City Council Rules of Order

City of Burien, Washington

Adopted/revised June 1, 2026



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SECTION 1. AUTHORITY

1.1 Consistent with RCW 35A.13.170 and RCW 35.23.270, the Burien City Council establishes and adopts these Council Meeting Rules of Order. These Rules of Order take effect upon the Council's adoption and remain effective until the Rules of Order are amended or new procedures are adopted in the manner provided by these Rules of Order. The Council may review these Rules of Order 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 Rules of Order. These Rules of Order supersede Robert's Rules of Order in the event of a conflict.

1.2 A majority vote of those voting may suspend any provision of these Rules not governed by state law or ordinance without debate. (A "majority of those voting" or "majority vote" is a majority of the quorum present and voting. A "majority of those voting" or "majority vote" is distinguished from a "Council majority," which is four (4) or more Councilmembers regardless of how many members are present and voting). The Councilmember moving the motion will state, "I move that we suspend the rules to… [giving the purpose]." The Council may not suspend rules on fundamental principles of parliamentary procedure or the rights of individual members. (Fundamental Principles are a right or responsibility of a council member that is provided or required by law).

1.3 Unless otherwise explicitly provided, any codes adopted or referred to herein, such as the Revised Code of Washington ("RCW"), include the code as it reads at the time of adoption of these Rules of Order by the City and any subsequent amendments thereto.

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 Council will set its Regular Meeting schedule by resolution the preceding year by the end of November.

B. Special Meetings as provided in RCW 42.30.080 are Council meetings other than Regular Meetings. The Mayor, City Manager, or a Council majority may schedule a Special Meeting by delivering written notice personally, by mail, by fax, or by electronic mail to each Councilmember as soon as reasonably practicable, with written notice subject to waiver as provided in RCW 42.30.080. Notice shall be given as required by RCW 42.30.080. At a special meeting, only the matters identified in the notice may be discussed or decided.

C. 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 other emergency. The minutes will indicate the reason for the emergency. During an emergency, the Mayor may select a meeting site other than City Hall, and the notice requirements of RCW 42.30, the Open Public Meetings Act, shall be suspended during such an emergency. Notice shall be provided to each Councilmember as soon as reasonably practicable, supplemented by text message or telephone call.

D. Executive Sessions, as provided by RCW 42.30.110, are closed meetings of the governing body only for reasons listed in RCW 42.30.110. Only Councilmembers and those whose presence is required for the topic under discussion shall attend the Executive Session. No action shall be taken in an Executive Session. Before convening an Executive Session, the presiding officer shall announce:

    1. The purpose of the Executive Session;
    2. The anticipated duration of the Executive Session; and
    3. Whether action will be taken in open session following the Executive Session.

E. Study Sessions are meetings of the Council during which the Council will consider specific agenda items in more depth. Study sessions may occur periodically throughout the year and may be held at a Regular or Special meeting, with notice provided in accordance with the OPMA.

F. All Regular Meetings and Special Meetings shall be open to the public, except when the Council adjourns into Executive Session as provided by RCW 42.30.110 or when the Council is legally allowed to meet in closed session under RCW 42.30.140. Regular Meetings and Special Meetings may be business meetings or study sessions.

G. The Council or Clerk may cancel any meeting scheduled on a legal holiday.

H. Public comment will be available at each Regular or Special meeting for those wishing to address the Council.

I. The City Clerk's Office shall prepare minutes noting the Council's official actions. The minutes will constitute the Council's official record, and the Clerk will write them as Robert's Rules of Order suggests. Council meetings shall be video recorded and retained for the time as provided by state law.

2.2 ORDER OF REGULAR MEETING AGENDA

A. Call to Order
The Mayor calls the Regular Meeting to order.

B. Pledge of Allegiance
The Mayor, or at times, guests, will lead the flag salute.

C. Native Land and Peoples Acknowledgement
The Mayor, or the Mayor's designee, may include on the agenda a formal statement to be read.

D. Roll Call
The City Clerk shall call the roll, and the Mayor shall identify any absent Councilmembers. If the Council wants to excuse an absent Councilmember, a Councilmember must make a motion to excuse the absent Councilmember, the Mayor must entertain that motion, and a majority of those voting must vote to excuse the Councilmember. If no motion is made, the Mayor will state that the absence is unexcused.

E. Agenda Confirmation
Councilmembers may move to alter the agenda through additions, deletions, or revisions to the agenda.

