



STUDY SESSION

TUESDAY, JANUARY 16, 2018

**LOCATION: BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N., BAINBRIDGE ISLAND, WASHINGTON**

AGENDA (TIMES LISTED ON THE AGENDA ARE APPROXIMATE)

- 1. CALL TO ORDER / ROLL CALL- 7:00 PM**
- 2. ACCEPTANCE OR MODIFICATION OF AGENDA /
CONFLICT OF INTEREST DISCLOSURE**
- 3. PUBLIC COMMENT ON AGENDA ITEMS**
- 4. PRESENTATIONS**
 - A.** 7:05 PM Marine Access Committee 2017 Report and 2018 Work Plan, AB 18-015 (Pg. 3)
- 5. UNFINISHED BUSINESS**
 - A.** 7:15 PM Suzuki Property Development, AB 14-118 - Executive (Pg. 19)
 - B.** 7:35 PM Inclusionary Zoning Discussion, AB 17-189 - Planning (Pg. 48)
 - C.** 7:55 PM Update on Implementation of the Latimore Study, AB 17-045 - Planning (Pg. 55)
- 6. CITY COUNCIL DISCUSSION**
 - A.** 8:15 PM Use of Council Committees, AB 18-010 - Mayor Medina (Pg. 160)
 - B.** 8:30 PM Review of the Governance Manual, AB 18-011 - Mayor Medina (Pg. 162)
 - C.** 8:45 PM Puget Sound Regional Council (PSRC) 2040 Transportation Plan, AB 18-012 - Councilmember Peltier (Pg. 262)
 - D.** 8:50 PM Discussion of Intergovernmental Work Group Agenda, AB 18-013 - Councilmember Peltier (Pg. 263)
 - E.** 9:00 PM Review of Communications Coordinator Priorities, AB 18-014 - Mayor Medina (Pg. 266)

7. FOR THE GOOD OF THE ORDER - 9:10 PM

8. ADJOURNMENT - 9:15 PM



Americans with Disabilities Act (ADA) accommodations provided upon request. Those requiring special accommodations, please contact the City Clerk at 206-842-2545 (cityclerk@bainbridgewa.gov) by noon on the day preceding the Meeting.

City of Bainbridge Island

City Council Agenda Bill



PROCESS INFORMATION

Subject: 7:05 PM Marine Access Committee 2017 Report and 2018 Work Plan, AB 18-015 (Pg. 3)	Date: 1/16/2018
Agenda Item: PRESENTATIONS	Bill No.: 18-015
Proposed By: Council	Referrals(s):

BUDGET INFORMATION

Department: Executive	Fund:	
Expenditure Req:	Budgeted?	Budget Amend. Req?

REFERRALS/REVIEW

:	Recommendation:	
City Manager:	Legal:	Finance:

DESCRIPTION/BACKGROUND

A representative from the Marine Access Advisory Committee will attend the City Council meeting to present the 2017 report and 2018 work plan (see attached).

RECOMMENDED ACTION/MOTION

I move to accept the Marine Access Committee's 2018 work plan as proposed.

ATTACHMENTS:

Description	Type
❑ 2017 Report	Backup Material
❑ 2018 Work Plan	Backup Material

Marine Access Committee Annual Report to Council

December 2017

While the Marine Access Committee (MAC) uses a multi-year plan for setting out tasks and projects, our Annual Report to Council focuses on what we have accomplished during the previous calendar year.

2017 Highlights

- Waterfront Park and dock recommendations
- Viewing platform recommendations
- 2nd Annual Island Beach Cleanup
- 9 bench placements
- Advocacy on behalf of Live-Aboards and Kitsap Water Trail users
- Protection of public access to the shore and navigable waters.

We also continue smoothly combining the two city committees, Road Ends and Harbor Commission, into a well-functioning group of MAC members. MAC includes representatives from the rowing, sailing, power boating, canoe & kayaking and trailer boating communities, and from each Island harbor.

2017 Work Plan Progress

In 2017, MAC focused on the four work streams delineated in our Work Plan:

1. Infrastructure Projects
2. Education, Outreach and Liaison
3. Framework Management
4. Stewardship

I. Infrastructure Projects

City Dock & Waterfront Park Projects Support

MAC continued to provide input to Dock Project Manager Mark Epstein and to liaise with Harbor Master Tami Allen in meeting the needs of the City's dock and boat ramp users. We are especially pleased that our recommended wheelchair accessible pathway has been provided through Waterfront Park to the dock area.

Capital Project: Harbor Viewing Platform

MAC's recommendation that the City develop one or more viewing platforms near the WS Ferry terminal in cooperation with WSDOT was approved by City Administration and is proposed for approval by Council in the 2019 City Capital Improvement Plan.

Viewing Benches & Bike Racks

Benches – With the generous support of the Woodworkers Program at Bainbridge Artisan Resources Network (BARN) 9 benches were constructed with City funds and installed at various road end sites, such as Ocean Drive and Harborview Drive.

Bike Racks – The City supplied both a bench and a bike rack at the Manitou Beach Open Space. Together with the ADA parking spot at the site, this Open Space is a model for marine accessibility on which MAC hopes to build at many other public shore sites.

2. Education and Outreach

Kitsap Peninsula Water Trails Signs Program

As part of our ongoing work to promote the Bainbridge sites on the Kitsap Peninsula Water Trail (KPWT), MAC obtained signs from Evan Stoll of KPWT Association for Dock Street, Ocean Drive, Lytle Road and Fletcher Landing. The signs were installed by O&M.

Community Events and Outreach

MAC provides community input and support to activities associated with the marine environment within the City's boundaries.

This year, in coordination with the Harbormaster and Sustainable Bainbridge, Committee members participated in the Boaters' Fair and International Coastal Cleanup Day. The Boaters' Fair is an annual event during which we provided a map and information on public road ends, shoreline access and a Kitsap Peninsula Water Trails map.

The 2nd annual Bainbridge Coastal Cleanup Day involved months of planning and resulted in a total of 250 volunteers who used public parks and road ends to access beaches for cleanup.

Develop Contact with other groups and agencies

MAC continues to reach out to among others, the Bainbridge Island Historical Museum, Kitsap Peninsula Water Trails Association, and the Bainbridge Island Rowing Club.

3. Framework Management

Monitor Comprehensive Plan, Shoreline Master Program, and Development Proposals The Committee has offered guidance to the City on areas in the Comprehensive Plan and SMP that impact access to marine waters. Guidance has included a request to restore the percentage of allowable live aboard residents in marinas to 25% from the 10% inadvertently designated in the approved SMP. This work is ongoing as the General Amendment to the SMP is now working its way through the Planning Commission.

MAC submitted a proposal to the City to investigate and establish construction limit lines in order to protect navigation in Manzanita and Madison Bays and to review the existing limit line in Eagle Harbor.

The Committee also monitors shoreline development that may impact road ends or access to navigable waters, such as docks, piers, floats and buoys. Notification of such development currently depends on the vigilance of a committee member who monitors the “Proposed Land Use Actions” webpage announcements. The committee is working with the City to get earlier, systematic notification to the committee via the planning department of pre-permit applications involving navigable waters in order to comment in a timely manner. (Some comment periods extend for only two weeks that may fall between our monthly meetings.)

Review Shoreline Sign Content

As part of a review of existing signage in the vicinity of road ends, the Committee established communication with the BI Historical Society to get input for signage at important sites.

Work Plan

A Work Plan and list of prioritized projects for Council’s consideration during the biennial budget development process is an ongoing requirement of the Committee and has been completed for 2018/2019.

Social Media & Web-based Outreach

We are involved in an ongoing effort to provide updated photos and content of road end and community access information to the City’s Community Engagement Specialist.

We also provided feedback to the City regarding the GIS map of road ends and additional content such as harbor or cruising information.

4. Stewardship

Maintenance Projects (O&M)

MAC continues to identify and prioritize ongoing repair or maintenance of existing road end sites, signage and access. Signs and boundary markers were installed or replaced at several road ends and access sites, notably at Ocean Drive & Reitan Road. The Committee would like to thank the workers of the O&M Department for their prompt and accurate work at each of these sites.

Site Visits to All Marine Access and Road End sites

Annual visits allow us to update the list of amenities for inclusion on the City GIS map and to make note of repairs, signage needs or encroachments on public land.

Encroachment Prevention

MAC continues to actively work with City staff on encroachment issues in order to enforce state law on public access to shorelines (RCW 34.79.035). This is an area that often requires education of adjoining landowners, and potentially support from the City Attorney.

Harbor Stewards

Harbor Stewards, a volunteer arm of the Committee, are boaters and/or waterfront residents who take an active interest in the various harbors around the island, and are often first to notice something amiss: a sinking or derelict vessel, an unmoored boat or buoy, a boat in trouble. When necessary, Stewards alert the Harbormaster or take action themselves to assist. Stewards are located in Eagle Harbor, Blakely Harbor, Manzanita Bay, Madison Bay, Fletcher Bay and Point Monroe. The stewards are represented at each monthly meeting of the MAC and report to the committee on their activities. They actively participate in each of the Stewardship Projects below.

- Harbor Steward Recruitment – Additional Harbor Stewards were recruited at additional sites as needed.
- Monitor Navigational & Safety Issues - This year committee members reported on a boat fire in the ferry channel, explored navigational issues related to shoreline development, and submitted a letter from the Stewards requesting more Police surveillance in Eagle Harbor.
- Buoy Monitoring Program - MAC & Harbor Stewards continue to monitor private mooring buoys and report any issues to the Harbormaster.
- Emergency Flotilla – Recruitment of local boat owners and Yacht Clubs to sign up for the Emergency Flotilla. An ongoing issue regarding liability assignment on the sign-up form was raised by the Harbor Stewards and is being reviewed by the City.

Conclusion

MAC strives to promote and protect public access to and enjoyment of marine waters. Our meetings and activities are unfailingly supported by Roz Lassoﬀ. Morgan Smith, Mark Epstein, various City Attorneys and the staff of the Operations and Maintenance Department all make it possible for our recommendations to reach concrete form. We are also grateful for the advice and support of our Council Liaison, Kol Medina, and the many community members who support public access to our marine waters.

Frank Ostrander, Co-Chair

Elise Wright, Co-Chair

2016-17 Committee Members

John Brownlow
Fred Grimm
Tom Hudson
Frank Ostrander
Greg Spils
Elise Wright

2017-18 Committee Members

Paula Elliot
Fred Grimm
Peter Hill
Anthony Oddo
Frank Ostrander
Greg Spils
Elise Wright

Marine Access Committee Members, July 2017 - July 2018

Members are appointed by City Council to three year terms and limited to 3 consecutive terms. Appointments have been staggered so a balance of new and experienced members serve in any given year.

Paula Elliot has been a resident of Bainbridge Island since 2008, after many years of visiting. Retired academic librarian; formerly employed by Arts and Humanities Bainbridge; freelance editor and indexer. Active with the Bainbridge Island Land Trust, Bainbridge Performing Arts and The Amabile Choir. Married to Paul Brians, retired professor and active community photographer.

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Peter Hill joined the MAC in June of 2017 with the goal of helping our community become better connected to the waters around us. Peter has lived on the Island for fifteen years and is a Seattle lifer who grew up on the beaches of Three Tree Point in Burien. Peter has a BA in Accounting, is a Project Management Professional and has several decades of experience in IT and project management. Peter is an avid sailor who also enjoys fishing and kayaking.

Anthony Oddo is a relative newcomer to Bainbridge Island and the MAC, having relocated from Seattle last February and beginning his term in July. He was previously involved in road end restoration efforts in Seattle and is excited to be part of the MAC on Bainbridge. Anthony is also a competitive rower with the BI Rowing team and recently joined the Board of the Bainbridge-Ometepe Sister Islands Association.

Frank Ostrander (Co-Chair) has been a Bainbridge Island Harbor Commission/Marine Access Committee member since December 2014, an Island resident since 2012. Education: Rutgers University BA, MCRP, JD, Harvard University MPA. Former Oregon Assistant Attorney General. Retired U.S. Department of State Foreign Service Officer - overseas assignments in South Africa, Germany, Canada, Iraq and Bosnia as well as Washington D.C. assignments that included oceans environmental issues, trade negotiations and representing U.S. interests in United Nations technical agencies such as the International Civil Aviation Organization and the International Maritime Organization. Retired Captain U.S. Navy Reserve Judge Advocate General Corps - specialized in international and operational law issues. Married to the former Bonnie Cole, four grown children and eight grandchildren.

Greg Spils has been a Bainbridge Island resident since 2002. Married with 2 children attending Woodward and BHS. Marine Access Committee member since 2013 (originally on Road Ends Committee). Education: Boston College BA. Peace Corps volunteer in Swaziland 1993-1996. Election Supervisor in Bosnia and Kosovo 1996, 1998, 2001. Work experience: various roles at Amazon.com 1997-2012, Rhapsody International 2014-2017, currently consulting.

Elise Wright (Co-Chair) has served on MAC since its creation. She has been sailing and boating the waters of Puget Sound since 1975, and was a member of the Harbor Commission prior to its combination with the Road Ends Committee. Preservation of public access to marine waters has been a priority since she was introduced to Puget Sound by two of the original Harbor Stewards, Bob and Rachel Smith. Elise and her husband John have been caretakers of the 1950 era wooden converted gillnetter SKAMOKAWA since 2005. Two adult sons.



CITY OF
BAINBRIDGE ISLAND



Marine Access Committee

Work Plan: 2018-2019

Bainbridge Island – Marine Access Committee

Established By: Ordinance No. 2015-13

Created by the consolidation of the former Road Ends Committee and Harbor Commission into the **Public Water Access Committee. Ordinance No. 2016-07** (AB16-095 Executive) at the request of the Public Water Access Committee, Council approved changing the Committee's name to **Marine Access Committee**.

Purpose

The **Marine Access Committee** monitors and advises on matters pertaining to the City's harbors, coastal waters and the public's right of access – via designated road ends – to these waters consistent with the provisions of the Bainbridge Island Municipal Code and other direction by the City Council.

Scope of Work

The **Marine Access Committee** shall:

- Work to support awareness, management, and enhancement of public access to and from the island's waters and water dependent activities;
- Actively seek opportunities for public engagement and public outreach to increase awareness of public water access sites of all types (water access, water view, etc.);
- Promote and coordinate opportunities to develop island-wide public water access sites, especially road ends, as appropriate circumstances occur;
- Develop and recommend new road end and harbor management policies as needed, for island-wide water access sites;
- Coordinate with appropriate City staff to implement the public water access policies and goals of the council through measures which include, but are not limited to, recommendation of ordinances, regulations, and other means;
- Initiate, manage, encourage, and support a program for community stewardship of individual water access and road end sites throughout the community;
- Actively seek to leverage city resources by identifying donation and grant opportunities and assessing for alignment with City goals and priorities;
- Enlist volunteers, neighborhood members, and community organizations to assist with the implementation of approved plans and/or projects adopted by the city council;
- Develop an annual work plan in collaboration with appropriate city staff, and submit the proposed work plan to city council for review and approval each year, along with a report on results of the prior year work plan;
- Such other duties and responsibilities as may be assigned by the City Council.

Committee Members

CURRENT MEMBER	POSITION NUMBER	TERM EXPIRES
Paula Elliot	1	June 2020
Anthony Oddo	2	June 2020
Peter Hill	3	June 2018
Greg Spils	4	June 2018
Fred Grimm	5	June 2019
Frank Ostrander, <i>Co-Chair</i>	6	June 2019
Elise Wright, <i>Co-Chair</i>	7	June 2019

Council Liaison

Ron Peltier, At-Large
Term Expires: December 2021

Regular Meetings

5:30 – 7:00 PM
Second Monday of each month
Bainbridge Island City Hall – Council Conference Room (or elsewhere as per notice on City's website)

Committee Website

<http://www.ci.bainbridge-isl.wa.us/706/Marine-Access-Committee>

2018 – 2019 Work Plan Summary

The Committee expects to further refine and prioritize these plans and potential projects as we progress through this period.

In 2018 – 2019 the **Marine Access Committee** will focus activities into four (4) workstreams:

- **Infrastructure Projects:** Identify, encourage and support City projects/tasks that relate to the sustainability of our marine environment and the provision of facilities and services that meet the access and recreational needs of the community.
- **Framework Management:** Provide input to maintenance of the legal and technical frameworks that allow the orderly management of the marine environment and road ends access that are part of the City's area of responsibility.
- **Education, Outreach & Liaison:** Educate and engage with the community and liaise with other parties that have oversight or interests associated with marine activities, public access, and facilities.
- **Stewardship:** Organize activities aimed at vessel owners, water-based activity providers and public access neighbors and users that are designed to protect our marine environment, access and facilities.

Work Plan approved on November 13, 2017 during the November Regular Marine Access Committee Meeting.

Frank Ostrander

Co-Chair

for **City of Bainbridge Island – Marine Access Committee**

November 13, 2017

Elise Wright

Co-Chair

For **City of Bainbridge Island – Marine Access Committee**

November 13, 2017

INFRASTRUCTURE PROJECTS		
Capital Project: Identification of Capital Projects for Future City Budgets		
Committee Lead / Backup	Requested City Resources	Impact Estimate
All		
Description	Status / HC lead	Carry-over
Identify and develop recommendations for at least one marine access enhancing capital project for each year of the City of Bainbridge Island Capital Budget.		New
Project: Enhance Waterfront Park		
Committee Lead / Backup	Requested City Resources	Impact Estimate
Frank Ostrander		
Description	Status	Carry-over
Seek improvements to marine access that build on and enhance the completed Waterfront Park and City Dock projects. Enhancements could include additional benches, path improvements, signage, possible viewing platform(s), bike racks, ADA improvements to shoreline access, etc.	Four benches have been dedicated for installation at the Waterfront Park Shoreline.	Yes
Capital Project: Harbor viewing platform		
Committee Lead / Backup	Requested City Resources	Impact Estimate
Frank Ostrander		TBD
Description	Status	Carry-over
Develop design for, approve, and build a viewing platform similar to that installed at the WSF Kingston Terminal or Spokane Riverwalk in a cooperative project between WSDOT and the City of Bainbridge Island. The viewing platform would provide visitors a place to view the comings and goings within the harbor and take pictures with Seattle and the Sound as a backdrop. Preferred site: Outside the ferry terminal between the smoking area and the motorcycle parking area.	Project included in 2019 City Budget.	Yes

Maintenance Projects (O&M)		
Committee Lead / Backup	Requested City Resources	Impact Estimate
Greg Spils / Peter Hill	City staff and funds for repairs and new installation(s).	TBD
Description	Status	Carry-over
Work with the City to identify, prioritize, and facilitate ongoing repair or maintenance of existing road end sites, signage, or marine access facilities.	City has initiated.	Yes
Existing Road End Maintenance		
Road End	Maintenance Description	
Beach Place	Limbing of trees at shoreline to clear view and increase light	
North St NE	Limbing of trees at shoreline to clear view and increase light	
Skogen	existing cement staircase to shore has broken step	
Sivertson	existing wood staircase to shore is dilapidated and unusable	
Viewing Benches, Bike Racks, and Parking Spaces		
Committee Lead / Backup	Requested City Resources	Impact Estimate
Fred Grimm / Greg Spils	Funds for purchase and installation of benches, bike racks, or parking area materials	Est. \$30,000
Description	Status	Carry-over
In order to improve the road end experience for all users, especially those with limited mobility, coordinate with the City to install benches at road end sites. Develop design for, construct, and install bike racks at prime road end sites. Identify appropriate locations for parking space(s) and obtain Council approval for installation, signage, etc.	8 benches have been installed. 9 more sites have been recommended to the City for installation following a Committee vote.	Yes
Bench Site Recommendations		
Bench Site	Description	
Siverston Road NE	Any suitable location close to the shoreline	
West Waterway	Clear flat open area; east of the culvert	
North NE	On eastern boundary of road end	
Sanwick	Replace an older bench	
Manitou Beach Road	On east side of the guardrail	
Foster	North side of lowest landing	
Falk Road	Any suitable location at road end	
Gertie Johnson Road	Any suitable location at road end	

Parking Site Recommendations	
Parking Site	Description
Fletcher Landing	1 or 2 parking places (including 1 ADA compliant space) on south side of road
Rose Loop	1 parking place near top of trail/stairs to road end

Signage for Water Access		
Committee Lead / Backup	Requested City Resources	Impact Estimate
Greg Spils / All	Public Works	TBD
Description	Status	Carry-over
To maintain public and private property rights at road ends, work with the City to have permanent boundary, shore access, or view signs installed.	Identify signage needs and sites with Kitsap Peninsula Water Trails group.	Ongoing

Road End Signage Needs	
Road End	Signage Requirements
West Waterway	Right-of-Way Boundary Signage at Shore/Road End
Gordon	Right-of-Way Boundary Signage at Shore/Road End
Grotle	Right-of-Way Boundary Signage at Shore/Road End
Broom	Right-of-Way Boundary Signage at Shore/Road End
Whitty Way	Right-of-Way Boundary Signage at Shore/Road End
Gertie Johnson	Right-of-Way Boundary Signage at Shore/Road End
Sivertson	Improved Upland Signage (<u>there is only blue 'shore access' sign up from road end, needs trail signs along trail</u>)
Whitty Way	Improved Upland Signage (the trail sign is right behind large cedar tree so unclear from road sign where to go - move in front of cedar tree)
West Waterway	Improved Upland Signage (needs standard road end sign and shore access sign on Skogen Lane)

FRAMEWORK MANAGEMENT		
Monitor Comprehensive Plan, Shoreline Master Program, and Development Proposals		
Committee Lead / Backup	Requested City Resources	Impact Estimate
Frank Ostrander / Elise Wright, Fred Grimm, Anthony Oddo	Timely notification to the Committee of pre-permit applications (involving docks, buoys, shoreline developments, or navigable waters) and that raise potential marine access policy issues.	

