



MONROE CITY COUNCIL

Agenda Bill No. 20-112

SUBJECT:	<i>Waive Council Rules of Procedure – Business Meeting & Study Session Format</i>
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
8/4/2020	City Clerk	Becky Hasart	Becky Hasart	Final Action #1

Discussion: 8/4/2020

- Attachments:**
1. MMC 2.04, Council Meetings
 2. Council Rules of Procedure Section 3.1 & Section 17

REQUESTED ACTION: Move to waive Council Rules of Procedure to allow final action to be taken at a study session; and to hold a Business Meeting and Study Session on Tuesday, August 4, 2020.

POLICY CONSIDERATIONS

MMC 2.04.010, Council Meetings – Regular Meeting Date Established, states that “the city council shall hold its regular meetings on the first through fourth Tuesdays of each month” and “may limit the scope of its regular meetings, such as designating some of them “study session,” in its by-laws or other rules of procedure.”

The City Council Rules of Procedure Section 3.1.3, states “the first and third Tuesdays of each month shall be deemed to be a “Study Session.” Study Sessions will be informal meetings for the purpose of reviewing forthcoming programs or projects, or receiving similar information. No final decisions/actions can be made during a study session. Final action on study session items will be scheduled for a forthcoming regular or special Council meeting;” and Section 17. 1 states “Any provision of these rules not governed by state law or ordinance may be temporarily waived suspended by a majority vote of the Council...”

DESCRIPTION/BACKGROUND

The City’s adoption of the Unified Development Regulations (UDR) in 2019 significantly overhauled and updated the City’s standards and procedures for land use permitting. As part of this overhaul, the City’s former regulations governing Planned Residential Developments (PRDs) were repealed in their entirety. There are currently three outstanding PRD projects for which final decisions have not yet been issued.

The City’s Hearing Examiner recently concluded that these outstanding projects would no longer be governed by the former PRD code procedures following their repeal. Under the Hearing Examiner’s reasoning, the outstanding PRDs, together with any associated preliminary plat applications, would be subject to an open-record public hearing before the Hearing Examiner, followed by the Examiner’s recommendation to the City Council for final action approving or denying the proposal(s).

Under state law (Chapter 36.70B RCW), the City is limited to holding a single open-record pre-decisional hearing on most land use permit applications. As such, because the open-record hearing on PRDs is held before the Hearing Examiner, the City Council’s consideration and final decision on the Examiner’s recommendation is properly formatted as a closed record proceeding. In a closed record proceeding, the City Council bases its decision entirely on the



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administrative record that was created before the Hearing Examiner and does not consider any new evidence.

While the City Council Rules and Procedures contain provisions governing administrative appeals, they do not currently establish rules for predecisional closed record proceedings. In the next agenda item, staff is therefore proposing a supporting amendment to the City Council Rules and Procedure Section 13 which establishes the rules for closed record proceedings.

In order to efficiently process items requiring final action, it is recommended for City Council to waive their Rules of Procedure to allow for final action at a Study Session; and effectively making the Tuesday, August 4, 2020, Council meeting a Regular Study Session and Business Meeting.

The format change was noted in Monroe This Week, Volume 6, Edition 29; posted on the City's website on July 28, 2020 (<https://www.monroewa.gov/CivicAlerts.aspx?AID=3494>); and posted to the City's Facebook page on July 29, 2020. The official notice was posted in the City Hall lobby, and sent to the City's paper of record on July 28, 2020.

FISCAL IMPACTS

N/A

TIME CONSTRAINTS

Time constraints include currently pending development projects that will be taken to City Council for closed record proceedings in the near future.

ALTERNATIVES

Do not waive Council Rules; keep the meeting as a Study Session only for discussion items; and defer all action items to the Tuesday, August 11, 2020, City Council Regular Business Meeting.

Chapter 2.04 COUNCIL MEETINGS

Sections:

[2.04.010](#) Regular meeting date established.

[2.04.020](#) Place of meeting.

[2.04.030](#) Change in meeting.

2.04.010 Regular meeting date established.

The city council shall hold its regular meetings on the first through fourth Tuesdays of each month at the hour of seven p.m. The city council may limit the scope of its regular meetings, such as designating some of them “study sessions,” in its by-laws or other rules of procedure. (Ord. 007/2006 § 1; Ord. 010/2004)

2.04.020 Place of meeting.

The place of meeting of the city council shall be in the City Hall. (Ord. 15, 1903; Ord. 1, 1903)

2.04.030 Change in meeting.

Whenever a regularly stated meeting of the council falls on a holiday or a holiday eve, the council may, by motion, change that particular date to another suitable date, which changed date shall then become a regular stated meeting date of the council. (Ord. 598, 1974; Ord. 362, 1958)

The Monroe Municipal Code is current through Ordinance 033/2018, passed December 11, 2018.

Disclaimer: The City Clerk's Office has the official version of the Monroe Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

EXCERPTS FROM CITY COUNCIL RULES OF PROCEDURE

SECTION 3. COUNCIL MEETINGS

The Monroe City Council may hold one of two types¹ of official meetings when a quorum of its members is present. "Quorum" is defined as at least four members of the City Council. Council shall choose their seating arrangements on the dais at the first meeting of every even year; selection order to be determined by seniority of each council member and the number of years served on City Council.

3.1 **REGULAR MEETINGS:** Regular meetings of the Monroe City Council will be held the first four Tuesdays of each month at the Council Chambers in City Hall.² However, Council reserves the right as deemed necessary to cancel, adjourn, or continue any regular meeting in accordance with state law.

3.1.1 Regular meetings will begin at 7:00 PM, and will be scheduled to end at 10:00 PM; provided that meetings may be extended by majority vote of the Council.

3.1.2 The second and fourth Tuesdays of each month shall be deemed to be a "Business Meeting." Business Meetings will be formal meetings for the purpose of all actions items; to include, and not be limited to, all public hearings, resolutions, ordinances, and minute orders for the approval of such items as appointment confirmations, contracts, interlocal agreements, grants, etc.

3.1.3 The first and third Tuesdays of each month shall be deemed to be a "Study Session." Study Sessions will be informal meetings for the purpose of reviewing forthcoming programs or projects, or receiving similar information. No final decisions/actions can be made during a study session. Final action on study session items will be scheduled for a forthcoming regular or special Council meeting.

3.1.4 Separate from public hearings and the designated Public Comments portion of each Regular Meeting, participation in City Council discussions is limited to Council members and those invited to speak by the Council.

SECTION 17. SUSPENSION AND AMENDMENT OF RULES

17.1 Any provision of these rules not governed by state law or ordinance may be temporarily waived suspended by a majority vote of the Council, except as otherwise specified in these rules or required by law. Any formal action of the City Council in violation or disregard of these rules shall be deemed as an implied waiver thereof.

17.2 These rules may be amended or new rules adopted, by a majority vote of the Council.

¹ RCW provides for only two types of meetings, "regular" and "special."

² MMC 2.04.010: Provides for day and time of meetings. Also provides for study sessions.