F. Proclamations and Presentations

Proclamations may be read and presented on behalf of the Council and read by the Mayor or a sponsoring Councilmember. A proclamation is an official declaration of the City Council. A Council majority may vote to add a proclamation to any agenda. The Clerk will place requests for proclamations from outside organizations and groups in the City Manager's Report for City Council review and execution by the sponsoring Councilmember, the Mayor, or the Mayor's designee if the Council supports the proclamation. The Mayor will execute staff requests for proclamations if approved by the City Manager. Approved proclamations must have a sponsoring Councilmember to be placed on the council meeting agenda to be read and presented. Approved proclamations that do not have a sponsoring Councilmember may be acknowledged by the City using an alternative method of communication.

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.

G. Public Comments

There is a Public Comment period at or before every regular meeting at which final action is anticipated. The public may write, email, or verbally comment on items. See Section 5 of these Rules of Order for details.

H. Committee Reports

Committee Reports are a standing agenda item for Councilmembers to report on committees on which they serve on Burien's behalf.

I. Council Reports

Council Reports are a standing agenda item for Councilmembers to report on their meetings and activities on Burien's behalf.

J. City Manager's Report

City Manager Reports are a standing agenda item for the City Manager to address any current events or concerns that may interest the Council or the Burien community.

The City Manager will update current events involving city governmental relations. Additionally, if the City Manager needs direction from the Council, it will be represented in the report.

K. Public Hearings and Discussion *(If Needed)*

The Council holds public hearings to receive public comment on important issues or as required by statute or Burien ordinances. See Section 11 of these Rules of Order for details on the public hearing process.

L. Consent Agenda

Consent Agenda items are 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 prior Regular Meeting or Special Meeting. Before approval of the Consent Agenda, a Councilmember may remove any item(s) from the Consent Agenda for separate discussion and action. When an item is removed, the Council takes action on the Consent Agenda without the removed item. After the Council considers the Consent Agenda, the Council will consider each removed item during the Business Agenda in the order determined by the Council.

M. Business Agenda

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

N. Executive Session

Executive sessions shall occur after public comment. See Section 2.1 of these Rules of Order for details.

O. Adjournment

The Mayor may adjourn the meeting after asking the council if there is no objection.

P. Breaks

The Mayor will ask whether the Council wants a break, and for how long, during the Regular Meeting.

SECTION 3. AGENDA PREPARATION

3.1 The City Clerk, in consultation with the Mayor, Deputy Mayor, and City Manager, will prepare an agenda for each 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 The City Clerk will organize an agenda-setting meeting attended by the Mayor, Deputy Mayor, City Manager, City Clerk, and City Attorney. Staff and council members may attend by expressing interest and obtaining the Mayor's approval or by invitation as long as there is no quorum.

3.3 The Council may review the Meeting Planning Calendar during each meeting. The Council will direct the City Council Work Plan and Future Agenda items to the City Manager. The City Clerk will maintain the Planning Calendar and provide a copy of the Work Plan to the council every quarter.

3.4 According to the Proposed Council Agenda Schedule, the Mayor or City Manager may place items on a meeting agenda. At least three (3) Councilmembers must agree to add a future agenda item.

3.5 A Council majority is required to remove a Council-proposed agenda item listed as a future agenda item.

3.6 Legally required and advertised public hearings will always be placed on the agenda before the Business Agenda because they have a higher priority than agenda items scheduled for convenience.

3.7 The Mayor or City Manager will determine the order of agenda items, and whenever possible, non-leadership team staff members or the public will be prioritized on the agenda to allow them to leave as early as possible.

3.8 Council Meeting Agenda Packets will be available by the end of business on Friday before the meeting. Councilmembers may access the packet electronically (but if there are accessibility issues, the Councilmember must ask the City Clerk for assistance), and the public may access the packet on Burien's website.

3.9 The Council may use the "Recommended Motion" language on the agenda bill to make a motion.

SECTION 4. DISCUSSION AND DECISION-MAKING

4.1 The Council acts on all items on the Consent Agenda (and any Emergency Items) 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 Reports
- Council Meeting Minutes
- Items consistent with existing policy (must be identified in the Agenda Bill)
- Previously approved items (ready for their second touch and adoption)
- Items as determined by the City Manager and the department director in consultation with the City Attorney

4.2 Under the "two-touch" process, the Council will act on Business Agenda items at a future meeting unless the Council agrees to act immediately. Unless the Council requests changes to the item or for other purposes clearly stated/requested by the Council, the Clerk shall place all items on the Business Agenda on the Consent Agenda for a future Regular Meeting (for the item's second touch).