Description	Status / HC lead	Carry-over
Monitor the Comprehensive Plan, Shoreline Master Program, and Development Proposals that involve properties on the shoreline and provide harbors and road ends input where appropriate.	Work with the City to develop a policy regarding notification to neighboring properties when buoy applications are submitted.	Yes
Produce Committee's Work Plan		
Committee Lead / Backup	Requested City Resources	Impact Estimate
Anthony Oddo / Frank Ostrander		
Description	Status	Carry-over
Prepare the Committee Work Plan including a list of prioritized projects for the City Council's consideration during the biennial budget development process.	Finalized November 13, 2017.	

EDUCATION AND OUTREACH		
Community Events and Outreach		
Committee Lead / Backup	Requested City Resources	Impact Estimate
Elise Wright / All	Harbormaster and Community Engagement Specialist	
Description	Status / HC lead	Carry-over
Identify and provide support for community events such as National Marina Day, International Coastal Cleanup Day, Christmas Boats and other marine related events. Ensure that the Committee stays involved and provides community input to any activities associated with the marine environment within the City's boundaries. Liaise with Kitsap Peninsula Water Trails group and identify where KPWT wants to place signs.	Liaise with Historical Society, BI Rowing, Sustainable Bainbridge, Suquamish Tribe, WA DNR, CoE, and EPA to ensure we have coverage and appropriate resources. Conduct outreach/listening sessions with property owners prior to significant changes at these sites. Ongoing contact and communication with KPWT regarding sign placement for water trails.	Ongoing

Digital Outreach		
Committee Lead / Backup	Requested City Resources	Impact Estimate
Elise Wright	Community Engagement Specialist	
Description	Status	Carry-over
Provide content to City's Community Engagement Specialist (CES) to educate community regarding BI maritime history, road ends, and aquatic facilities available, Provide feedback to City regarding new GIS map of road ends and additional content such as harbor or cruising information and features/services (e.g., water access) available at road ends.	Access Guidebook photos and provided content to COBI website.	Yes
Recruit Additional Harbor Stewards		
Committee Lead / Backup	Requested City Resources	Impact Estimate
Fred Grimm		
Description	Status	Carry-over
Recruit additional harbor stewards, as needed. Encourage all Stewards to be actively involved in committee meetings and events.	Harbor Stewards now actively involved in Committee meetings.	Yes

STEWARDSHIP		
Development of an Encroachment Provision and Policy		
Committee Lead / Backup	Requested City Resources	Impact Estimate
Greg Spils / Anthony Oddo	City Attorney and Surveyors	TBD
Description	Status / HC lead	Carry-over
In collaboration with the City Attorney and other Staff, develop a set of procedures for monitoring, enforcing, and adjudicating private encroachments onto public road ends. (See RCW 35.79.035).		New
Review and Monitor Navigational and Safety Issues		
Committee Lead / Backup	Requested City Resources	Impact Estimate
Peter Hill / Fred Grimm		
Description	Status	Carry-over
Monitor and report navigational and safety issues for the shoreline and waters of Bainbridge Island. Review the adequacy and effectiveness of City of Bainbridge Island ordinances related to moorage and anchorage of boats in City waters.	Harbor Stewards met with COBI Police Chief to discuss enforcement issues.	Ongoing

Buoy Monitoring Program		
Committee Lead / Backup	Requested City Resources	Impact Estimate
Harbor Stewards / Anthony Oddo		
Description	Status	Carry-over
Continue to monitor and report, educate, advocate, and assist the City in the buoy enforcement program.	Initial meetings with Harbormaster to view the City monitoring/mapping software and identify problematic buoys in Eagle Harbor.	Ongoing

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City of Bainbridge Island

City Council Agenda Bill



PROCESS INFORMATION

Subject: 7:15 PM Suzuki Property Development, AB 14-118 - Executive (Pg. 19)	Date: 1/16/2018
Agenda Item: UNFINISHED BUSINESS	Bill No.: 14-118
Proposed By: Doug Schulze, City Manager	Referrals(s):

BUDGET INFORMATION

Department: Executive	Fund: General Fund
Expenditure Req: See attachments	Budgeted? Budget Amend. Req?

REFERRALS/REVIEW

: 10/3/2017	Recommendation: Prepare draft development agreement for Council consideration.
City Manager: Yes	Legal: Yes Finance:

DESCRIPTION/BACKGROUND

In 2016, the City of Bainbridge Island conducted a competitive process to select a consultant to design an affordable housing project to be located on City-owned property, commonly known as the Suzuki Property. Olympic Property Group was the team selected as a result of the competitive process.

An environmental assessment was completed in early 2017, which was then used to revise the Olympic Property Group proposal. A revised proposal was submitted to the City Council in September 2017, and the City Council directed the City Manager to draft a proposed development agreement for City Council consideration.

During the last two months of 2017, the City Council reviewed a draft development management agreement. The agreement is intended to establish the terms and scope of services to be provided to the City by Olympic Property Group. At the December 12, 2017 meeting, the City Council provided input on the draft agreement, but no action was taken.

A presentation will be provided, which will give the Council more background as well as information about risks, costs, and options for moving forward. The Council is asked to discuss the proposed project and provide input for the City Manager.

RECOMMENDED ACTION/MOTION

- Discussion Only -

ATTACHMENTS:

Description	Type
▣ 01162018 Presentation	Backup Material

Suzuki

Presentation to Bainbridge Island City Council

January 16, 2018



A Pope Resources Company



The
Affordable
Housing Task
Force

Agenda

Part 1: Grounding

- The Growth Management Act (OPG)
- City Comprehensive Plan (HRB)
- City of Bainbridge Island Affordable Housing Task Force (AHTF)
- Issues Raised During RFP Process (OPG)
- Ecological Study (OPG)
- Development Process (OPG)

Part 2: The Resulting Site Plan (OPG)

Part 3: Define 4 Affordable Housing Goals (HK)

Part 4: The Development Process (OPG)

Part 5: Discussion of Risk (OPG)

Appendix

- A. RCW 36.70A.020 (Planning Goals, Growth Management Act)
- B. COBI Instructions to the 2017 Affordable Housing Task Force
- C. Appendix B – Detail of Preliminary Approval Process

Grounding: Growth Management Act (see also Appendix A)

1. Urban growth (adequate, efficient public services)
2. Reduce sprawl (no low density development)
3. Transportation (encourage multi-modal, regional planning)
4. Housing (affordable housing to all economic segments)
5. Economic development
6. Property rights (protect, compensate for public takings)
7. Permits (processed in a timely manner)
8. Natural resource industries (Maintain and enhance industries)
9. Open space creation
10. Environment (Protect and enhance)
11. Citizen participation and coordination (Encourage involvement)
12. Public facilities and services
13. Historic preservation

Grounding: Comprehensive Plan

Required by the Growth Management Act
Originally created in 1994, updated in 2016

Contains 10 elements – several relate to housing:

- Housing
- Human Services
- Land Use
- Environmental

From the Human Services Element:

- Help provide people with the tools to achieve economic, social and emotional stability to the best of their ability.
- Promote the creation of a mix of housing alternatives and services for people at different levels of independence.

Grounding: Comprehensive Plan

From the Housing Element:

Goal 1 (high priority) Make steady progress toward the following aspirational targets for increasing the diversity of *housing types* and the supply of *affordable housing*.

Policy HO 1.3

Increase rental housing units to at least 11% of total housing units (up from 7%).

Policy HO 1.7

Achieve a jobs-housing balance of .8 (up from 0.59).

Goal 3 Promote and maintain a variety of *housing types* to meet the needs of present and future Bainbridge Island residents at all economic segments in a way that is compatible with the character of the Island and encourages more socio-economic diversity.

Partner with community non-profit organizations and local and regional private and public entities in carrying out the following policies:

Policy HO 3.5

Support the efforts of community non-profit housing organizations and local and regional public and private entities in developing and managing *affordable housing* on Bainbridge Island.

Grounding: Comprehensive Plan

From the Housing Element:

Goal 4 Increase the supply of permanently affordable *multifamily* housing each year through the year 2036 with goals based on data provided by the Housing Needs Assessment and the City's housing reports.

Policy HO 4.7

Encourage agencies whose mission is to develop *affordable housing* to create new subsidized *multifamily* rental housing by aggressively pursuing Kitsap County *Community Development Block Grant Funds*, state funds, donations from private individuals and organizations, public revenue sources and other available funding.

Goal 6 Facilitate the provision of a diverse *affordable housing* stock in all geographic areas of the community

Policy HO 6.1

Encourage housing created by agencies such as a community land trust.

Policy HO 6.2

In order to provide for permanently *affordable housing* pursue effective strategies to reduce the land cost component of *affordable housing* which may include alternative land use zoning, *density bonuses* and other incentives.

Policy HO 6.7

Support the development of *livable neighborhoods*.

Goal 7 Promote and facilitate the provision of rental and for-purchase housing that is affordable to *income-qualified* households with a variety of income levels

Grounding: Affordable Housing Task Force (AHTF)

See Appendix B

Instructions to the AHTF (See Appendix B)

- Consider the Housing Element of the Comprehensive Plan and make specific recommendations to the Council for near-term action
- Consider housing affordability on Bainbridge Island across the economic spectrum.
- Where goals and policies of the Comprehensive Plan seem to be in conflict, recommend solutions that balance the costs and benefits for the community

Grounding: Affordable Housing Task Force (AHTF)

See Appendix B

AHTF Suzuki Recommendations

1. Recommend the adoption of the **Affordable Housing Goals** as outlined in the presentation given by Housing Kitsap to the AHTF on 1/10/2018.
2. Recommend **ownership of the project** after permit approvals have been obtained, as follows:
 - a. Green space to be held in a **land trust** and administered by a nonprofit or governmental entity.
 - b. Homes for sale to be held in a **community land trust** to be administered by Housing Resources Bainbridge or similar nonprofit. If necessary to assure permanent affordability, there should be **deed restrictions/covenants** providing for permanent affordability of the homes.
 - c. Homes for rental to be held by a **partnership of Housing Kitsap and tax credit investors**. In addition, there should be **deed restrictions/covenants** providing for permanent affordability of the homes.
3. Recommend that the number of the **housing units should be maximized**, consistent with the Olympic Property Group proposal and current zoning.

Grounding: Issues Raised During RFP Process

Conservation Related Ideas and Issues

1. Keep property as-is. Transfer ownership to the Bainbridge Island Parks and Recreation District to own and manage in a natural state
2. Older tree stands should be protected
3. Protection of a man-made pond and the habitat value it provides
4. Assessment of impacts to groundwater and aquifer recharge areas
5. Protection of the property's potential to serve as a wildlife corridor
6. Protect critical habitats
7. Evaluation of the property's aquifer recharge potential

Grounding: Issues Raised During RFP Process

Development Related Ideas and Issues

1. Provide a place to expand the Boys and Girls Club
2. Provide affordable housing
3. The City's fiduciary responsibility to judge any proposed use against the fair market value of the property
4. Overall land conservation (higher density urban development versus more rural densities)
5. Create a neighborhood with a high quality of life
6. Traffic impacts
7. Sewer line and plant capacity
8. Low water pressure has been observed in surrounding neighborhoods
9. General development impacts to the surrounding neighborhood
10. Provide visual screen or buffer on New Brooklyn

Grounding: Ecological Assessment

Retained Tree Protection:

- Install protective fencing around critical root zones.
- Minimize soil disturbance and minimize root pruning to protect roots.
- Retain and protect the existing duff layer.

Soil Infiltration and Aquifer Recharge:

- Limit impervious surface coverage across the development site.
- Use rain barrels to capture rainwater which can then be used for irrigation.
- Use lined, vegetated stormwater planters to treat stormwater prior to discharging to a separate infiltration facility.

Grounding: Ecological Assessment

Wildlife Habitat:

- Create buffer zones
- Establish a 300' wide wildlife habitat corridor
- Utilize native
- Minimize light pollution
- Restrict human use to established paths
- Educational signage
- Increase habitat structure

Pond:

- Avoid disturbance of the pond and maintain a protective buffer of existing native vegetation around the pond

Wetlands:

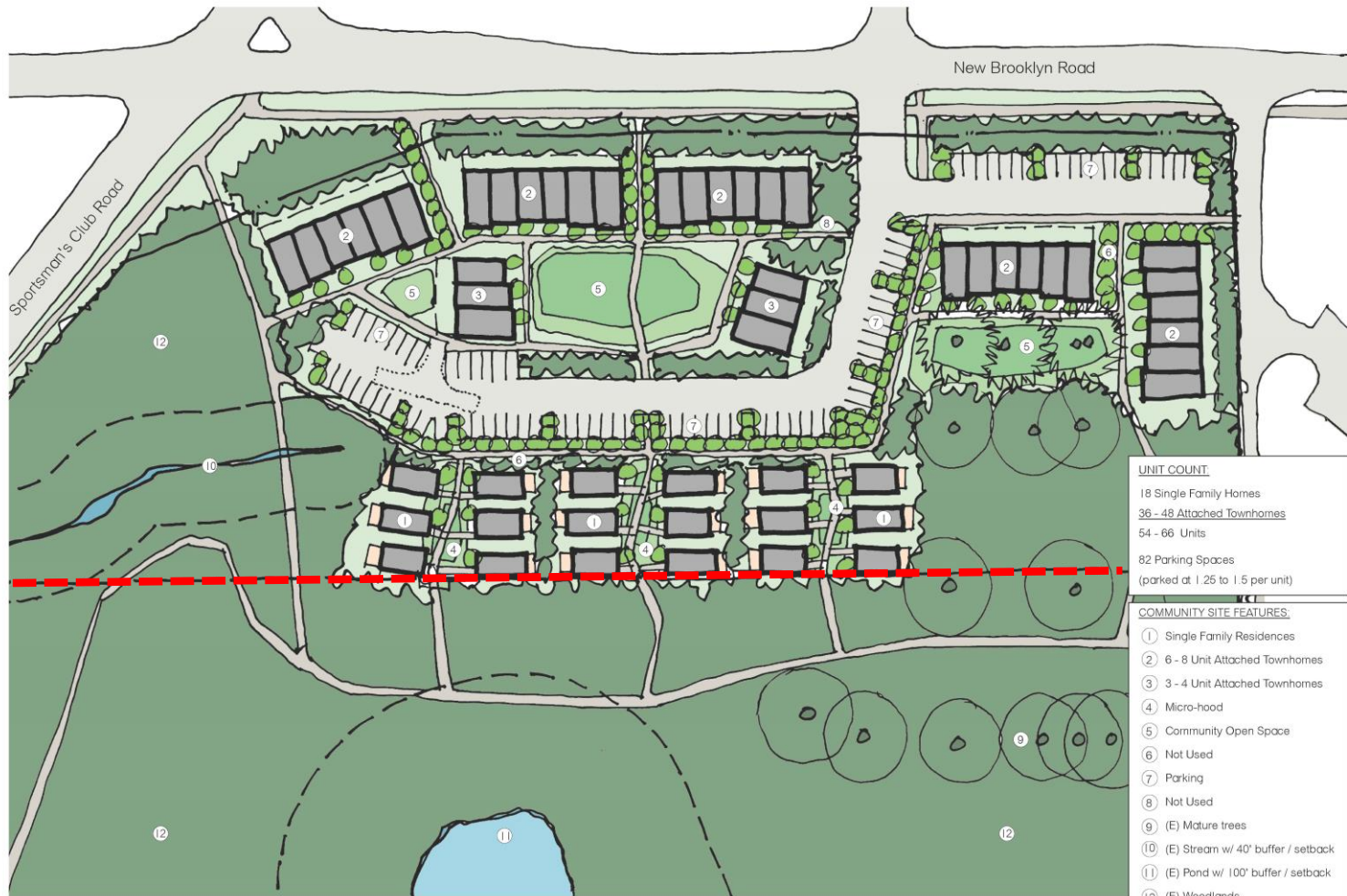
- Prior to site design, wetlands on the property should be formally delineated, categorized and documented in a critical areas study

Grounding: Issues Raised During RFP Process



The Resulting Site Plan

***Will change following topographic and tree survey**



UNIT COUNT:	
18	Single Family Homes
36 - 48	Attached Townhomes
54 - 66	Units
82	Parking Spaces (parked at 1.25 to 1.5 per unit)
COMMUNITY SITE FEATURES:	
①	Single Family Residences
②	6 - 8 Unit Attached Townhomes
③	3 - 4 Unit Attached Townhomes
④	Micro-hood
⑤	Community Open Space
⑥	Not Used
⑦	Parking
⑧	Not Used
⑨	(E) Mature trees
⑩	(E) Stream w/ 40' buffer / setback
⑪	(E) Pond w/ 100' buffer / setback
⑫	(E) Woodlands

