legislative matters.

Personal relations – Has good understanding of relative roles of Council, City advisory boards, and staff and is sensitive to staff's job. Is respectful of others' viewpoints. Is a good team player, shows willingness to compromise, work towards a solution without sacrificing their own principles.

Growth/improvement – Has shown personal and/or intellectual growth in the position. Has shown improved performance, has taken advantage of continuing education opportunities or other indicia of growth or improvement.

Public benefit – Reappointment provides a benefit to the board as a body; enhances diversity on the board, including diversity of background and perspective.

8.10 Reappointment Process. Prior to the beginning of the open competitive process, an ad hoc committee of the Council will be chosen, by lot, to review and recommend incumbents for a second term. The recommendations will be based upon past performance and made in consultation with the relevant City advisory board chair, the other members of the board, and the City Manager for presentation to the Council at the next regular meeting.

8.11 Application Process. Openings for City advisory board positions shall be widely advertised in local newspapers, as well as other means available and appropriate for this purpose. Strong efforts will be made to encourage applications from a diverse pool of candidates, including with respect to race, ethnicity, gender, sexual orientation, gender identification, the presence of any sensory, mental, or physical disability, background, and perspective, and status as a home owner or renter in Kirkland. Applicants shall be required to complete a City application form provided for

this purpose, and to submit a completed application by the specified recruitment deadline. Late applications will not be accepted; however, the Council may choose to extend an application deadline, if necessary, to obtain a sufficient number of applicants for consideration. Copies of all applications will be provided to the Council.

8.12 Appointment Process. Upon receipt of applications, the ad hoc committee of the Council referenced in Section 8.10 will review the applications and reduce the number of applicants for interview to three applicants for each vacancy. For example, if there were one vacancy on a City advisory board, the Council would reduce the pool of applicants to be considered to three. If there were two vacancies, the Council would reduce the pool of applicants to be considered to six. In cases where the number of applicants for interview require a reduction from the number that have applied, the ad hoc committee of the Council will recommend to the entire Council those to be interviewed for each board and those recommended not to be interviewed.

Interviews of applicants shall be conducted in open session. The Council may choose to share anticipated interview questions with the applicant pools in advance of interviews. The chair of the relevant board (or a representative) and a City staff representative whose primary focus is on helping ensure diversity, equity and inclusion will also be invited to attend the interviews and may participate in the process to the degree desired by the Council. Upon completion of the interviews, the Council shall, in open session, make its reappointments of incumbents and appointments of new members and may designate alternates that could be considered for appointment in the event of a vacancy occurring within one year of the appointment through resignation or removal. The Council will seek to make appointments of qualified candidates who reflect the diversity of Kirkland, including with respect to race, ethnicity, gender, sexual orientation, gender identification, the presence of any sensory, mental, or physical disability, background, and perspective, and status as a home owner or renter in Kirkland. Following appointment, the appointee and alternates, as well as all other candidates, will be notified in writing of the Council's decisions.

8.13 Criteria for Removal. Failure to meet the requirements of the code of conduct set forth in Chapter 2 or the attendance standard set forth above are cause for the removal of a member of a board or commission by a majority vote of the Council.

8.14 Open Government Training Requirement. Within 90 days of assuming their positions, all members of boards and commissions appointed by the Council must receive the training required by the Open Government Trainings Act regarding the Open Public Meetings and the City should provide information and training opportunities on Public Records Act statutes.