4.3 The Mayor will facilitate the discussion. See Sections 8.M and N of these Rules of Order for details.

4.4 The Mayor, or the Mayor's designee, 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 contacting the City Manager, not staff, with questions not covered during a meeting.

Each Councilmember has 5 minutes to comment on a topic during a meeting. If all Councilmembers have had a chance to speak, each Councilmember may ask for a second round of questions or comments. Councilmember questions for staff or presenters are limited to soliciting or giving information. Councilmembers are limited to 1-4 questions or comments before yielding the floor.

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, 12th Edition.

4.8 The Council shall conform with RCW 35A.13.010, which states that the City Manager is responsible to the Council for properly administrating Burien's affairs. RCW 35A.13.120 and 35.18.060 advise 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. RCW 35A.13.080 and 35.18.060, which detail the City Manager's powers and duties, note that the city manager manages Burien's administrative affairs.

SECTION 5. PUBLIC COMMENT AND TESTIMONY

5.1 At Regular Meetings, persons addressing the Council may state their name and city of residence for the record and speak for two (2) minutes or less on any matter of public concern that the Council has purview, control or influence over (whether or not on the agenda). The public may submit written comments to the Council through the City Clerk. Since written comments are meant to inform the council, written statements will not be read to the Council.

5.2 The time for audience comments is 30 minutes. If, after 30 minutes, there are still audience members who have signed up to speak, the Council must vote on whether to extend the time for comments.

5.3 The sign-up deadline for public comment for that day's meeting is the scheduled commencement of the council meeting.

5.4 The Council, by a majority vote, may shorten the allocated time for audience comments (two (2) minutes) to one (1) minute.

5.5 All public comments must be addressed to the Council and not to individual Councilmembers or staff.

5.6 The Mayor will remind speakers of these Rules of Order and that the council does not reply to public comments during council meetings.

5.7 Consistent with RCW 42.30.050, the Council may enforce the Council Rules of Order by removing disruptive people from meetings. The Mayor, City Manager, or City Clerk may command the assistance of any peace officer to execute all lawful orders to restore order at any meeting.

5.8 Consistent with RCW 35A.12.120, which empowers the council to set its council rules, order of business, rules to maintain order, and any ordinances, disruptive behavior includes boisterous, delaying, disorderly, or disturbing conduct, including but not limited to handclapping, making noise, obscene gestures, profanity, whistling, yelling or similar demonstrations, which substantially disturbs, delays, or interferes with the peace and order of the council proceedings. *See*, *Acosta v. City of Costa Mesa*, 718 F.3d 800 (9th Cir. 2013).

5.9 These rules of decorum apply to in-person and remote meeting participants.

SECTION 6. MOTIONS

6.1 A motion-related discussion may occur after a motion has been moved and seconded. After the discussion, the Mayor shall call for a vote.

6.2 If a motion does not receive a second, it dies, and there is no further discussion of that topic. Nominations, motion withdrawals, agenda orders, requests for a roll call vote, and points of order do not require a second.

6.3 After a motion has been made and seconded, the Council may discuss their opinions on the issue before the vote and state why they will vote for or against a motion. The Mayor will announce the result of the vote on the motion.

6.4 A motion that results in a tie vote has failed.

6.5 Motions shall be clear and concise and not contain arguments for the motion.

6.6 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 multiclause motion is to be made during the meeting, the Councilmember must email it to CityClerk@burienwa.gov.

6.7 When the Council agrees that an item 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 Mayor, the Council must consent if there is a motion to withdraw the motion.

6.9 A Councilmember may make a Point of Order motion if the Councilmember believes that a rule has been broken. The Mayor rules on whether the motion is well-taken or not. Any councilmember may appeal the Mayor's ruling. The Council will decide whether to sustain or overrule the Mayor's ruling by a majority vote. The Mayor may vote on the appeal. A tie vote sustains the Mayor's decision.

6.10 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 Meeting or Special Meeting, at which time, the discussion will continue. If the Council tables an item, the Council *cannot* reconsider it at the same meeting.