Suzuki
A Market and Affordable Rate Community
Bainbridge Island
Washington 98110

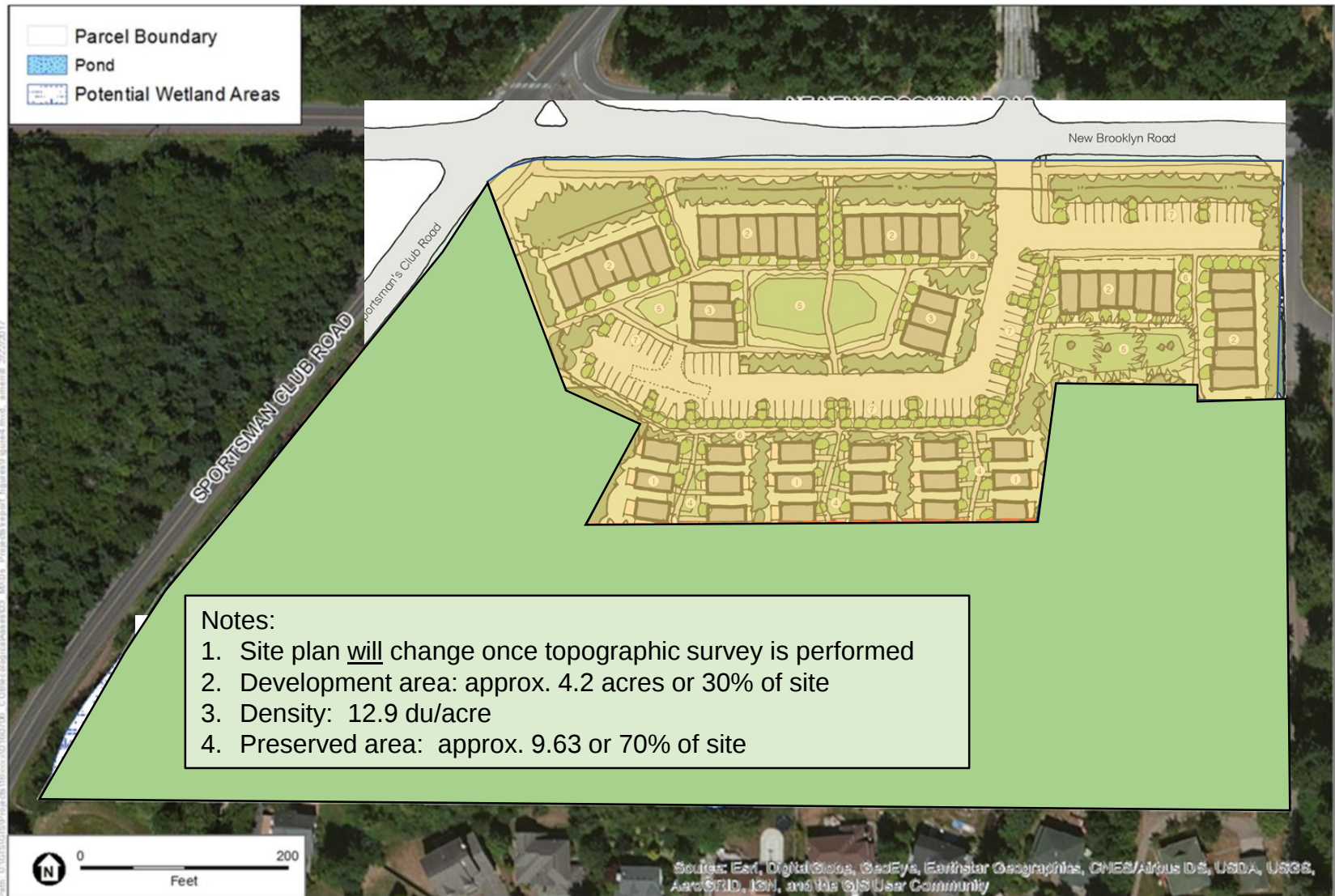
Development Agreement
Site Plan 090617
1" = 40' UNO
September 8, 2017

Revision _____ Date _____

02

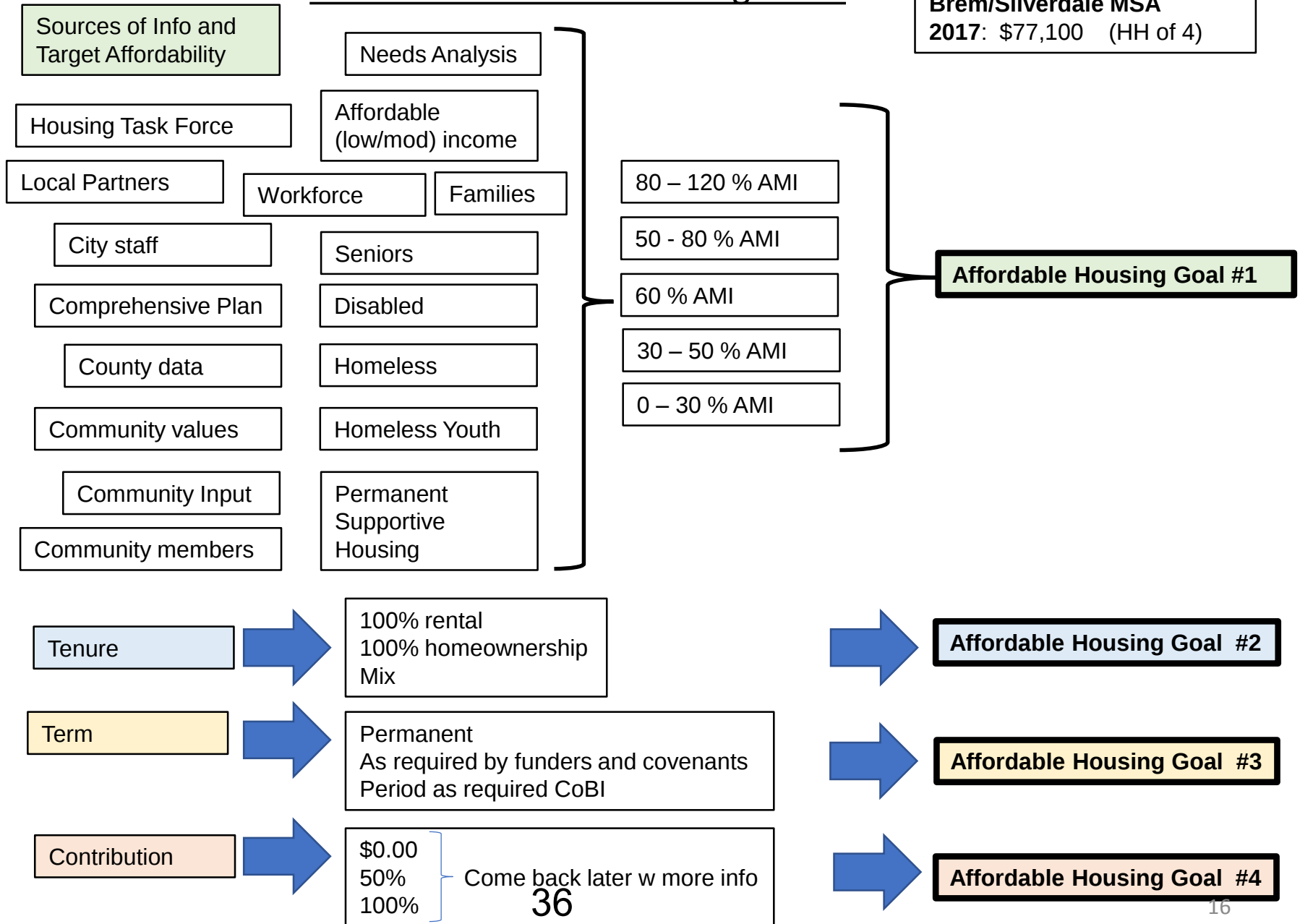
Davis Studio Architecture + Design, LLC
310 Madison Ave. S. Suite A
Burien, WA 98148
206.842.0543
davisstudio.com
davisstudio@comcast.net
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The Resulting Site Plan



Define 4 Affordable Housing Goals

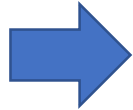
**AMI: Area Median Income
Brem/Silverdale MSA
2017: \$77,100 (HH of 4)**



Define 4 Affordable Housing Goals

Recommendation based on the current site plan at 68 units

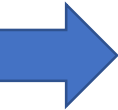
Affordable Housing Goal #1



37% at 50 % AMI: 25 rental units
 37% at 30% AMI: 25 rental units
 13% at 80% AMI: 9 Self Help/CLT
 13% at 120% AMI: 9 HRB/CLT
 or lower

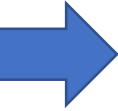
Income	Rent(HH4/2bdrm)
80% AMI: \$61,680	
50 % AMI: \$38,550	\$867
30% AMI: \$23,130	\$520

Affordable Housing Goal #2



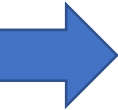
Mix of rental and homeownership

Affordable Housing Goal #3



Permanent

Affordable Housing Goal #4



50% of land value

Contract

OPG, HK, HRB
 (What they do after ...)

Underwriting

Grants / tax credits

What financing needed?

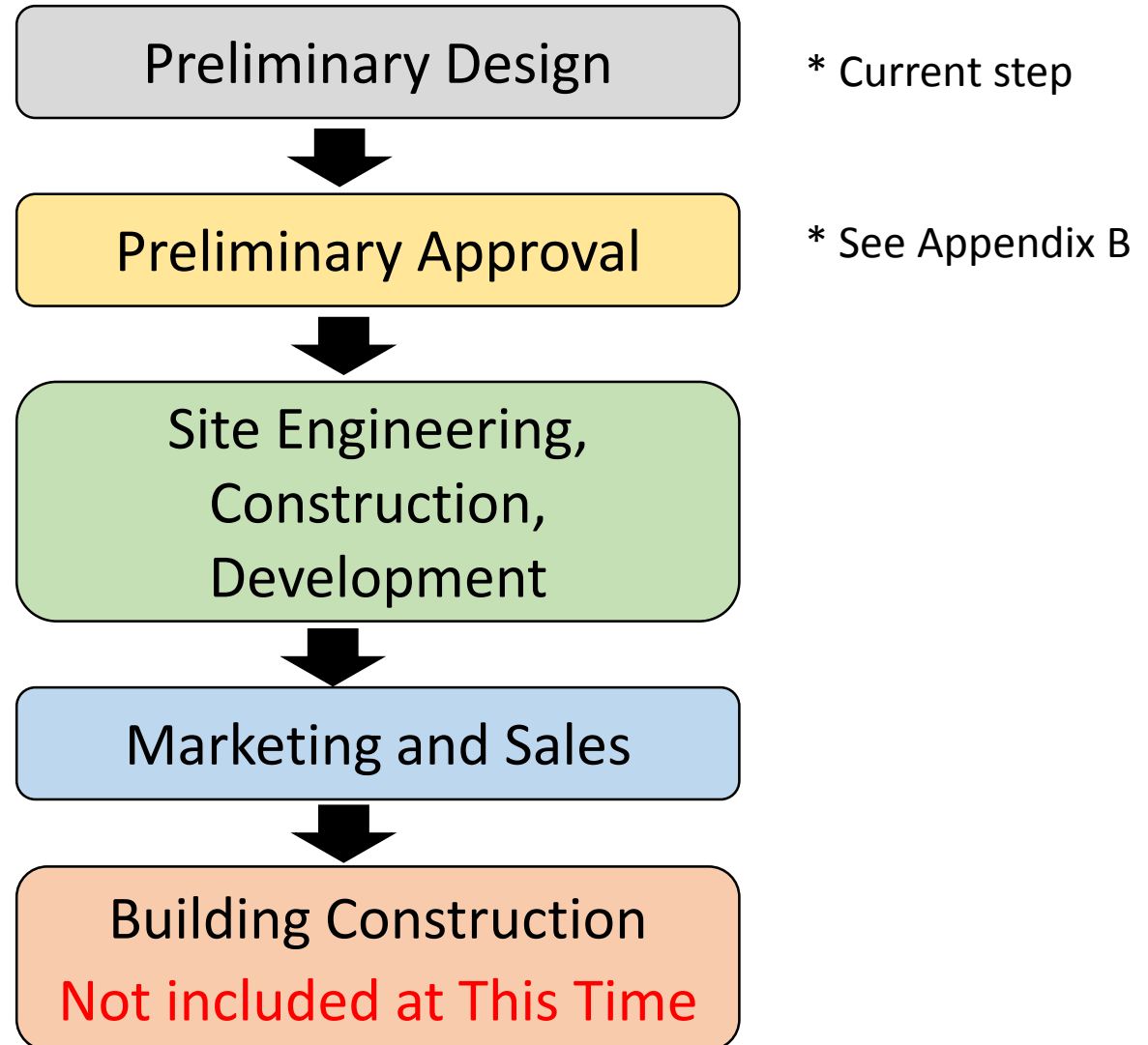
Timeline

Best solution based on
 investor, lender and
 legal needs

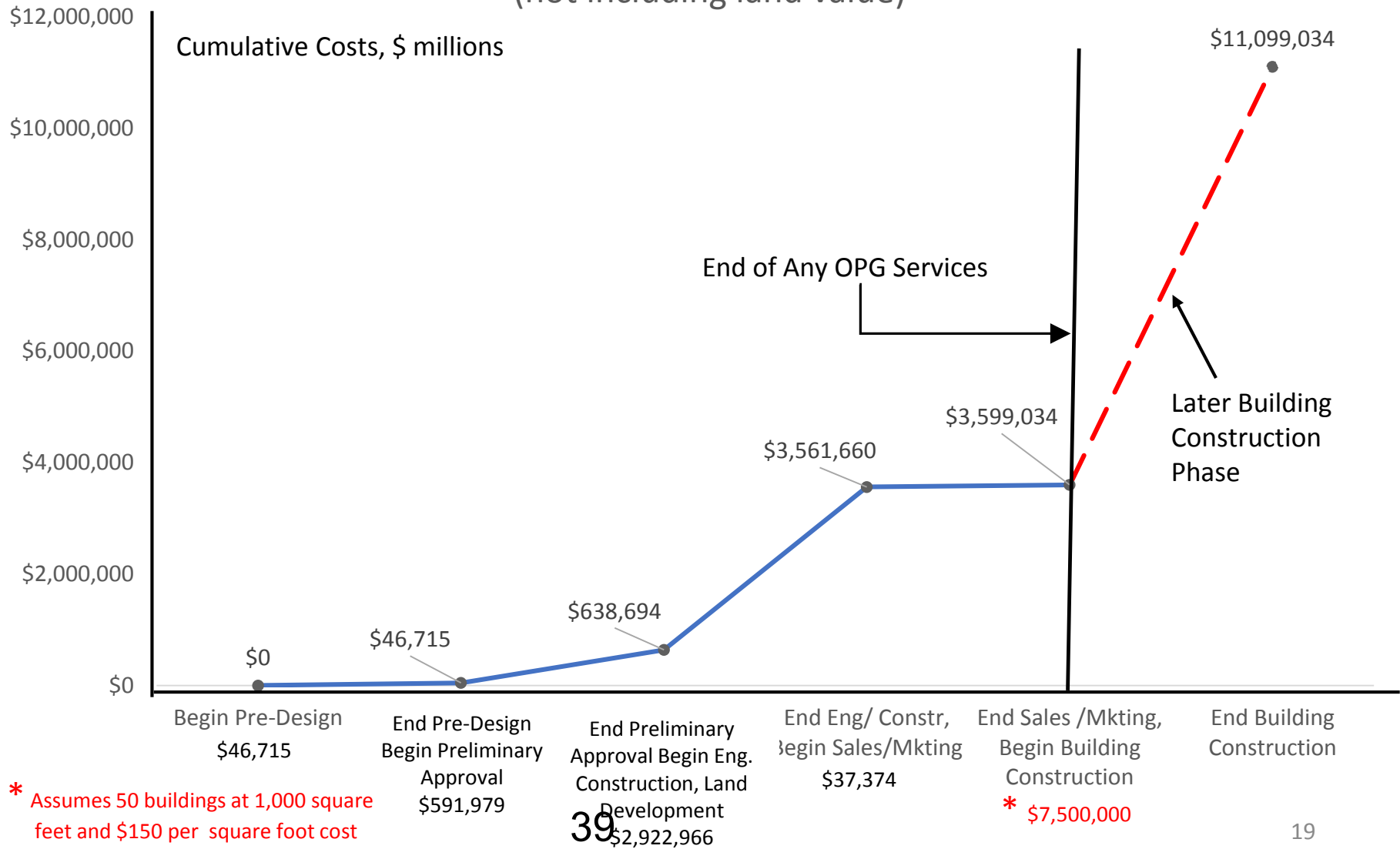
Plan for 50% of value
 cash back to CoBI from
 transfer

Determine best mix
 based on design,
 density and market

Development Process



Development Process Cumulative Development Costs (not including land value)



General Discussion of Risk

Prior City Requests:

- Buy OPG out at any time
- Flexibility on waiting for grant funding (1 – 3 years)
- OPG provide 100% of funding

Approval Risks

- Appeals
- Changing rules
- Conditions of approval (off-site improvements, wetlands)
- Consultant cost overruns
- Delays

Construction Risk

- Change orders
- Rising prices
- Engineering errors
- Accidents
- Inadvertent discoveries

General Discussion of Risk

Risks, continued:

Market

- Real estate market
- Delay of grant funding

Financing Risk

Other Liability

- Errors and Omissions
- Defect and warranty

Appendix A - Planning Goals, Growth Management Act

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW [36.70A.040](#). The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- (6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
- (7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
- (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.
- (9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
- (10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
- (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
- (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
- (13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

Appendix B - COBI Instructions to the 2017 Affordable Housing Task Force

Among the high priority implementing actions of the 2017 revised Comprehensive Plan is the establishment of an Affordable Housing Task Force to consider the revised Housing Element and make specific recommendations to the Council for near-term action.

Members of the Task Force have been chosen both for their interest in working on this issue, and for their recognition that improving access to affordable housing on Bainbridge Island is critical to maintaining a diverse and vibrant community.

The Bainbridge Island Comprehensive Plan defines “affordable housing” as “...*housing affordable to all economic segments of the population of this state. This is a goal of the state Growth Management Act. RCW 36.70A.020(4). When residential housing for rental or private individual ownership is occupied by low-income households, it is considered affordable if it requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the family's income. WAC 365- 200-030(1).*”

From this definition, the Task Force should understand that its mandate is broader than simply considering low-income housing. It should consider housing affordability on Bainbridge Island across the economic spectrum.

Appendix B - COBI Instructions to the 2017 Affordable Housing Task Force

(continued)

The Task Force should review affordable housing-related materials that have been generated by or for the City in recent years, review relevant resource material, and review the goals and policies of our current Comprehensive Plan. While Affordable Housing, and therefore the Housing Element of the Comprehensive Plan, is the focus of this Task Force, it will be important for it to consider the goals and policies of ALL elements of the Comprehensive Plan. Where goals and policies seem to be in conflict, it will be incumbent on the Task Force to recommend solutions that balance the costs and benefits for the community.

The Task Force will decide on what detailed work is necessary to deliver to the Council specific recommendations, including but not limited to recommended changes to City zoning codes and regulations, which would most effectively advance the stated goals of the Comprehensive Plan. The Task Force also may arrive at conclusions or recommendations that involve the work of non-governmental organizations, which can be shared with those organizations either as part of the Task Force's work, or after its final report.

The Task Force is asked to deliver a report to the City Council by the end of June, 2018. The Task Force will be dissolved upon acceptance of its report by the Council

Appendix C – Detail of Preliminary Approval Process

1. **Site Summary and Density Study**

DSAD will prepare a Site Summary Drawing showing site conditions as understood from the environmental assessment report.

DSAD will prepare three site plans showing

- base density - 30 units
- HDDP Tier 2 density bonus - 60 units
- HDDP Tier 3 density bonus - 75 units

OPG and HK will prepare cost analysis for each of the above schemes to evaluate pros and cons of each option.

OPG, HK and DSAD will present above information to Council.

Council will approve one of the above schemes, or an alternate.

2. **On-site Investigations**

In order to more thoroughly document the site, DSAD will lead the consultants in the following tasks:

- mark approx. development area boundary - BWE, DSAD
- dig soil test pits, for infiltration analysis for stormwater management design - BWE
- soil boring, for soils analysis for aquifer recharge, structural capacity etc. - Geotechnical Consultant
- wetland delineation, classification, flagging - Wetland Consultant
- survey topography, property lines, utilities, off-site improvements, significant trees around development arear, all of above test pits, flagging, etc. - Surveyor
- tree survey, including evaluation of significant trees along development area boundary, and as required by COBI - Arborist
- level one environmental report - Environmental Consultant
- traffic study, analysis and recommendations - Traffic Consultant

This work could occur concurrent to Step A above.

DSAD will revised the Site Summary Drawing based on the findings from the Consultants.

The findings and the Site Summary Drawing will be presented to Council.

Appendix C – Detail of Preliminary Approval Process

3. Site Assessment Review

Based on Steps A and B above, DSAD, with BWE, will prepare a Site Assessment Review package for the Site Assessment Review (SAR). This Package will be presented to Council.

4. Concept Stormwater Management/LID design

BWE will develop a conceptual stormwater management plan using LID techniques wherever possible, following COBI guidelines.

5. Site Plan Revisions

If needed DSAD will prepare up to 3 site plan revision options to accommodate the above findings. These revisions will be presented to Council.

6. Schematic Design

DSAD, BWE, FBP will provide Schematic Design for the Project.

Schematic Design includes design and drawings for:

- site plan
- buildings
- accessory buildings etc.
- landscaping
- civil engineering

Drawings will include:

- site plans
- floor plans
- roof plans
- building elevations
- sections
- 3D drawings
- others required by application

Schematic Design also includes preparation of the packages required for the following submissions and presentations as part of the Subdivision approval.

Appendix C – Detail of Preliminary Approval Process

7. Pre-Application

- Council Meeting - to present Application Package
- Pre-Application Conference
- Preliminary Design Review Board Meeting
- Public Meeting
- Planning Commission Courtesy Meeting
- Second Design Review Board Meeting, if requested
- Council Meeting - to present Application Package

8. Subdivision with HDDP Application

- Council Meeting - to present Application Package
- Design Review Board Meeting
- Planning Commission Meeting
- Hearing Examiner Meeting
- Approval of Final Plat by Council

City of Bainbridge Island

City Council Agenda Bill



PROCESS INFORMATION

Subject: 7:35 PM Inclusionary Zoning Discussion, AB 17-189 - Planning (Pg. 48)	Date: 1/16/2018
Agenda Item: UNFINISHED BUSINESS	Bill No.: 17-189
Proposed By: Planning and Community Development	Referrals(s):

BUDGET INFORMATION

Department: Planning	Fund:	
Expenditure Req:	Budgeted?	Budget Amend. Req?

REFERRALS/REVIEW

:	Recommendation:	
City Manager:	Legal: Yes	Finance:

DESCRIPTION/BACKGROUND

See attached memo.

RECOMMENDED ACTION/MOTION

Discussion and Council direction to City staff and/or the Affordable Housing Task Force.

ATTACHMENTS:

Description	Type
☐ Staff Memo	Memorandum
☐ 2017 Affordable Housing Income Table	Backup Material
☐ MRSC Inclusionary Zoning article	Backup Material

MEMORANDUM

Date: January 16, 2018
To: City Council
From: Jennifer Sutton, AICP
Senior Planner
Subject: Next Steps for Inclusionary Zoning Regulations

BACKGROUND

A Comprehensive Plan high-priority implementing action was to establish an Affordable Housing Task Force (AHTF) to identify affordable housing programs, policies, regulations, and incentives, and to make specific recommendations to the City Council for near-term action. The AHTF was appointed by the City Council on June 20, 2017, and began meeting regularly in September.

During the AHTF October 4, 2017 meeting, Kellie List (City Management Intern) presented an overview on Inclusionary Zoning, a well-known affordable housing strategy. At their November 1, 2017 meeting, the AHTF voted unanimously to recommend to the City Council that the City pursue an Inclusionary Zoning program.

Inclusionary Zoning refers to regulations that a local government could adopt to promote the construction of affordable housing; state guidance for such a program is outlined in [RCW 36.70A.540](#). An inclusionary zoning program generally has the following elements:

- 🏠 Mandatory or voluntary program?
- 🏠 Minimum project size that triggers inclusionary zoning requirements
- 🏠 Amount of affordable units required (e.g. 10% of total units)
- 🏠 Incentive to promote inclusionary zoning (e.g. bulk or height incentive, bonus lots or units)
- 🏠 Targeted income range for designated affordable units
- 🏠 Geographic scope or zones where inclusionary requirements apply
- 🏠 Program administration to ensure that residents are income-qualified, and that affordability is managed and maintained over time.

The Council heard the recommendation from the AHTF that the City pursue an Inclusionary Zoning program at the November 7, 2017 Council meeting. The same Inclusionary Zoning presentation was also given at the [November 7, 2017 City Council meeting](#).

A Municipal Research Services Center (MRSC) article on Inclusionary Zoning and the 2017 Affordable Housing Median Income table is also attached for background information. Additional background information helpful for the larger discussion on affordable housing are posted to the City's AHTF webpage <http://www.ci.bainbridge-isl.wa.us/921/Affordable-Housing-Task-Force>

NEXT STEPS

Staff recommends that the City pursue inclusionary zoning by taking the next steps:

The AHTF consider and make recommendations on the following issues:

- 🏠 Geographic areas or zones where inclusionary requirements apply
- 🏠 Targeted income range for designated affordable units, rentals and owner occupied.
- 🏠 Whether or not to consider a “Fee in lieu” option, where an applicant would pay a fee to go towards constructing units elsewhere, instead of building the affordable units. The fee would likely go to the City’s Housing Trust Fund, to be used to support or build other affordable housing.

Concurrently, the City should begin to pursue consultant services, with expertise in real estate law and housing and real estate development to assist the City in determining a nexus between residential development and the amount of affordable housing that could be required through an inclusionary zoning program. The standards for the following elements are interconnected, and would be analyzed by a consultant:

- 🏠 Minimum project size that triggers inclusionary zoning requirements
- 🏠 Amount of affordable units required (e.g. 10% of total units)
- 🏠 Incentive to promote inclusionary zoning (e.g. bulk or height incentive, bonus lots or units)

The AHTF recommendations would factor into assumptions that a consultant would use in analyzing the issues



CITY OF BAINBRIDGE ISLAND

2017 MEDIAN INCOME LIMITS BY HOUSEHOLD SIZE

BREMERTON-SILVERDALE MSA (HUD)

Maximum Income Limits by Category (BIMC 18.21.020)	Household Size							
	1	2	3	4	5	6	7	8
Extremely Low Income: ≤ 30% of Median Household Income	\$16,250	\$18,550	\$20,850	\$24,600	\$28,780	\$32,960	\$37,140	\$41,320
Very Low Income: 31% - 50% of Median Household Income	\$27,000	\$30,850	\$34,700	\$38,550	\$41,650	\$44,750	\$47,850	\$50,900
Low Income: 51% - 80% of Median Household Income	\$43,200	\$49,400	\$55,550	\$61,700	\$66,650	\$71,600	\$76,550	\$81,450
Moderate Income: 81% - 95% of Median Household Income	\$51,272	\$58,596	\$65,921	\$73,245	\$79,105	\$84,964	\$90,824	\$96,683
Middle Income: 96%% - 120% of Median Household Income	\$64,764	\$74,016	\$83,268	\$92,520	\$99,922	\$107,323	\$114,725	\$122,126
100% of Median Household Income	\$53,970	\$61,680	\$69,390	\$77,100	\$83,268	\$89,436	\$95,604	\$101,772

Inclusionary Zoning: One Approach to Create Affordable Housing

November 23, 2016 by Steve Butler
Category: Housing



Affordable housing is a big issue facing many communities in Washington and the rest of the United States. Many people are either paying more than 30% of their household income for housing (especially lower income households) or being forced to live far away from their place of employment (which leads to long commutes and increased traffic congestion). Most local governments are not in the business of building housing, so what can they do to address the affordable housing problem?

One method is a regulatory tool called “inclusionary zoning.” Inclusionary zoning requires affordable units to be included within new residential development projects or requires payment for construction of such units elsewhere in the community.

There are two basic types of inclusionary zoning: **voluntary** and **mandatory**. Under a **voluntary** program, it is up to the developer to decide whether or not to use various incentives or bonuses in exchange for providing a specified number of affordable units. However, such programs are not used very often, with developers usually opting to choose the simpler path of building only market-rate housing.

Conversely, a **mandatory** program requires the construction of a minimum number of affordable units (or an “in lieu of” payment). Communities with a mandatory program usually provide an additional density bonus if the number of affordable dwelling units goes beyond the mandated minimum. This blog post will focus primarily on mandatory programs.

Who Uses Inclusionary Zoning?

Over 500 cities in the U.S. use inclusionary zoning, including Boston, Denver, New Orleans, Portland, Sacramento, San Francisco, San Diego, and Washington, DC. In Washington State, there are a few cities that already use inclusionary zoning, and more that are actively considering it (such as Seattle).

One successful Washington example is [Redmond's affordable housing regulations](#), which have been in place since 1995. To date, Redmond has long-term affordable "contracts" on 496 dwelling units. Federal Way has also created a sizable amount of affordable units through its inclusionary zoning provisions, and I'll also include some other examples from Washington cities in the rest of this post.

Elements of Inclusionary Zoning

Mandatory inclusionary zoning regulations usually specify the following:

1. **Minimum quantity** of affordable units to be provided, which is usually a percentage of a development's total number of dwelling units. For example, [Redmond](#) requires a minimum of ten percent, while [Sammamish](#) has a sliding scale, based on the affordability level of the provided housing units. Developers in Sammamish are also using the City's affordable housing "bonus pool" to produce more market-rate and affordable dwelling units.
2. **Targeted income range** of households to be served by the affordable units. For instance, Redmond's target population is "those who make equal to or less than 80 percent of the King County median household income adjusted for household size," while [Federal Way](#) defines "rental affordable housing" as dwelling units affordable to those with incomes at or below 50 percent of King County's median income.
3. **Time period** within which the designated units must be maintained as affordable. For example, [Issaquah](#) requires those units to remain affordable for a minimum of 50 years.
4. **Geographic scope** of such regulations. Inclusionary zoning is usually limited to designated areas (such as downtown or mixed use development areas), although they may be applied throughout your community. For example, [Redmond](#) includes its downtown and seven other neighborhoods, while [Issaquah's mandatory program](#) is limited to the Central Issaquah Urban Core.

On a practical note, a local government should ensure that the increased development capacity resulting from an upzone will offset the added costs to the housing developer of providing the affordable units. Otherwise, neither the market-rate nor affordable housing units will be built.

Pros and Cons of Inclusionary Zoning

In an active housing market, inclusionary zoning results in the production of more affordable housing for low and moderate income residents. Inclusionary zoning can also result in buildings and neighborhoods that have a mix of income levels, without having to rely on taxpayer funds to provide them.

On the "con" side, it may be difficult to administer an inclusionary zoning program and monitor that the designated dwelling units remain affordable. Also, this type of regulation sometimes raises concerns about "a change in community character." Finally, if your local housing market is not strong enough, developers may opt not to build any residential housing (which might then exacerbate the affordable housing issue).

Legal Basis for Inclusionary Zoning

State law ([RCW 36.70A.540](#)) provides authority for GMA cities and counties to establish mandatory requirements for the inclusion of affordable housing under certain circumstances; see also [WAC 365-196-870\(2\)](#). That statute allows a GMA city or county to require a minimum number of affordable housing units that must be provided by all residential developments in areas where the city or county decides to increase residential capacity (in other words, in areas it decides to upzone).

Before establishing such a requirement, a city or county must determine that such a zone change would further local

growth management and housing policies.

Conclusion

You should carefully review the pros and cons of inclusionary zoning before implementing such a program. But, if your community has an affordable housing problem and strong demand for market-rate housing, it is a regulatory tool that you should consider.

For more information on inclusionary zoning, see:

- The Ins and the Outs: A Policy Guide to Inclusionary and Bonus Housing Programs in Washington, The Housing Partnership (2007) – An older but still very useful overview of the legal, economic and practical issues that arise when structuring inclusionary or incentive housing programs in Washington.
- Achieving Lasting Affordability through Inclusionary Housing, Lincoln Institute of Land Policy (2014) – A detailed report, with many case studies.



About Steve Butler

Steve joined MRSC in February 2015. He has been involved in most aspects of community planning for over 30 years, both in the public and private sectors. Steve has served as president of statewide planning associations in both Washington and Maine, and was elected to the American Institute of Certified Planner's College of Fellows in 2008.

[VIEW ALL POSTS BY STEVE BUTLER](#) ▶

Comments

0 comments on Inclusionary Zoning: One Approach to Create Affordable Housing

Blog post currently doesn't have any comments.

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City of Bainbridge Island City Council Agenda Bill



PROCESS INFORMATION

Subject: 7:55 PM Update on Implementation of the Latimore Study, AB 17-045 - Planning (Pg. 55)	Date: 1/16/2018
Agenda Item: UNFINISHED BUSINESS	Bill No.: AB 17-045
Proposed By: PCD	Referrals(s):

BUDGET INFORMATION

Department: Planning	Fund:	
Expenditure Req:	Budgeted?	Budget Amend. Req?

REFERRALS/REVIEW

:	Recommendation:	
City Manager:	Legal:	Finance:

DESCRIPTION/BACKGROUND

See attached memorandum.

RECOMMENDED ACTION/MOTION

Discussion

ATTACHMENTS:

Description	Type
❑ Memorandum	Backup Material
❑ Latimore Study Report (June 2017)	Backup Material

Department of Planning and Community Development

Memorandum

Date: January 12, 2018
 To: City Council
 From: Gary R. Christensen, AICP, Director
 Subject: Update on Implementation of the Latimore Study

Overview

The Latimore Study is a performance audit of the Planning & Community Development Department development review processes. The most frequent complaints received by the City of Bainbridge Island are related to land use and permit processes. In addition, residents have consistently rated land use, planning and zoning very unfavorably in the [National Citizen Survey](#). In response to this feedback, in 2016 the City hired the Latimore Company, LLC, (Consultant) to assess the development review process and permit review performance of the Department and to make findings and provide recommendations for process improvements that advance development review and project workflow predictability, efficiency, and collaboration of City services.

Through a process of interviewing community members, advisory board members, Council and staff, the Consultant gathered information to better understand the development review processes, its constraints, and opportunities for improvements. The City of Bainbridge Island Development Review Assessment Findings and Recommendations [report](#) (June 2017) includes a discussion on the current development review workflow process; public feedback on the development review process; baseline permit review timelines; identification of development review process strengths and constraints; and recommendations for development review process and project workflow improvements. The report was [presented](#) during a joint meeting of the City Council, Planning Commission and Design Review Board in June 2017.

The Latimore Study implements the following City Council 2017 Work Program tasks:

Task	Priority	Status
Improve Department Administrative Functions	High	In Progress. Incrementally reviewing and implementing improvements to PCD website, Latimore Report recommendations, SmartGov functions, and standard operating procedures and policies.
Respond to Latimore review of development process	High	In Progress. Latimore Report "COBI Development Review Assessment Findings and Recommendations" issued June 2017. Implementation work program started in 2017 Q4, with completion in 2018 Q2.
Expand/improve SmartGov functionality	Medium	In Progress. Latimore Report identified SmartGov improvements (June 2017). Improvements to be implemented in 2017-2018.

In addition, the project is a City Council identified High Priority 2017-2018 Comprehensive Plan Implementing Action and its description and status is described below.

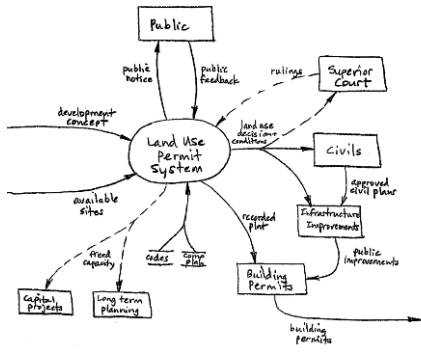
Implementing Action Project	Description	Status
Development Review Process Improvement Implementation (Latimore)	The Latimore report includes an assessment, findings and recommendations for process improvements that advance development review and project workflow predictability, efficiency and collaboration of City services.	Development Review Assessment Implementation Agreement (November 2017). 2018 project timeline Q1-Q2.

Project Update

In the fall of 2017, Department staff met with the Consultant to discuss implementation steps and draft a project scope of work. In November 2017, a professional services contract was agreed to with a scope of work including detailed task objectives, descriptions, assumptions, deliverables, staff/consultant responsibilities, and schedule. The scope of work has 5 defined Tasks:

1. Establish Development Review LOS Standards
2. Establish a Format, Standard, and Procedures for the Development Review Committee (DRC), Daily SmartGov Use, and Process Improvements
3. Integrate Electronic Development Review
4. SAR and Parcel Report Efficiencies
5. Implementation Support

It is important to understand that while the objective is to improve the efficiency of the permitting process, that objective is not to process permits faster, although that may be an outcome, the intent is to make sure a system is in place that creates the highest likelihood that permit applications are reviewed consistently and thoroughly, while also improving customer service.



The Latimore Company, LLC
 11805 Ingraham Road
 Snohomish Washington 98290
 (360) 805-2999
klatimore@latimorecompany.com
latimorecompany.com

June 14, 2017

City of Bainbridge Island Development Review Assessment Findings and Recommendations



Summary

To move the City of Bainbridge Island forward toward newly updated Comprehensive Plan goals, policies, and high priority land use actions, the City Manager and Director of Planning & Community Development called for an assessment of the development review process.

The Latimore Company, an expert in local government permit process in Washington State, produced this assessment of the process and the many forces acting on it in this remarkably picturesque community 8 miles from downtown Seattle.

The assessment concluded the Bainbridge Island development review process boasts 6 strengths and recommends 18 improvements to redesign the way the City's department staff, advisory boards, committees, and applicants work together to produce a top quality built environment, predictable timelines, consistent results, and high customer satisfaction.

The pacing aspects of project review are identified. Strong development demand, Island ecology, evolving regulations, customer service standards, a lag between Comprehensive Plan updates and adopted code regulations, and a lag between development volumes and staffing combine to create a challenging work environment, applicant calls for more durable guidance and predictability, and a sense from some in City Leadership and in community survey results that results on the ground are not what was intended. The "physics" of how these forces affect the results, timelines, and atmosphere of development review are explained.

The Improvement Recommendations create a closed-loop process where City Leadership, Department Staff, and Applicants guide, set, and manage levels of service, methodically pace Comprehensive Plan implementation into practice, and provide new ways for the City and its Applicants to establish more durable understandings up-front, efficiently respond to staff correction comments, and capitalize on online technology.

Next Steps finalize an implementation schedule. The Latimore Company recommends a 12-point work program for timely transformation, expertise, and steady reinforcement to bring this high-performance development review process to the City of Bainbridge Island.

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Introduction

Introduction

Residents of The City of Bainbridge Island are passionate about their island.

Wholly encompassing Bainbridge Island since Winslow annexation in the 1990s, this City is a remarkable combination of scenic vistas and Puget Sound shorelines, local shopping areas, forested landscapes, and large lots with basic infrastructure, 8 miles from downtown Seattle.

It's a city where residents travel two maximum-visibility connection corridors, Agate Pass Bridge to the west, Washington State Ferries to the east (Figure 1).

Where new residents, drawn to island charm and fueled by a strong economic recovery, are building dream houses and clearing longtime forested lands.

Where generational families are watching the familiar transform, shopping centers, schools, municipal buildings, and apartment complexes erected, and bridge and ferry lineups grow.

There is a tension on the island to preserve this unique haven yet build homes and services for new residents eager to live the Bainbridge Island life.

At the center of these forces is the land use and development permit process.

One by one, permit and land use decisions are made by the Department of Planning & Community Development per the City's development codes and state regulations that trigger extensive evaluations and treatments for environmental protections, shoreline management, and growth management regulations.

It is a complex regulatory environment on an island where added layers are routinely triggered. Many citizens actively comment on pending projects, construction projects are scrutinized, and sometimes do not want any more development at all. The Department has experienced significant turnover and relies greatly on its few longtime experts with the island, its municipal code, and its development review process.

City planners and leaders just completed a Comprehensive Plan update. It includes specific policies and priority actions to sort out how the many entities of land use review work together to create a built environment worthy of Bainbridge Island while preserving island character. A tall order.

The City Manager and Director of Planning & Community Development called for The Latimore Company, an expert in local government permit process, to assess the situation and guide the City forward toward its goals.