6.11 A *Motion to Postpone to a certain time* is debatable and amendable, and the Council may reconsider the postponed item at the same meeting. The Council

must consider the question being postponed later at the same meeting or at a specified time of a future meeting.

6.12 A *Motion to Postpone indefinitely* is debatable, not amendable, and may be reconsidered at the same meeting if the *Motion to Postpone indefinitely* passes.

6.13 A *Motion to Call for the question* closes the debate on the main motion and is undebatable. This motion must be seconded and fails without a two-thirds (2/3) by Councilmembers present. The debate is reopened if the motion fails.

6.14 A *Motion to Amend* amends a seconded motion by adding, inserting, striking, or substituting language. No amendment that changes the intent of the original motion is allowed.

Substitute amendments are not allowed. A substitute amendment strikes all pending motion language and replaces it with new language.

Amendments to amendments are not allowed.

6.15 The Mayor should clearly state and repeat proposed substantive motions and amendments to ensure the Council understands the request and to ensure 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.

6.16 Any Councilmember may abstain from a vote by announcing the abstention, remaining silent, or simply not casting a vote. To abstain is to do nothing. Abstentions are not counted.

6.17 When the discussion is concluded, the motion-maker, Mayor, City Clerk, or City Attorney shall repeat the motion before the Council votes.

6.18 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.

6.19 When a question has been decided, any Councilmember who voted with the prevailing side may move for a reconsideration. No Councilmember may move for reconsideration of a vote after the meeting has adjourned.

6.20 All questions not provided for in these meeting guidelines shall be consistent with Robert's Rules of Order, 12th 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, a motion to rescind or amend something previously adopted requires an affirmative two-thirds 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*, these council meeting Rules of Order shall prevail in the event of a conflict.

6.21 If a Councilmember fails to observe these Rules of Order and impedes Council business, the Council may censure the Councilmember by a Council majority vote.

Reasons for introducing a motion of censure include, but are not limited to:

- Failing to offer courtesy and respect or insulting presenters or other councilmembers
- Violating the confidentiality of an executive session
- Failing to observe ethical guidelines
- Failing to observe the rules of discussion: interrupting others, speaking out of turn, speaking beyond the established time limits
- Undermining or attempting to undermine a council decision

A motion to censure may include, but is not limited to, the following sanctions:

- Verbal admonishment (a firm warning or reprimand)
- Letter of reprimand (describe behavior, effect, and disciplinary action)
- Formal motion of censure (motion of strong opinion of disapproval)
- Removal from external or internal committees
- Being directed to leave the meeting at which the behavior occurs

Unless a Councilmember is under disciplinary proceedings, the Councilmember may vote on a motion to censure pertaining to them personally.

6.22 Each councilmember understands and agrees to the following decorum rules:

1. Presume the best intentions even if you disagree with the idea or position.
2. Discuss issues or conflicts with the Council to allow the Council to find common ground.
3. When confronted by a problem, issue, or differing opinion, offer alternative solutions.
4. Respect each other, staff, and community members. Each represents a valid interest.

5. Promote civility during meetings and interactions, accept nothing less than civility, and do not encourage or accept incivility by audience members.

SECTION 7. ORDINANCES

7.1 Consistent with RCW 35.23.111, the City Attorney shall review or prepare all ordinances and approve them as to form. Only a Council majority, the City Manager, or the City Attorney may add an ordinance to the agenda.

7.2 An Agenda Bill is required to introduce ordinances. The City Clerk shall assign a permanent ordinance number before placing the ordinance on the agenda. The City Attorney must have an opportunity to review an ordinance before it is placed on the council agenda.

7.3 Under RCW 35.18.180 and 35A.12.120, a Council majority (4 or more members) is required to enact an ordinance, grant or revoke a franchise or license, and any resolution for the payment of money.

7.4 Upon enactment of the ordinance, the Mayor shall sign the ordinance, and the City Clerk shall attest to the ordinance.

7.5 The Clerk shall publish ordinance summaries (containing the ordinance's title) in Burien's 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. However, an ordinance passed by five (5) or more Councilmembers, designated as a public emergency ordinance necessary for the protection of public health, public safety, public property, or public peace, may be made effective upon adoption. The Council may not designate ordinances to levy taxes, grant, renew, or extend a franchise, or authorize borrowing money as public emergency ordinances.

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. Communication official actions taken by the City Council. Public statements regarding Council actions should accurately distinguish between official council action and the individual opinions or votes of councilmembers.