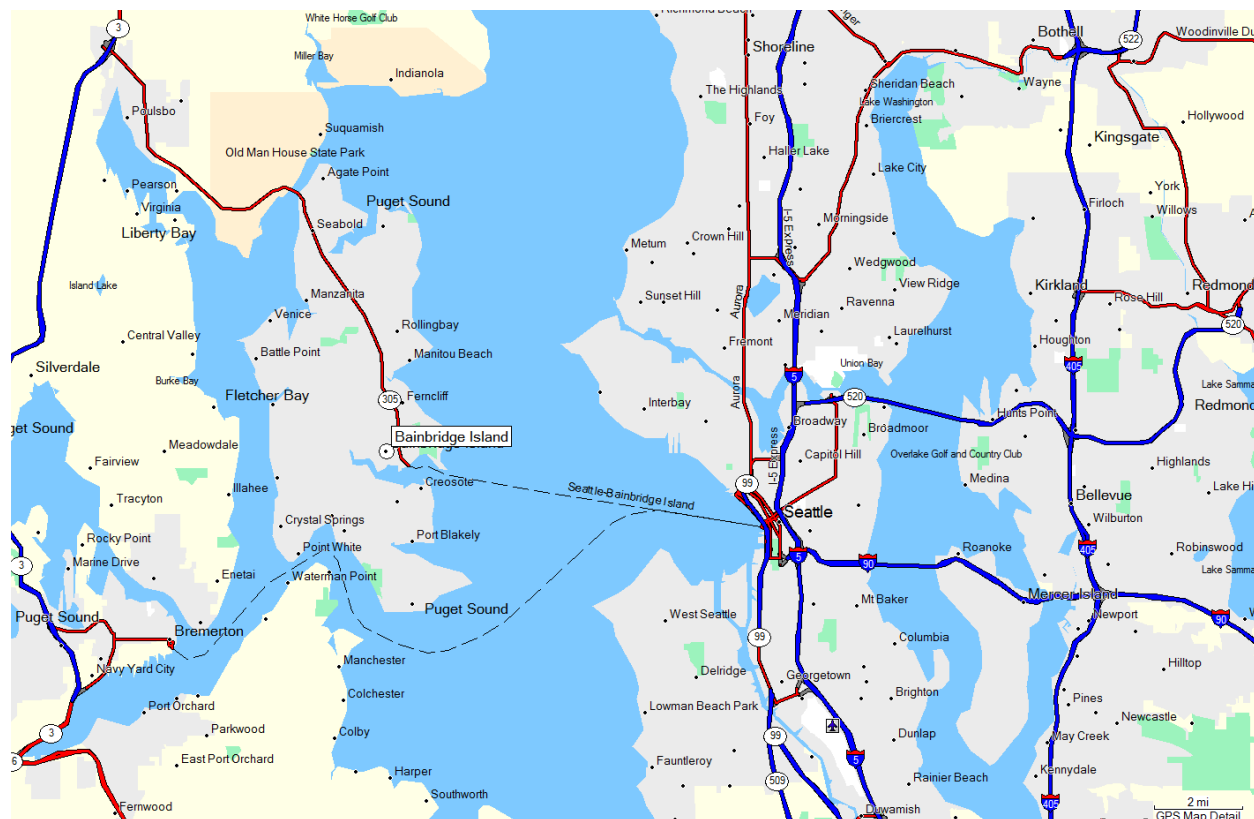


Figure 1 - Bainbridge Island Proximity and Corridors

The Latimore Company, LLC

The Latimore Company, LLC (TLC) is a community government consulting firm located in nearby Snohomish County that is dedicated to improving the predictability, efficiency and collaboration of permit operations. TLC has consulted for 23 Washington State jurisdictions (Figure 2) to boost permit system performance and is the author of *Best Practices for Local Government Permitting* for the Washington Governor's Office of Regulatory Assistance.

Its founder, Kurt Latimore, led the deployment and refinement of the Model Permit System, a package of administrative processes proven effective at streamlining permit application preparation and review, through the Economic Development Council of Snohomish County in 2003. This work was the recipient of the Puget Sound Regional Council's *Vision 2020* award.

Kurt is a frequent speaker at industry conferences, such as the Washington Association of Building Officials (WABO), the American Planning Association (APA), and the Washington State Hearings Examiners. He is a continuing education instructor for WABO and New York State's Finger Lakes Building Officials Association.

Washington State Government Service Clients

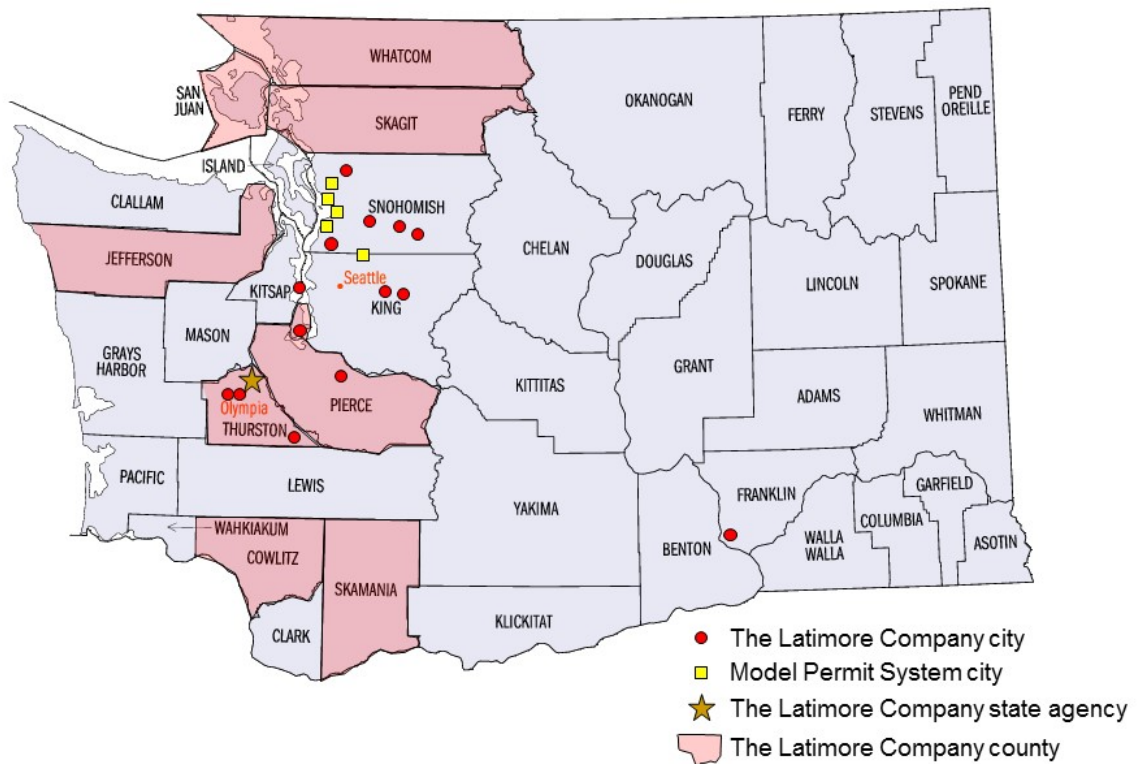


Figure 2 - The Latimore Company Communities

Assessment Scope

The scope for this assessment (Figure 3, red) is the receipt, review, and decision of development permit applications. This includes:

- Land use actions,
- Civil plan approval, and
- Building permits.

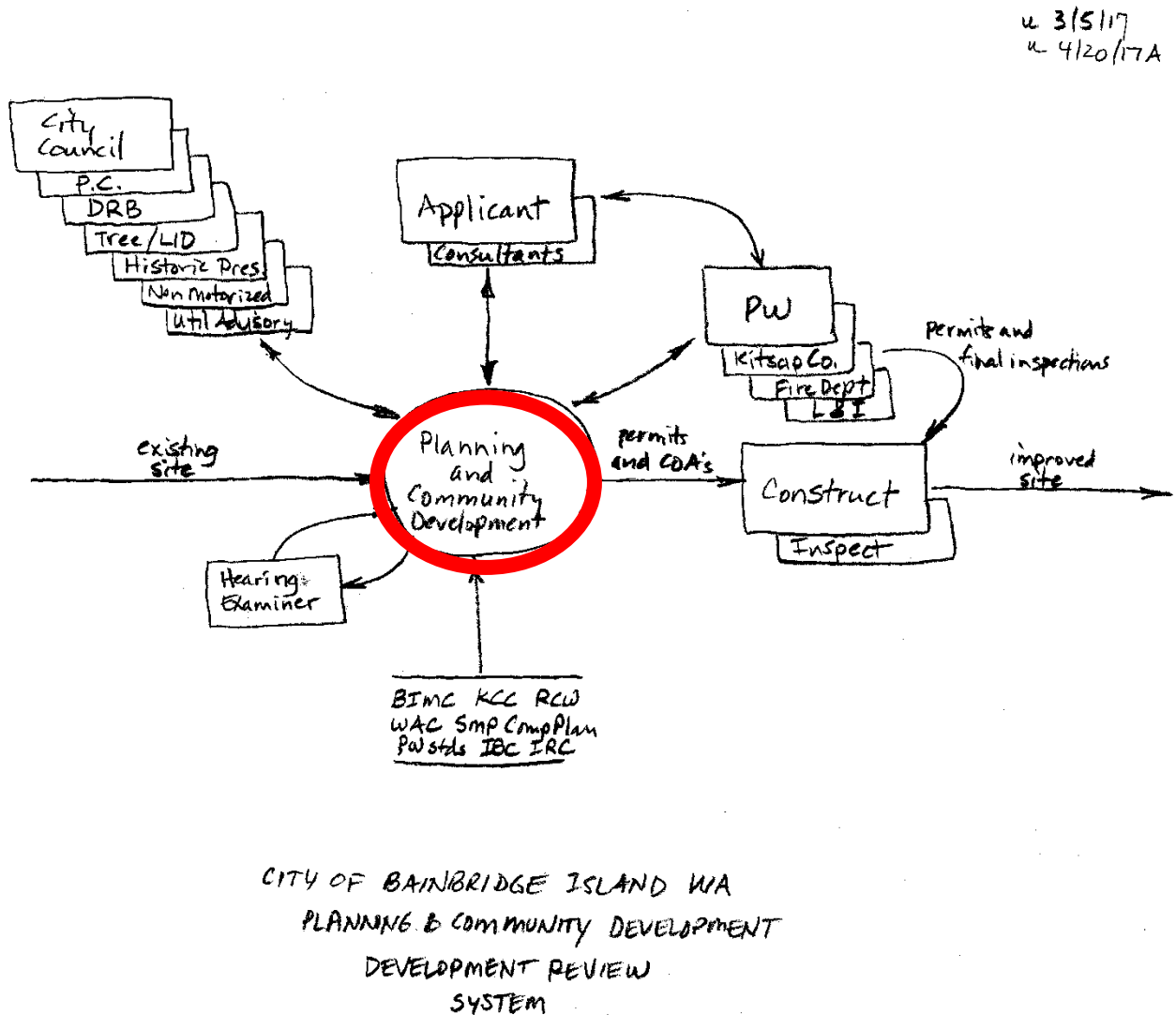


Figure 3 - Assessment Scope

Outside of the development review assessment scope (rectangles in Figure 3) are:

- Comprehensive planning, ordinance development, rezones and Council actions beyond final plat acceptance.
- Advisory committee functions beyond their interconnections with development review,
- Capital improvement projects (CIPs).
- Construction and inspection.
- Code enforcement.
- Mechanics of interactions with outside agencies, the County or Court system.
- Mechanics of applicant design or team structure.
- Personnel assessment.
- Fees, fee structure or cost recovery.

The Theory of Constraints

Underlying efficiency recommendations is a proprietary methodology that includes Eliyahu Goldratt's *Theory of Constraints*. Goldratt, a physics professor, found that by modeling organizations and their objectives as physical systems (like gravity, water flow or electromagnetism) the model predicted dramatic performance improvement was achievable. Organizations throughout the world are realizing these results. Its fundamental premise is that within any system is a constraint, rarely more than one, that generally remains consistent until changed by market forces or systematic change. Once this constraint (a particular resource, policy or skill) is understood, improvements are focused accordingly and thus elevate the performance of the entire system. In combination with *Lean* principles (eliminate waste, provide visual controls, single-piece flow, etc.), powerful tools are wielded that dramatically improve results.

Baseline Process Specification

Tom DeMarco's *Structured System Specification* method was used to depict baseline City of Bainbridge Island processes. This effective method focuses on the data that flows between process steps, noting that any system at its conceptual level performs a series of transformations to incoming data (and/or raw materials) to produce new data (and/or a product). By focusing on the data as it is transformed by internal system processes, it can be visualized whether there are smooth transitions or whether tangential, variable or non-value-added states are present along the way, signaling improvement potential.

The method uses a series of oval "bubbles" and arrow "data flows" to depict processing steps and the data in and out of each step. Implicitly, a step can begin once its first data-flow input is received, but cannot complete before its last input is received. Task performance is highest when processing begins after all inputs are received. Processing steps (bubbles) are numbered

uniquely and may decompose into finer working-level steps, e.g. Process 1 breaks into Processes 1.1, 1.2... and so on. There is a loose sense of time in the diagrams as data generally flows left to right and process numbers generally increase in kind. Dashed arrows or bubbles indicate data-flows or processes which only occur sometimes or are a lesser-chosen alternative among options. Processing steps outside the scope of this analysis are shown as rectangles for reference.

A System of Iteration

Regulation in Washington State takes many forms, most of them implemented locally, e.g. by the City of Bainbridge Island.

- There are land use codes to accomplish the goals and policies of growth management and the local comprehensive plan.
- Engineering standards to harmonize the function, look, feel, and maintenance of municipal infrastructure and connections across the City.
- Building and fire safety codes to ensure safely occupied structures with reliable escape provisions and stable site grading.
- Health codes governing water, sewage disposal, and various commercial settings.
- Some Bainbridge Island developments add flood hazard determinations, Shoreline Substantial Development Permits or Exemptions, Variances, State Environmental Policy Act (SEPA) threshold determinations, Critical Area Ordinance (CAO) protections, Hydraulic Project Approvals, Corps of Engineers approvals, and more.

Projects large and small can trigger multiples of these approvals and subtle changes to project layout can add or subtract whole regulatory layers.

It's incumbent on the permit applicant to know and comply with these regulations.

Few applicants are experts across all these codes and standards. Large-scale applicants hire or contract with teams of professionals in architecture, engineering, wetland biology, urban planning, geotechnical, habitat management, and other specialties to design project layouts to suit the goals of their clients and assemble the applications, reports and drawings for construction and permit approvals. Some go it alone.

What typically unfolds is a system of iteration (Figure 4).

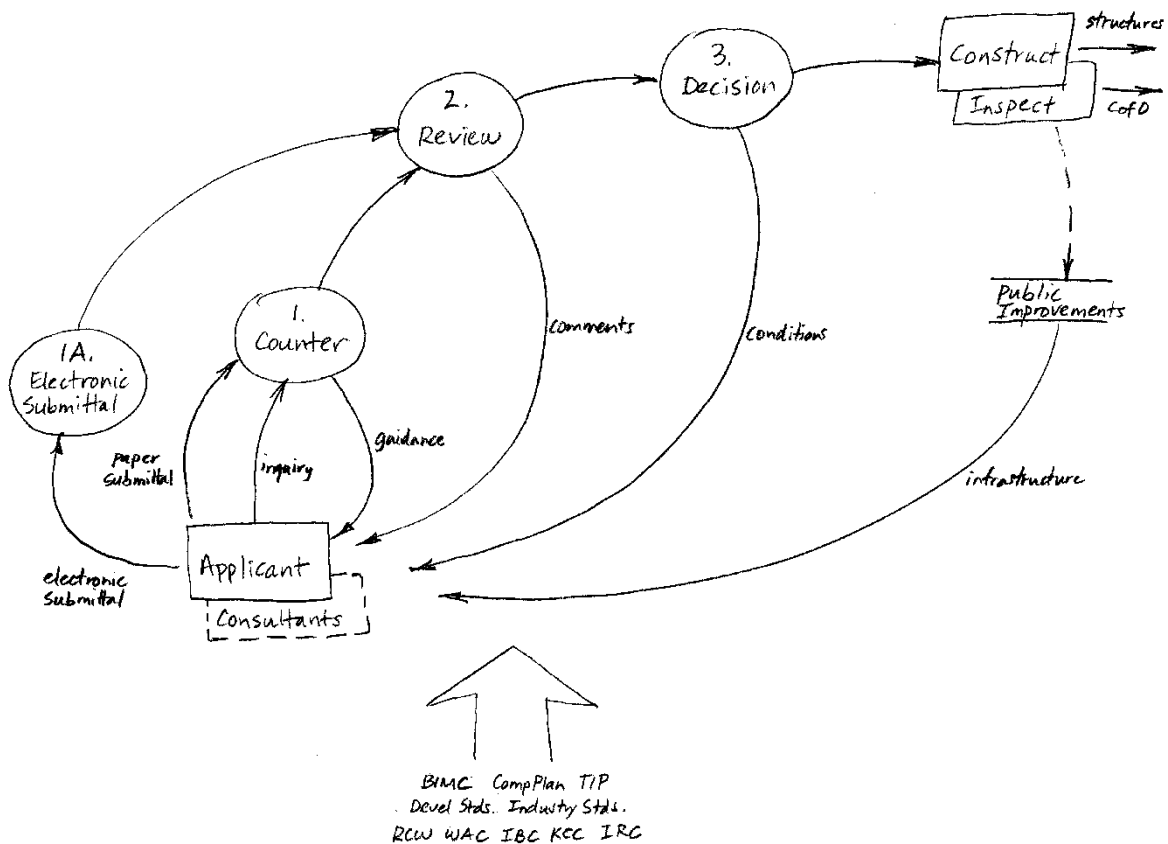


Figure 4 - A System of Iteration

As the applicant (or applicant team as described above) matures a development design, there are typically iterations to optimize the layout to yield the best results for the intended use: the best residential lots, tenant sites, street appeal, etc. Often, restrictions of one or more of the development codes have to be worked through to preserve the best result: wetlands or forest groves preserved, traffic flows altered or mitigated with improvements, stormwater detained, architectural requirements incorporated and so on. Some may be overlooked. Some applicants request optional counter or pre-application meetings to gauge sufficiency of these treatments from City reviewers. Some do not.

At the time of formal application “intake,” these many drawings, reports, and forms are assembled and presented at City Hall for submittal. Building permits may be submitted electronically in some cases.

The City is organized much the same way as applicants, decomposing what the applicant assembled into the salient documents for each reviewer, such as these examples:

- Planning reviews land use, signage, shoreline, and other environmental facets of the design, and coordinates reviews with the design review board and other City boards and committees as may apply to a development under the municipal code.

- Development Engineering reviews the survey, stormwater, roadway encroachments, infrastructure, and connections as well as land clearing and grading under the building code.
- Building reviews the vertical work: structures, retaining walls, emergency provisions, and the like.
- Kitsap County reviews the well, onsite septic, commercial kitchen, pools, addressing and related environmental health systems.
- The Fire Department reviews hydrant, alarm, sprinkler, and related life safety provisions.

For all but the simplest of projects, the many who build the design and the many who review it find or miss problems or disagree on adequacy of various details.

Rather than simply denying such an application, City reviewers compile comment letters from their individual reviews for the applicant citing missing, non-compliant, or vague aspects of the submittal, giving the applicant an opportunity to resolve the issues with a resubmittal.

The applicant team specialists then address the issues in their respective facets of the design. The result may be cohesive or changes in one area might undermine another. Depending on the City process, the resubmittal is presented in parts or in whole. Bainbridge Island planners, development engineers, and plans examiners typically work directly with their applicant counterparts to resolve submittal issues or ambiguities under their respective code.

This cycle continues until City and applicant agree on a compliant design. Then, either City staff, the hearings examiner, or City Council for final actions, issue a decision. Decisions typically include conditions of approval (COAs) for projects (e.g. construction hours, downstream permit requirements, and agreements to implement the approved design). Once in construction, a series of inspections and correction notices iterate away any departures from approved plans.

The larger the project, the more times the applicant and City team go through this pattern. If a building triggers site improvements, civil plan review is added. If civil plan review triggers a land use action, preliminary and final approval are added. Each step typically includes this iteration. Pre-application cycles add to this as well.

So, when viewed start to finish there is a great deal of rework and the time it takes to cycle through this adds up. While this system ultimately reaches success—the tracking system lists only 229 denied or withdrawn applications over the years vs. thousands of Bainbridge Island applications that were found compliant—applicants must plan for the unforeseen and the timelines that result.

Assessment Approach

The assessment examined the process from several dimensions. First, the basic process and its variations were examined through a course of City staff interviews that engaged most department personnel.

City staff perspectives were supplemented with:

- Timeline measurements.
- Direct feedback from applicants.
- Public feedback from an Open House to comment on the permit process.
- An anonymous online survey.
- Feedback from the:
 - Design Review Board.
 - Planning Commission.
 - City Council.

TLC analyzed these insights, using its proprietary methods and knowledge of processes and settings across the State, and compiled results in this report of findings and recommendations.

Current Process

Current Process

Today's development review process in the City of Bainbridge Island is depicted by a network of process models that capture the primary interfaces of the process (Figure 5) and the essence of the three main phases of permit review: Planning (Figure 6), Development Engineering (Figure 7) and Building (Figure 8).

The Department of Planning & Community Development works with the City's Design Review Board, Committees, Hearings Examiner, City Council, Planning Commission, Codes, Standards, Agencies, other City Departments, the Public, Applicants and their Consultants, to govern development review applications that add improvements to existing properties.

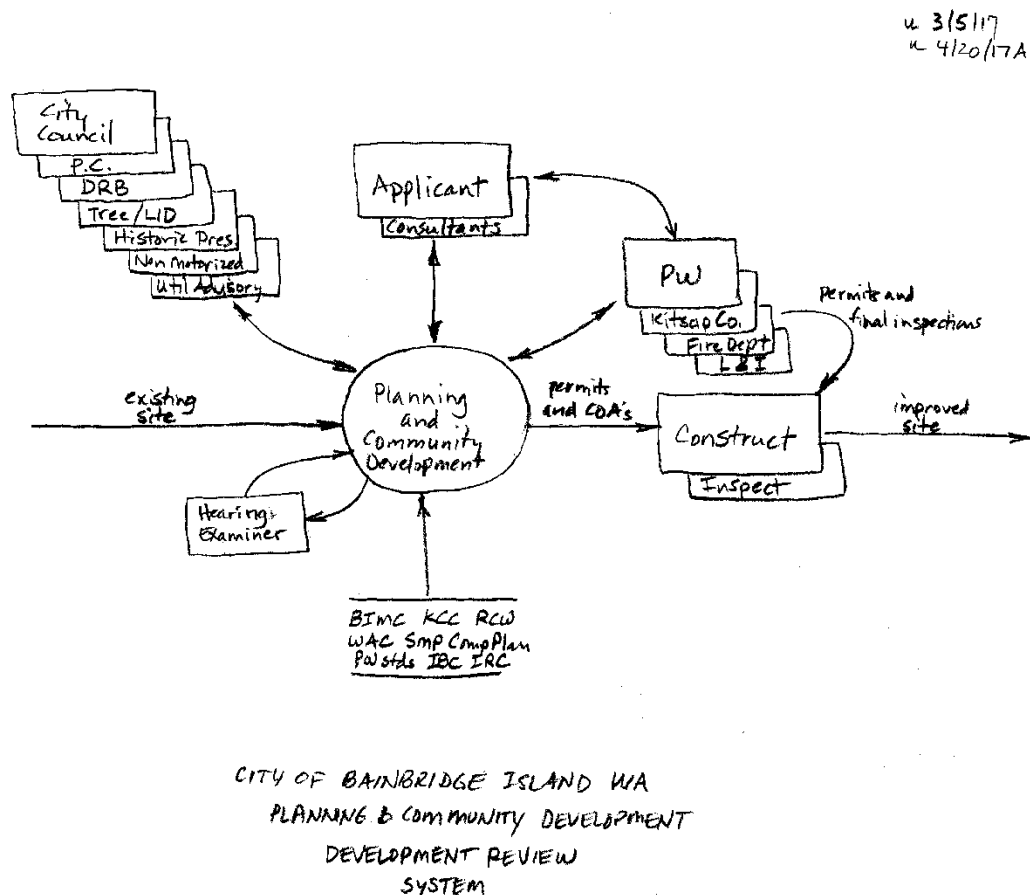
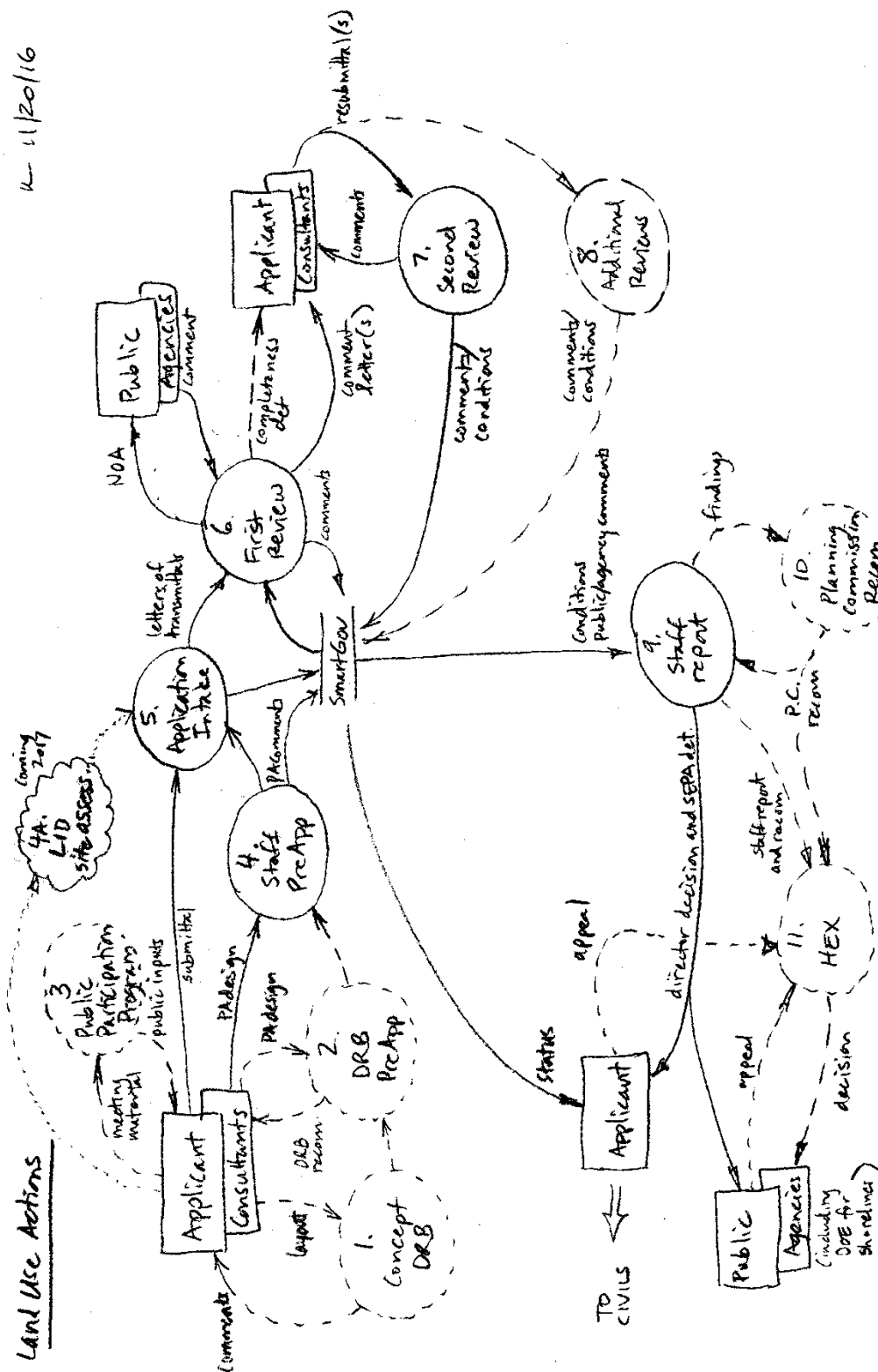


Figure 5 - Top Level View of the Planning & Community Development Process

Planning

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CITY OF BAINBRIDGE ISLAND

Figure 6 - Planning Review

Predictability • Timeliness • Efficiency • Collaboration

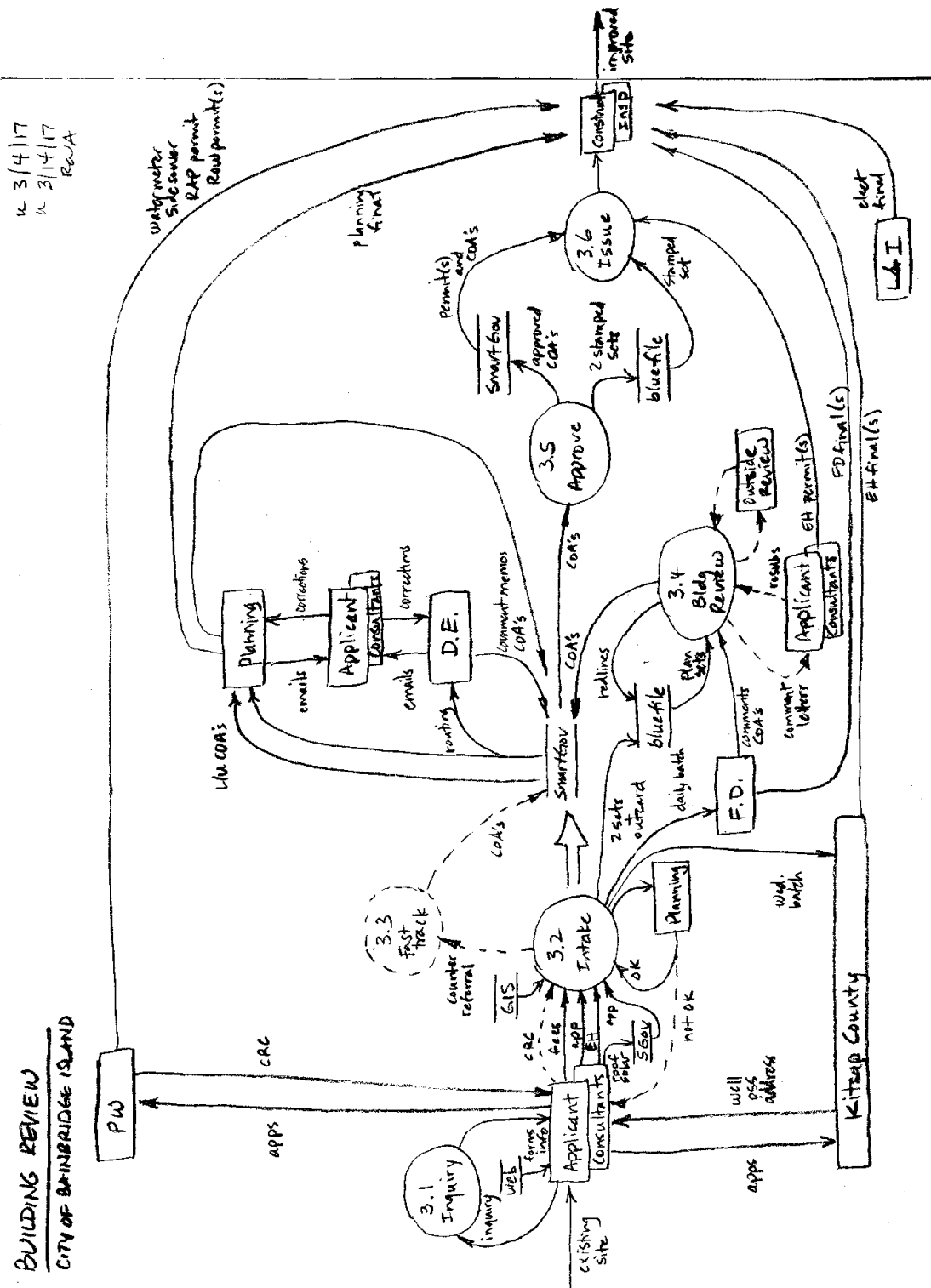


Figure 8 - Building Review

Public Feedback on the Process

Public Feedback on the Development Review Process

Feedback on the performance, strengths, and improvement needs in the current City of Bainbridge Island development review process was collected in a variety of ways:

- Direct outreach to a spectrum of applicants that staff identified who had deep experience with the City process.
- An open house at City Hall to collect feedback from local citizens, business owners, architects, builders, and others with opinions to share about the permit process here. (Figure 9)
- A convenient online survey to collect anonymous feedback to a set of 5 questions about the permit process with open-ended response options.
- Further direct outreach to applicants based on research and referrals from others interviewed in this effort.
- Feedback from City Leadership: The City Council, Design Review Board (DRB), and Planning Commission.



Figure 9 - Open House and Survey Invitation

Applicant Messages

TLC reached out to the applicant community in a variety of ways to learn what the Planning & Community Development process looks like to them, what they like, what they would like changed, and top priorities for service improvement. Feedback was candid and actionable. Their input is presented here in a non-identifiable manner as agreed with participants to encourage the fullest conversation and unfiltered feedback.

TLC contacted a cross-section of applicants suggested by department leaders as being familiar with the City process. Many provided feedback.

TLC led an open house at City Hall to engage local citizens, business owners, architects, applicants, and other interested parties, to hear what they say about the permit process.

TLC added an online survey to collect feedback any time of day and expand the reach of our feedback efforts.

Open House Messages

An open house was held in City Hall on December 14, 2016. This session was an open invitation to comment on the permit process. The event was advertised on the City web page and broadcast to the 400+ subscribers on the City's distribution list. The time was chosen to provide convenient options for late business day or early evening participation. Some arrived in the afternoon, some later, balancing the discussion. Input was steady and the pace provided generous time to discuss details with each participant. A very helpful discussion with a collection of local architects occurred midway through.

Most came with specific projects in mind to comment on.

Their messages were captured interactively, with the group present at the time, on the screen to ensure the words and intent were captured. A few comments are edited to remove obviously identifying specifics.

Their messages:

1. Like Seattle's tip sheets. [Counter staff can't know everything... a useful reference.]
2. [Planning & Community Development] People are great.
3. Building team's (James' area) response is good.
4. Planning entitlements and Public Works and Planning having opposite/conflicting requirements. Who wins? Weave the needle between the two. Like tree vs. sewer line.
5. Durable pre-application meeting guidance.
6. Site Plan Review (SPR) has too tall an intake requirement: very expensive, prone to revision.
7. Incomplete code here for consistency.
8. Not sure when we'll be done.
9. Squeaky wheel to move things forward. No project manager to move things forward.
10. The SmartGov® permit tracking system SMARTQueue® score affects priority. Need more points. As reviewers check off, score rises. Till then no priority.
11. Market has attracted commodity builders. More interested in bottom lines than community benefit. Their horsepower, legal team gains attention.

12. Need attorneys to succeed.
13. Disconnect between the objectives of Planning and the objectives of Public Works.
14. The Design Review Board (DRB) has improved outcomes. Not a problem with this.
Collaboration has been ok. Disagreements at times. Work through solutions.
Recommendation body.
15. Don't know when I'll be done and staff can't tell me either.
16. Department leaders need to take the reins to lead and be decisive. A decision is better than no decision.
17. Sprinklers or not. Yes or no. Which?
 - a. And not just at the end... or say no up-front then yes. The spectrum of unknowns.
18. Kitsap Health is fine.
19. Great example: Kitsap PUD is:
 - a. Friendly.
 - b. Problem solving. Work with us.
 - c. Model to follow.
 - d. Not fearful, hiding.
20. Sewer capacity Equivalent Residential Units (ERUs) must be bought for SPR completeness... on a flier. Couldn't proceed at risk (condition of approval). Since then [the City] allows this option.
21. Don't feel part of a team. At odds.
22. Adopt the "living building standards." It alone would cull out spec building and create the desired outcome. Yes, it's tough. Inventor of this code lives here!
23. Staff taking zero risk at pre-app. Current pre-app intake requirement is sufficient. Yet just boilerplate responses. SPR intake disproportionate to that stage of development.
24. Our roadblock is a relief to staff...
25. Rare to get written response. James is good about this though.
26. Triple problem:
 - a. Ambiguous, layered code.
 - b. Public Works/Planning different objectives. Do this or do that?
 - c. No leadership to cut through these now. Used to.
27. Staff isn't letting this bad outcome happen. It's the code.
28. Admin decisions quickly.

Online Survey Messages

Nearly all the 117 survey respondents are Bainbridge Island residents, a third of whom themselves have applied for a development permit in recent years. A majority used the forum to call for greater controls on new development. Most are dissatisfied with current development regulations on the Island. Half are not happy with the resulting construction. Two-thirds feel growth is too fast. The respondents were split on their overall view of Planning & Community Development service: half are satisfied, the others are not. Recent permit experience significantly sways satisfaction in certain facets of department service.

Unedited, free-form responses for why each answered the way he or she did are included in the [Appendix](#) for the following questions:

- Question 3 pertaining to the development regulations.
- Question 5 pertaining to the character and quality of development occurring here.
- Question 9 pertaining to the various aspects of customer service by the department.
- Question 11 to add any other feedback or suggestions.

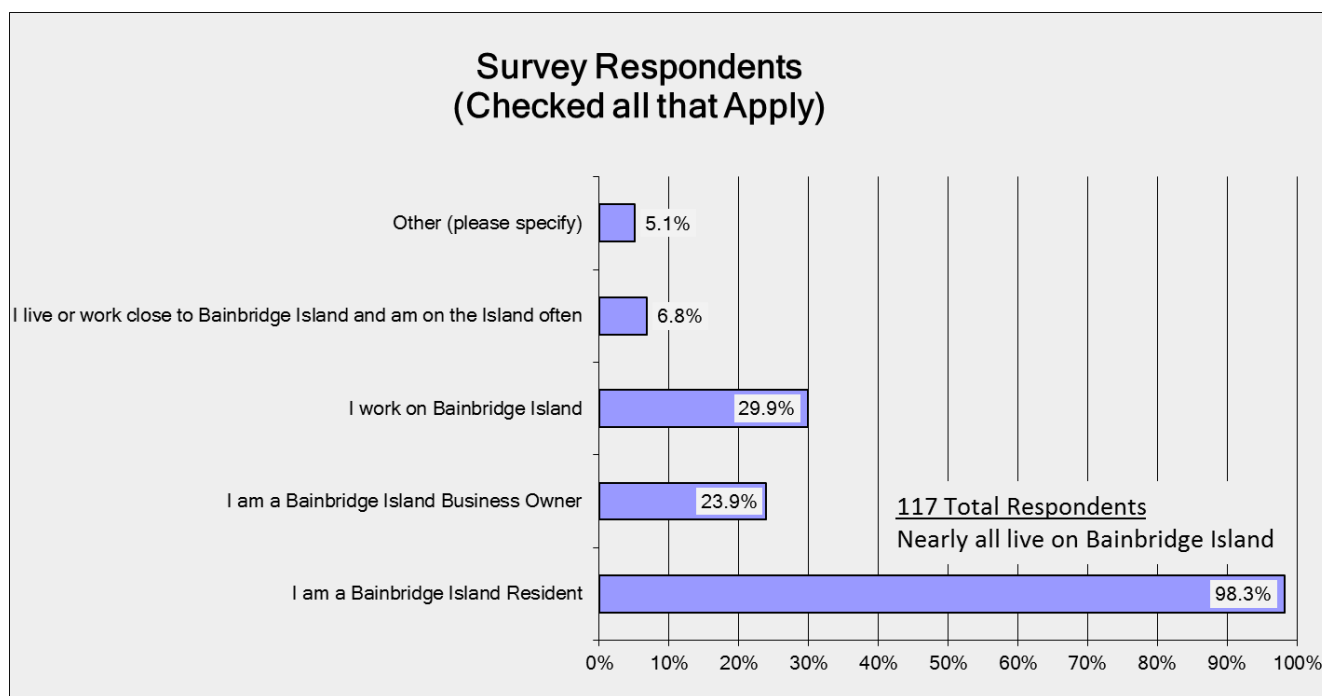


Figure 10 - Respondent Perspectives

Respondent Perspectives

117 people (0.5% of the 2010 Census population) responded to the online survey from announcements on the City web page, City Manager's Report, and broadcast to subscribers on the City's distribution list (Figures 9-10). This is a vigorous response compared with similar surveys conducted by TLC in similarly sized Western Washington communities.