F. Sign documents on behalf of the City Council.

G. Observe and enforce the City Council Rules of Order.

H. Decide all Rules of Order questions of order subject to Councilmember appeal.

I. Recognize Councilmembers in the order in which they request the floor. The Mayor shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.

J. Endeavor to facilitate an efficient meeting.

K. Share information with Councilmembers on meetings, issues, etc., that the Mayor has received, conducted, or participated in.

L. Appoint Councilmembers to serve on ad-hoc committees, if necessary.

M. The Deputy Mayor shall preside as the Mayor at council meetings and carry out the Mayor's responsibilities if the Mayor is absent or unavailable.

N. In the absence or unavailability of the Mayor and Deputy Mayor, the Council selects a council member to be the presiding officer, and whoever fills the role should have adequate knowledge 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 council meetings unless excused. The City Manager may make recommendations to the Council and shall have the right to participate in the Council discussions but shall have no vote.

9.2 If the City Manager is absent, the Acting City Manager shall attend instead.

9.3 The City Attorney shall attend all council meetings unless excused and shall, upon request, give an oral or written opinion on legal questions. When the City Attorney is absent, the Deputy or Assistant City Attorney shall attend the meeting.

9.4 The Parliamentarian, appointed by the City Manager, shall advise the Mayor on all questions of interpretation of these Rules of Order and other questions of a parliamentary nature that may arise at a meeting. The Mayor is the decisionmaker, subject to appeal to the Council. The City Manager, City Attorney, or City Clerk may raise a Point of Order to support the Mayor and Council in ensuring compliance with the City Council Rules of Order and parliamentary procedures.

9.5 The City Clerk, or designee, shall attend meetings, keep the official journal (minutes), and perform 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 cannot attend a meeting or anticipate being late. The Council must then vote on whether 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 meetings after roll-call is taken.

10.3 If Councilmembers wish to attend a Burien Advisory Board or Commission Meeting, they shall attend as observers rather than as participants. If a Burien Advisory Board or Commission Meeting involves a quasi-judicial hearing, Councilmembers are not allowed to attend such meetings. Councilmembers shall not give testimony at a Burien Advisory Board or Commission hearing.

10.4 If more than three (3) Councilmembers have notified the City Manager that they intend to attend a meeting where Burien business will be discussed, they will inform the City Clerk's office. The Clerk will post a notice of a Quorum of the Council as regulated in RCW Chapter 42.30.

10.5 In the event of an emergency as declared by the City, State and/or Federal government, the City Council may arrange for electronic participation at a Regular Meeting, Special Meeting, Executive Session, retreat, standing committee meeting, or study session.

A. During a fully-remote meeting, Councilmembers may attend by phone or other electronic means that allow all participants to hear one another.

B. Fully-remote meetings are open to the public and arrangements must be conducted such that the public can hear the meeting while it is occurring, subject to the requirements of RCW 42.30.

10.6 In times of non-emergency, the City Council prefers and recognizes the value of in-person attendance at meetings as integral to public service. However, remote attendance by a Councilmember not physically able to be present, whether for all or part of a meeting, is allowed subject to the following provisions:

A. Councilmembers may attend remotely a maximum of five Regular meetings per calendar year; provided the Council may, by majority vote, allow a Councilmember to attend additional meetings remotely in excess of five per year due to medical or other factors beyond the individual's control.

B. A Councilmember planning to attend a meeting remotely should notify the City Clerk and/or Mayor no later than two hours prior to the meeting start time.

C. A Councilmember attending remotely will be marked present, counted toward a quorum, and can vote just as if physically present.

D. If a Councilmember's virtual connection should become lost during the meeting, the meeting should continue unless quorum is no longer met. A Councilmember's loss of a virtual connection will not be counted toward the maximum limit described in Section 2.a.

E. Councilmembers are expected to follow health directives and procedures as recommended by Public Health – Seattle & King County. Remote attendance for this purpose will not be counted toward the maximum limit described in Section 10.6.A.

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. The Mayor may set time limits for public testimony in quasi-judicial public hearings and be subject to councilmember appeal. See Section 5 of these Rules for details.

The Council may then proceed with deliberation. For legislative public hearings, the Council's decision will occur at the next meeting.