Nearly all (98.3%) are Bainbridge Island residents (Figure 10). About a quarter are also Bainbridge Island business owners (23.9%) and/or work on Bainbridge Island (29.9%).

About 80% of respondents live in neighborhoods designated in the Comprehensive Plan (Figure 11). 20% identified other or more specific locations. A third of respondents live in Winslow or Lynwood Center.

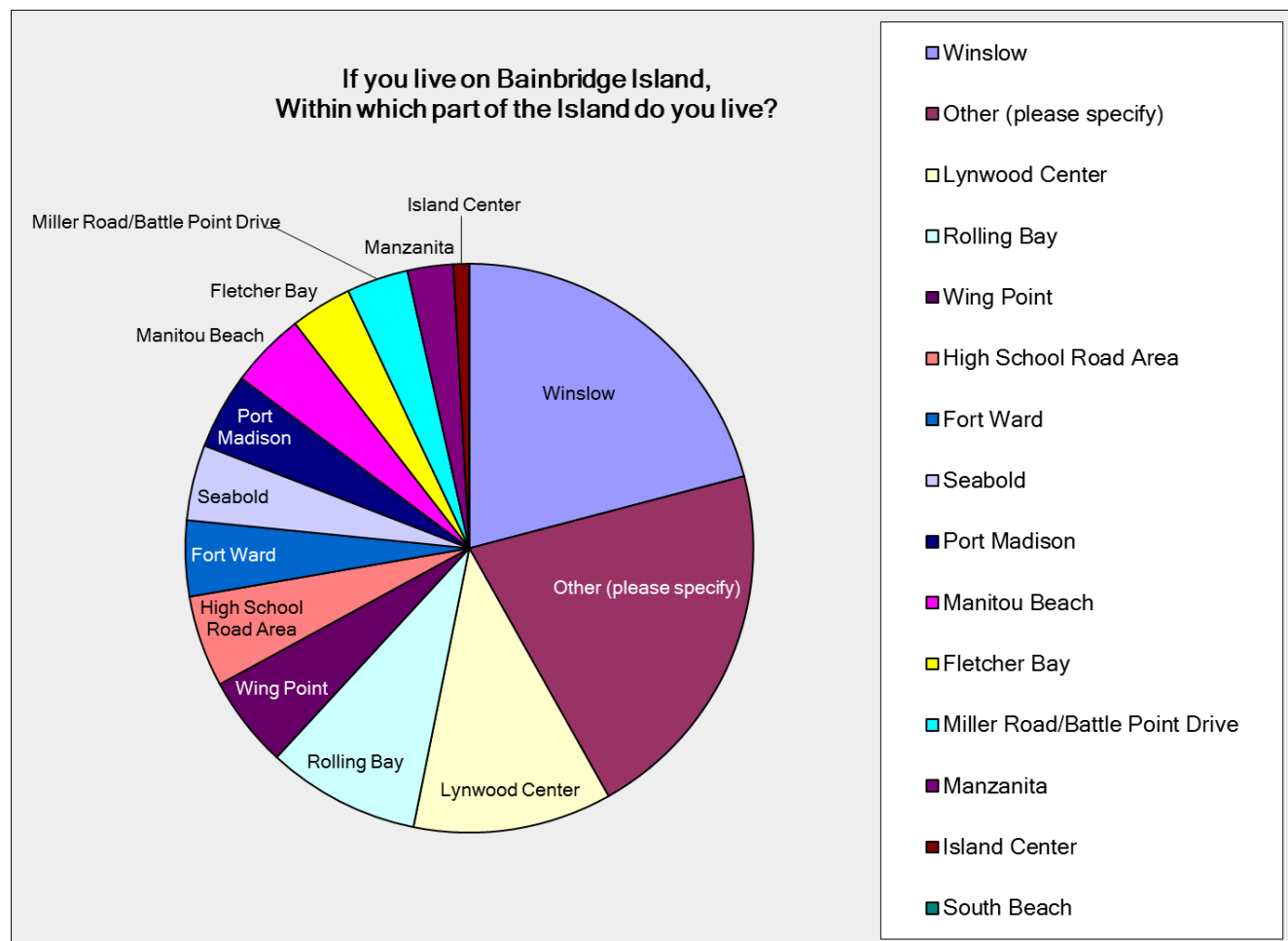


Figure 11 - Respondent Neighborhoods

Respondents identifying with other locations on the Island listed:

- | | |
|----------------------|-----------------------------------|
| Agate Point | Madison Ridge |
| Bill Point | Meadowmeer |
| Blakely Harbor | Northendia/Agatewood/Dolphin Loop |
| Crystal Springs | Old Mill |
| Eagledale | Pleasant Beach |
| Eagle Harbor | Sportsman Road/ Wardwell area |
| East Port Madison | Sunrise |
| Ferncliff | Toe Jam |
| Laughing Salmon Lane | Wardwell |
| | West Port Madison |

Have you applied for a permit from the City's Planning and Community Development Department in the last 5 years?

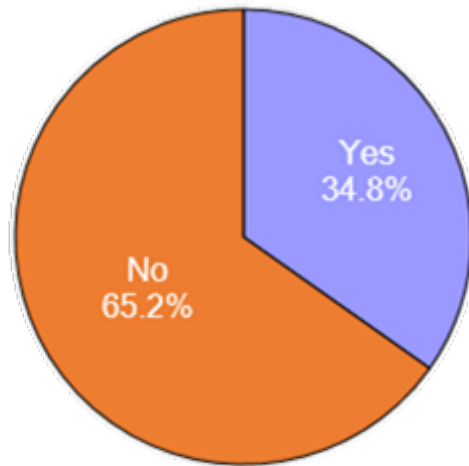


Figure 12 - Recent Permit Experience

Lastly, a third of respondents indicated recent experience obtaining a development permit within the last 5 years (Figure 12).

Respondent Messages

The survey asked 5 questions that included unstructured essay response fields to allow respondents to clarify and amplify why they answered questions as they did.

The survey questions were:

1. How satisfied are you with the City regulations governing growth, development, and construction on Bainbridge Island?
2. How satisfied are you with the design, character, appearance, and quality of the development on Bainbridge Island?
3. The pace of growth on the Island... fast or slow?
4. How satisfied are you with various aspects of Planning & Community Development review service?
5. Please add any final feedback or suggestions you'd like us to understand about the City's Planning and Community Development Department development review service.

Here is what people said.

Regulations

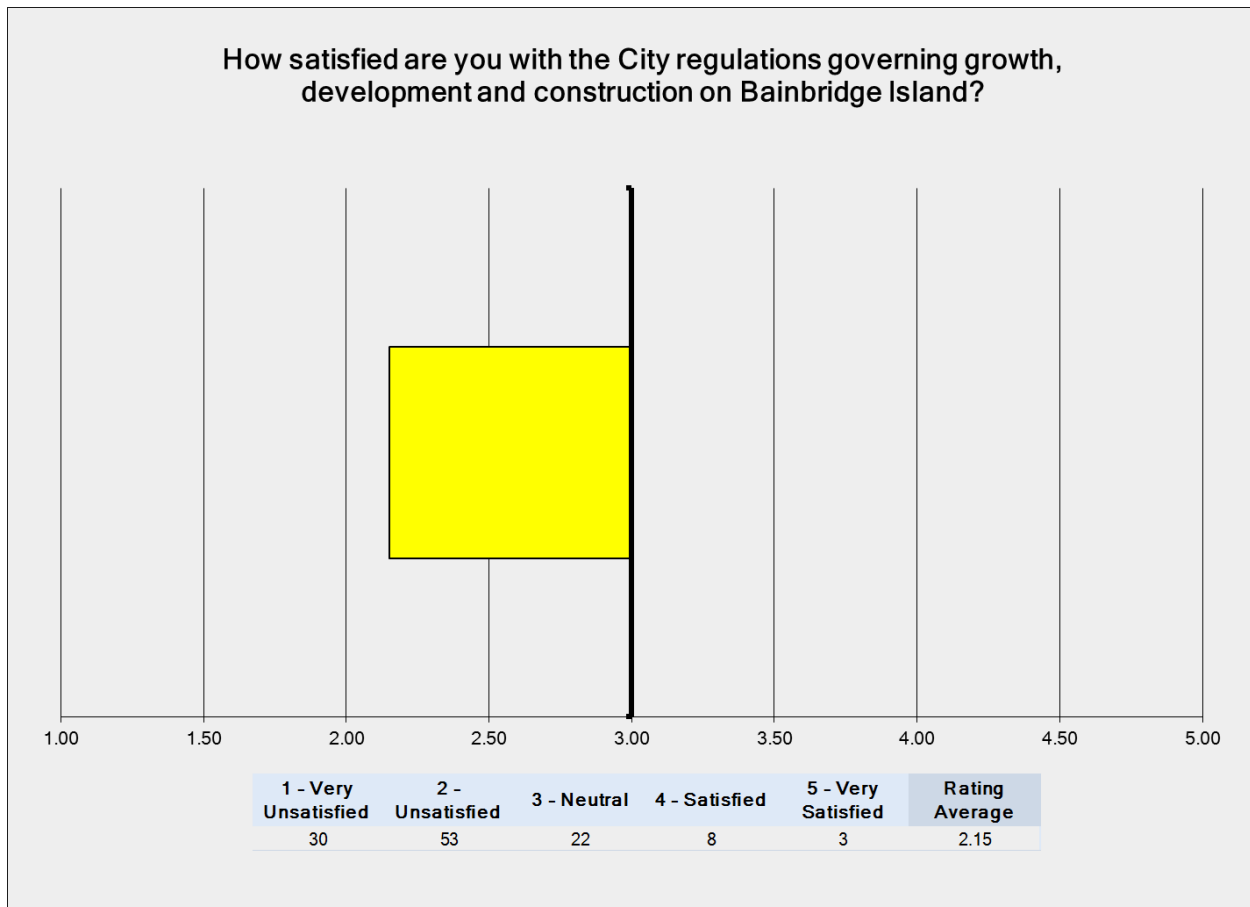


Figure 13 – Satisfaction with City Development Regulations

The first question explored how satisfied people are with Bainbridge Island regulations (Figure 13). Over 80% are dissatisfied or highly dissatisfied.

Most amplified their rating. There were 109 [remarks](#) in total, detailed in the Appendix.

Common themes were:

- The codes are hard to follow, expensive to demonstrate and fulfil, yet the resulting development often is not what we want.
- The new Shoreline Master Program is overreaching and few understand it.
- Regulations on existing homeowners are tight, yet developers seem to be able to do whatever they want.
- Tree protection is inadequate. Huge swaths are cut, seemingly at will.
- Water availability on the Island is limited. Is development outpacing supply?
- Seem to be many variances.
- Is there follow-up to check that permit conditions are truly fulfilled?
- Regulations are too pro-growth.

Results on the Ground

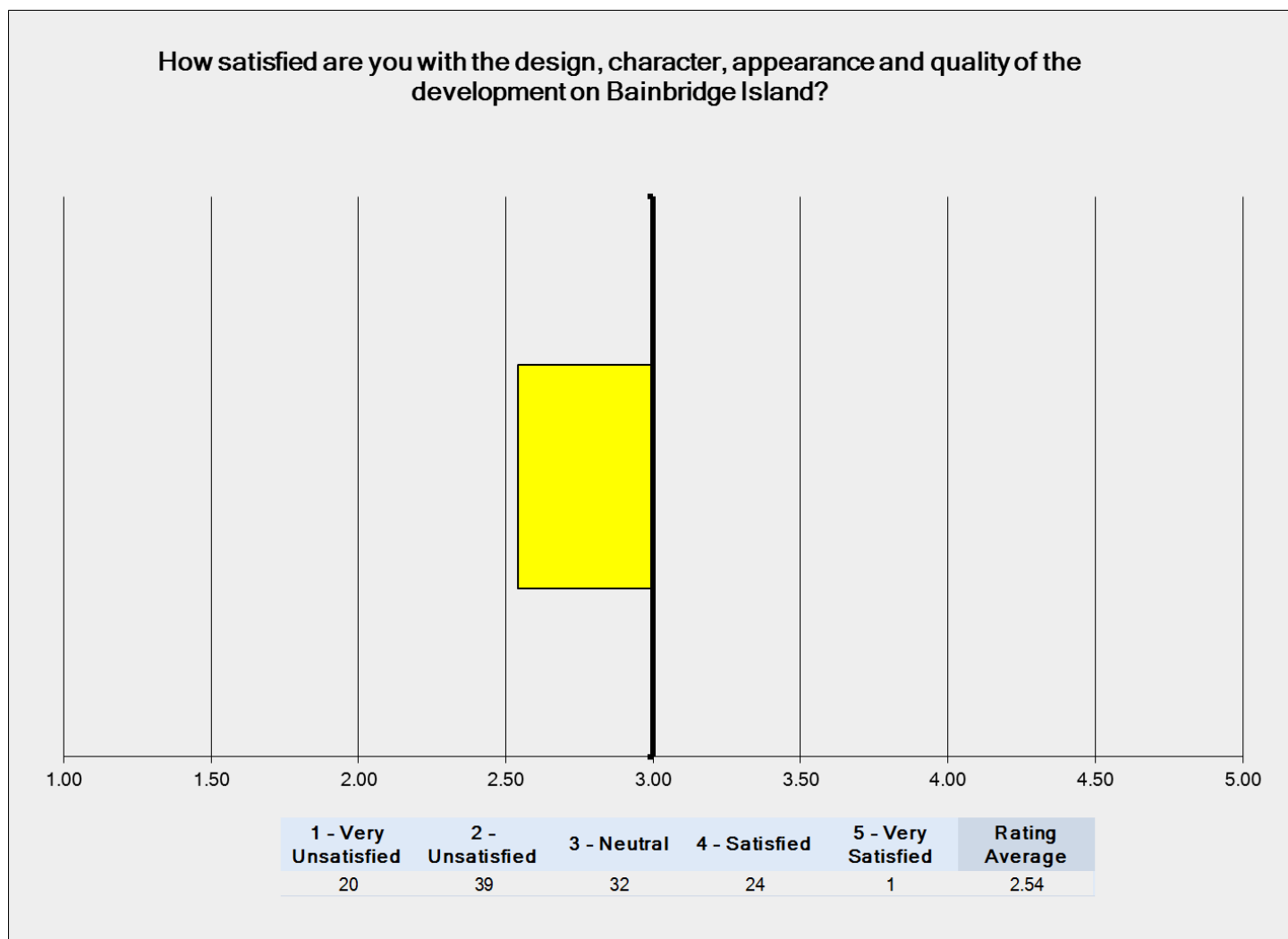


Figure 14 – Satisfaction with Results on the Ground

Many respondents are unsatisfied with the final results on the ground (Figure 14). 21% said they're satisfied with the quality of current development on the Island. 51% said they are not.

The 91 amplifying [comments](#) in the Appendix covered a range of topics. The general themes were:

- Recent large-scale residential and commercial developments do not fit the vision they have for Bainbridge Island, are unattractive, and worse many of these are situated in high visibility crossroads.
- Some projects are tasteful and respect the Island character.
- The unique Bainbridge Island charm is evaporating. Cookie cutter now. Mass market.
- Need more affordable housing options.
- Many mansions.

Growth Rate

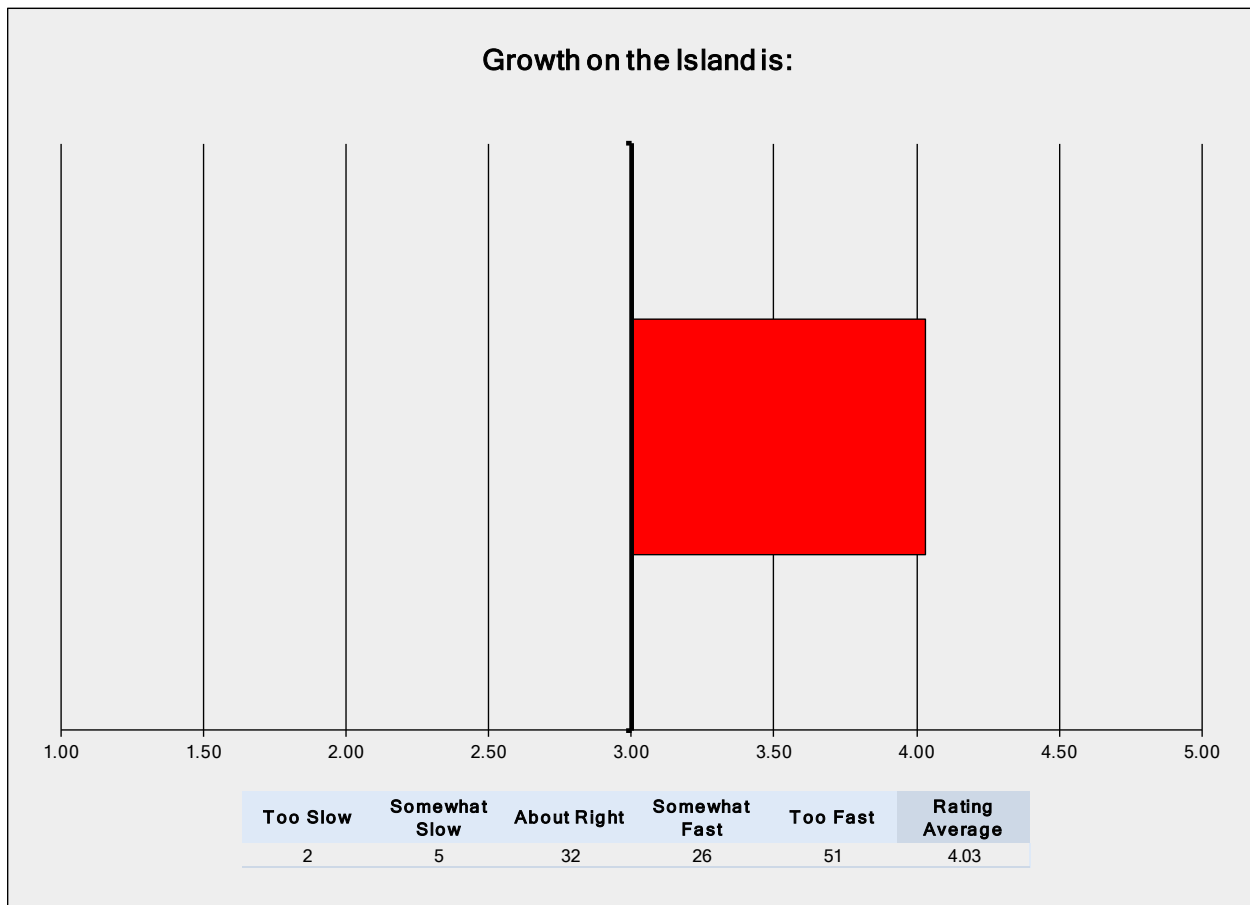


Figure 15 - Pace of Growth

Two thirds of respondents feel the pace of growth on Bainbridge Island is somewhat fast or too fast (Figure 15). 27% feel the pace is about right for the Island. 6% feel growth lags what it should be.

Department Service

This question probes key aspects of the Department permit and development review process service. Responses are shown for those with recent permit experience and those without this perspective (Figure 16). A detailed breakdown is included in the [Appendix](#).

Satisfaction patterns are similar in some aspects of service from both points of view.

- Many are satisfied with current public records inquiries and counter service.
- Many see room for improvement in innovation/collaboration, how their comments affect development decisions, and resolution of code enforcement complaints.

Sharp breaks are apparent in some service areas however.