A. **Legislative Public Hearings**

A legislative public hearing is to obtain public input on legislative decisions on policy matters, including, without limitation, a 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 rights 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 Council actions 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 acts of 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 comments presented at a prior open record hearing and all submitted documents and exhibits.

C. **Appearance of Fairness Doctrine**

1. In quasi-judicial hearings, Councilmembers shall comply with all applicable laws, including 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 Court later clarified the doctrine in *Buell v. Bremerton*, 80 Wn.2d 518, 523 (1972), and required that public hearings which are adjudicatory meet two requirements:

   a. the hearing must be procedurally fair, and
   b. impartial decisionmakers must conduct the hearing.

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. The appearance of a conflict of interest may involve the Councilmember, a Councilmember's business associate, or immediate family. It could include *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 AT COUNCIL MEETINGS

All meetings of the City Council and its advisory committees shall be open to the media. The media or public may record the meetings provided such arrangements do not interfere with the orderly conduct of the meeting.

Since the right to be present at a council meeting ends after the conclusion or adjournment of a council meeting, the standard regulations regarding recording and photographing individuals under the RCW or other applicable laws shall apply at the conclusion of each council meeting.

SECTION 13. CONFLICTS OF INTEREST AND CONFIDENTIALITY

13.1 Councilmembers are prohibited from using their positions to secure special privileges or exemptions for themselves or others. Councilmembers are subject to the conflict of interest laws in Chapters 42.20 and 42.23 of the RCW. If a Councilmember believes they may have a conflict of interest under applicable law, they are encouraged to consult with the City Attorney prior to the meeting at which the item will be addressed. Councilmembers should comply with all applicable disclosure, recusal and participation requirements under state law. When required by law, a Councilmember shall disclose the conflict, refrain from participation or voting, and remove themselves from the dais or Council chambers, as appropriate.

13.2 Councilmembers shall keep confidential *all* written materials and verbal information provided during Executive Sessions to ensure that Burien's position is not compromised in accordance with RCW 42.23.070(4). Councilmembers shall keep confidential information provided to Councilmembers outside of Executive Sessions when the information is deemed exempt from disclosure under the Public Records Act, RCW Chapter 42.56.

This prohibition applies to Councilmembers after they no longer serve on the Council as to the confidential information in the City of Burien's confidential information, not the Councilmember's personal information.

SECTION 14. MAYOR/DEPUTY MAYOR SELECTION PROCESS

14.1 The Councilmembers shall elect the Mayor and Deputy Mayor from among its members according to the Council/Manager form of government.

14.2 The Council shall elect a Mayor to a two-year term according to RCW 35A.13.030.

14.3 The Council shall elect a Deputy Mayor annually at the year's first meeting.

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. COMMITTEE AND ORGANIZATION APPOINTMENTS

15.1 City Council may appoint Councilmember(s) to ad-hoc committees during meetings. Appointments to regional bodies, ad-hoc community committees, or other special committees outside Burien's 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 specific 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 can direct an appointment to a regional committee, a Council discussion will determine interest. The Councilmember receiving a Council majority vote will be Burien's representative.

15.5 When the Council may make a direct appointment to regional committees, the Council shall select a Councilmember by a Council majority vote after a Council discussion of who should be appointed.

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. FILLING COUNCIL VACANCIES

16.1 If a Council vacancy occurs, the Council will comply with RCW 35A.13.020(1), which requires the Council to appoint a qualified person to fill the vacancy within ninety (90) calendar days of the effective date of the vacancy.

16.2 A Councilmember resigning from the Council will submit a letter of resignation to be accepted by the City Council at its next Regular Meeting.

16.3 The City Council shall review and revise 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 interview questions as agreed upon by the Council.

16.8 The City Clerk shall prepare a meeting notice to interview candidates.

16.9 The Council will conduct recorded, televised, OPMA-compliant interviews with all candidates. Councilmembers will ask each candidate the same questions. 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. Consistent with the OPMA, the Council will nominate, select, and vote to fill the vacancy during a 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 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 42.12.070 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, Sound Cities Association, or Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a meeting by a majority vote. When possible, the Council will select voting delegate(s) on a rotating basis to allow all Councilmembers the opportunity to be an official voting delegate.

17.2 The City Manager's Report will note council attendance at conferences and training that require out-of-state or overnight travel.

17.3 The Council may vary seating arrangements during a meeting.

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
Revised December 19, 2022, by Motion
Revised January 29, 2024, by Motion
Revised June 1, 2026, by Motion