- Recent permit applicants are:
 - Very satisfied with City inspectors.
 - More satisfied with plan reviewers and with the ability to comment on proposed developments.
 - More dissatisfied with approval timelines.
- Those without recent permit experience are:
 - More satisfied with their phone inquiries.
 - More dissatisfied with plan reviewers, the ability to comment on proposed developments, how comments affect development decisions, and resolution of code enforcement complaints.

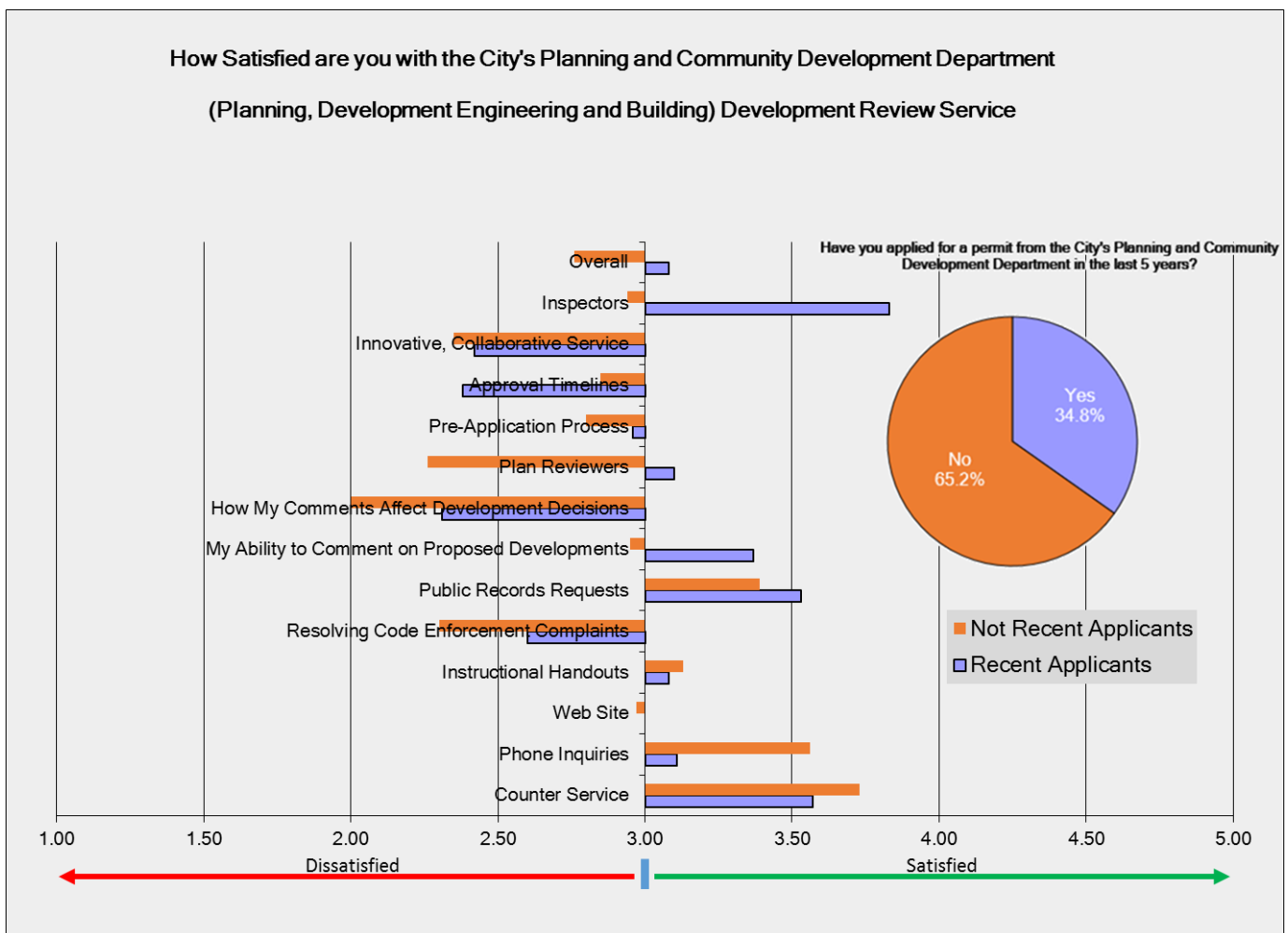


Figure 16 - Satisfaction with Key Aspects of Department Service

Overall satisfaction with City permit department service (Figure 17), while varying person to person from very satisfied to the exact opposite, washed out to roughly neutral with recent applicants a bit more positive. (3.08 vs. 2.76 where 3 is neutral). This is similar to overall satisfaction in other regional permit departments where this ranges from 2.35 to 3.08 with an average of 2.81.

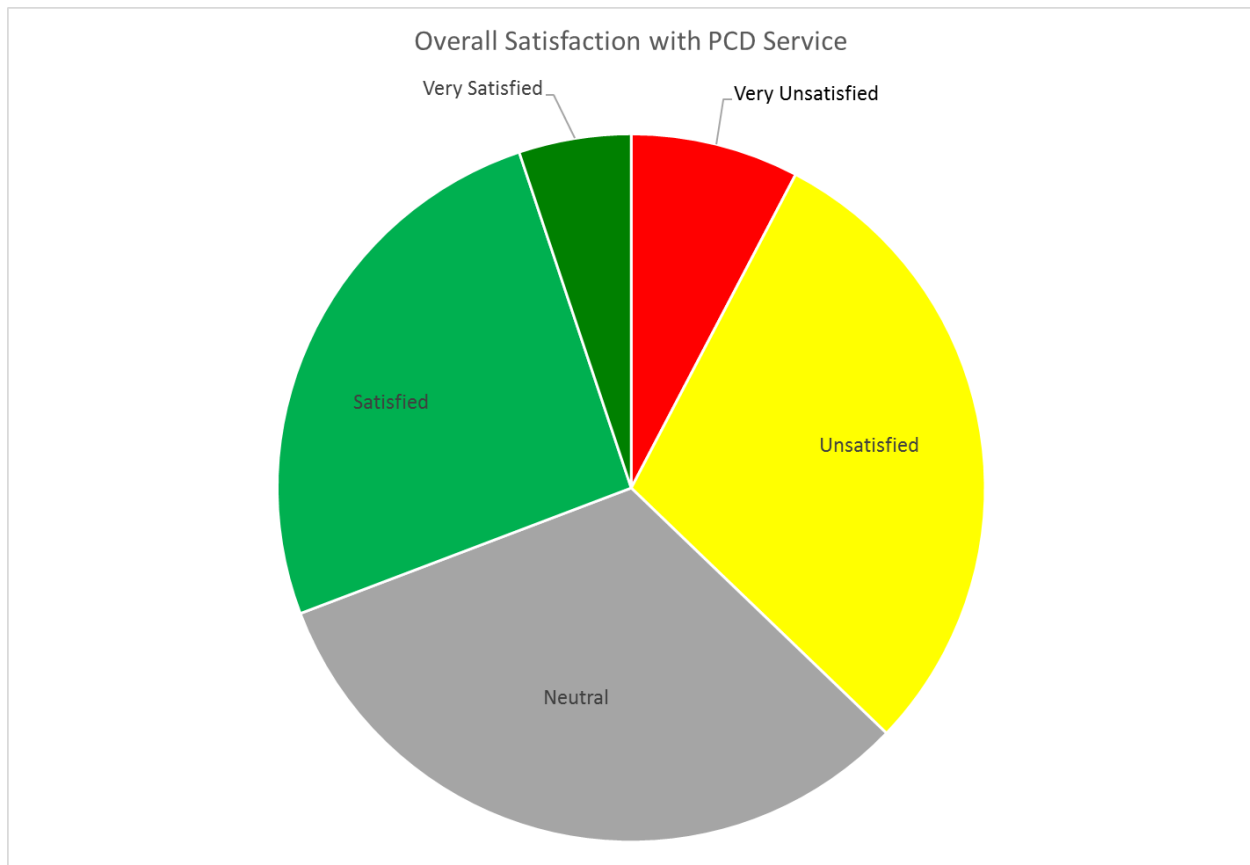


Figure 17 - Overall Customer Service Satisfaction

Expanded [responses](#) to these customer service ratings are in the Appendix.

Themes include:

- City staff feel there are lots of eyes on them. Cautious. Reluctant to make a judgment call.
- Answers are a function of who you talk with, when you talk with them. Inconsistent. City staff knowledge of codes varies widely.
- Pre-application and front counter service is not very helpful. Expensive discoveries as the process unfolds.
- Kudos for Department front counter staff and the Building side of Planning & Community Development.
- Feel like the enemy.
- Process takes way too long.

Final Messages

The last survey question was an open mic for final feedback.

[Responses](#) were largely in kind with prior messages.

Final thoughts:

- Suggest stronger leadership. Crisper decision making.
- Periodically evaluate whether policies are working.
- The current process sidelines local citizens.
- Call for greater collaboration, shared vision.
- Assign an advocate to keep applications moving through the system.
- It should not take longer to get a permit than to actually build the project.

Baseline Measurements

Baseline Measurements

Permit tracking system records were analyzed for key permit and land use decision types. Average durations to decide these applications and the range of pace from fastest to slowest are presented below. A comparison to a similar coastal community, Gig Harbor in neighboring Pierce County, is included for perspective.

Most of the participants in the Open House and the focus of most one-on-one applicant feedback was new home and commercial site construction, so the measurements central to these types of projects are particularly helpful.

Site Plan and Design Review Approval

Timelines to decide new site plan and design review applications are shown in Figure 18. Sixteen of these non-residential (generally commercial, mixed use, or multifamily) applications for buildings and associated site plans were decided on Bainbridge Island in the last two years.

The average timeline from first submittal to Department decision is 225 calendar days. This period includes determination of completeness and any time taken by applicants to cure deficiencies or to supply additional information (resubmittals). Across the Puget Sound region, roughly half of this timeline is city review and half is applicant resubmittal preparation. Monitoring of the 120 day clock reinforces City pace—half of 225 days is 112 days, just under 120.

Neighboring Gig Harbor issued 9 site plan decisions over this period averaging a similar 232 calendar day timeline. The scatter of individual project timelines is about half the range of Bainbridge Island.

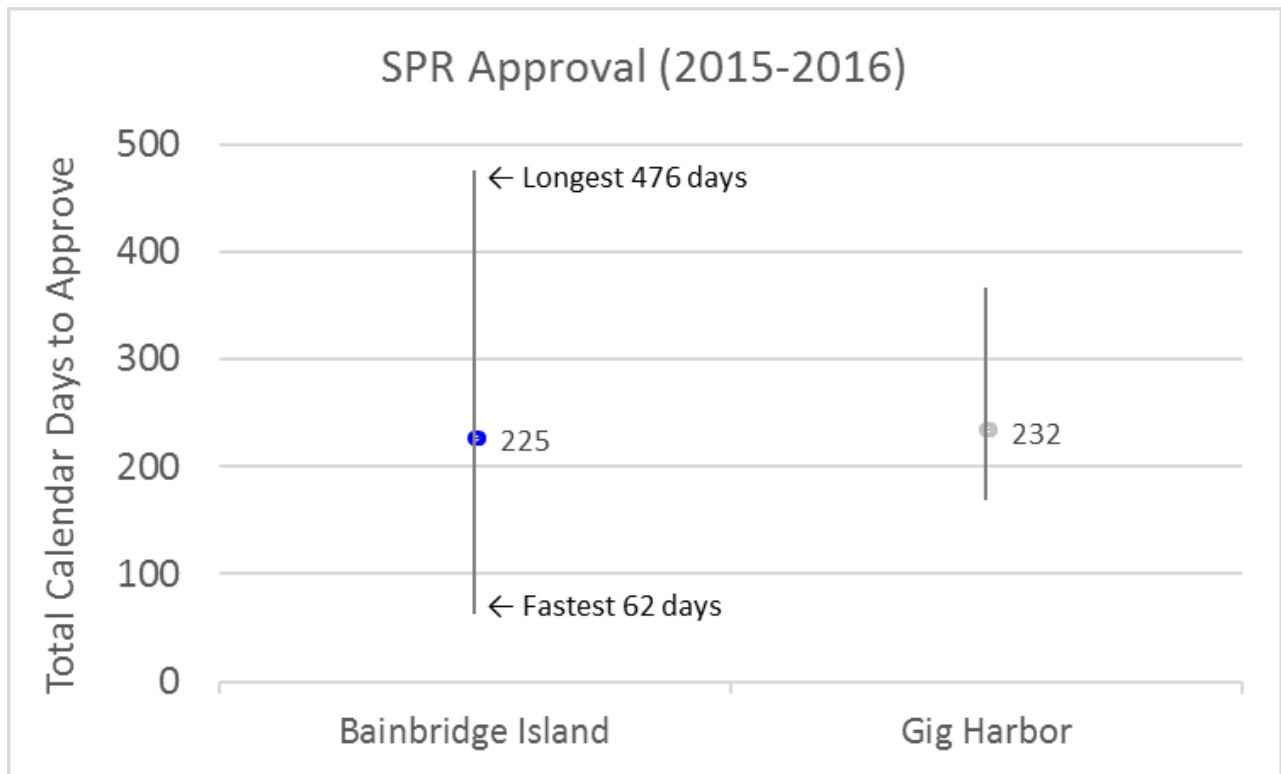


Figure 18 - Site Plan & Design Review Timelines (2015-2016)

New Single-Family Home Permits

Timelines to decide new, detached, single family residence building permits is shown in Figure 19. 116 of these applications were decided in 2016 in Bainbridge Island.

The average timeline from first submittal to permit approval is 107 days. As for site plan approval, this duration includes time taken by applicants to cure deficiencies or to supply additional information (resubmittals).

Staff reported 50-75% of these applications require a resubmittal to demonstrate compliance and most if not all shoreline jurisdiction homes require at least one resubmittal cycle.

City of Bainbridge Island SmartGov® project records generally don't differentiate City from applicant correction time. Compared to the roughly 50/50 regional norm noted before, new single-family building permit City time is about 2/3 of the 107 total days, e.g. 71 days. This is projected to be somewhat higher in the City because applicants are provided redline plans that reduce overall timelines by sparing extra review cycles. This is a strength of the current process, [described](#) later in the report.

Using the 2/3 figure above, and dividing the 71 city days by 1.75 reviews per project on average for the above reasons, indicates roughly 41-day development permit review cycles, about 6 weeks.

These permits are also reviewed by Planning (for zoning and environmental codes), Development Engineering (for stormwater and applicable utilities), and usually Kitsap County (for septic disposal and potable water), as illustrated in [Figure 8](#).

For comparison, the neighboring City of Gig Harbor issued 171 home permits over this period (most of these on freshly platted lots), averaging 81 total elapsed days. Newly subdivided lots are generally provisioned for utilities and environmental factors.

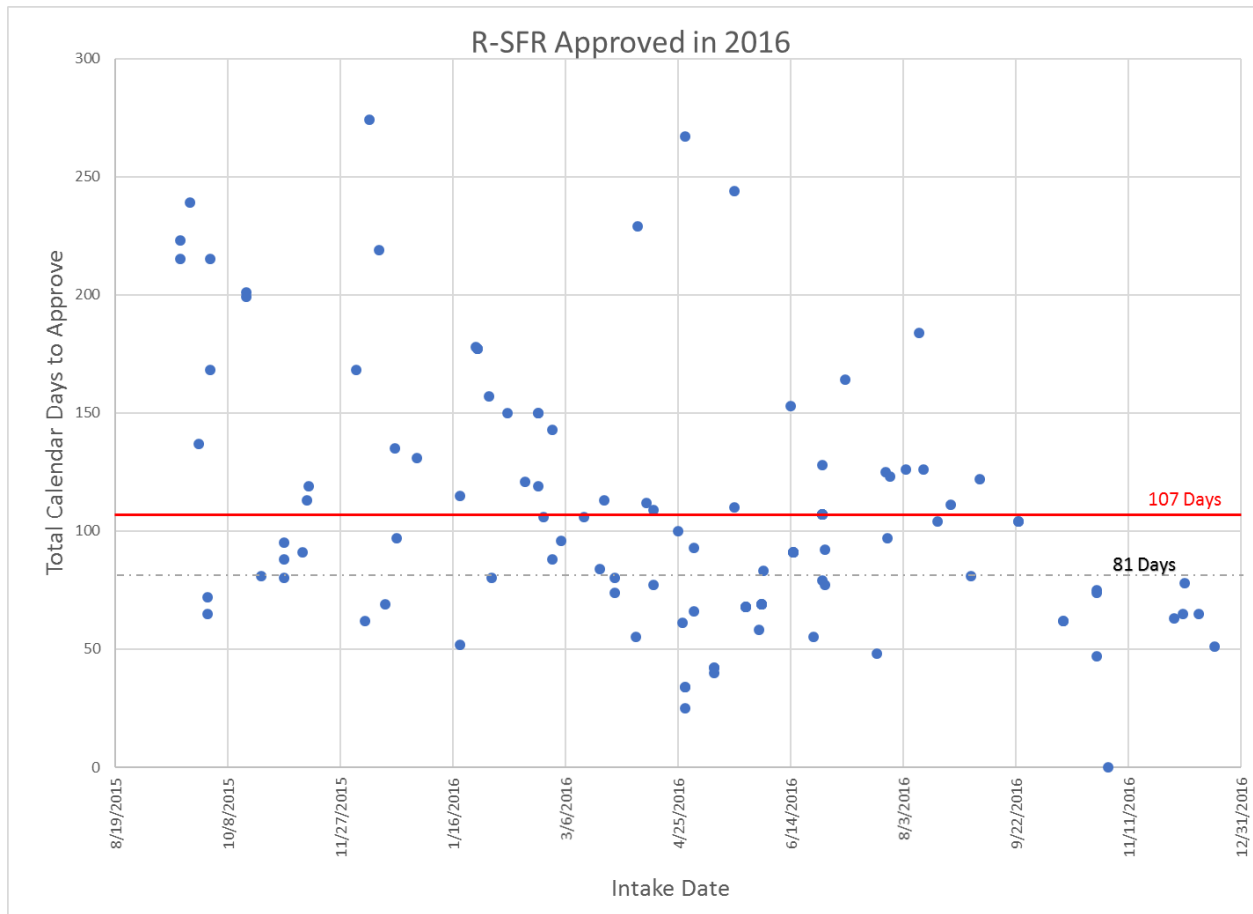


Figure 19 - New Single-Family Home Building Permit Review Timelines (2016)

Findings and Recommendations

Findings and Recommendations

The current development review process in the City of Bainbridge Island displays six notable strengths and benefits from a package of 18 recommended improvements.

The strengths were observed during the assessment, lauded by applicants, or pointed to by respondents in open house, impromptu, or online survey input.

The six improvements capitalize on existing strengths and improve service based on the TLC assessment methodology and the people who contributed their feedback through these various means.

Strengths

The City of Bainbridge Island development review process possesses six notable strengths. These form a strong foundation for development review process improvements.

Passion for Bainbridge Island

City of Bainbridge Island residents are very passionate about their island.

There is profound energy to preserve Island character, respect its environmental functions, construct a top quality built environment, and bask in the picturesque Puget Sound shorelines a mere 8 miles from downtown Seattle.

Many volunteer substantial time and professional expertise to serve on City Council, the Planning Commission, the Design Review Board, and many other boards and committees to shape island life and development.

The online survey conducted for this assessment drew double the responses typical for a community of this size. This energy was also apparent in added remarks about current development process.

This passion provides a superb foundation for building our recommended process improvements.

Building Inspector Service

Building field inspectors received the highest customer satisfaction rating in the survey.

Those with an opinion of building field inspector service said they are satisfied or very satisfied 6 to 1 over those unsatisfied. This suggests that most in construction appreciate building field inspector demeanor and responsiveness when working through corrections. This lines up with favorable feedback in several applicant discussions, where a sense of professionalism on both sides was appreciated.

The method to assign and rotate daily building code inspection and plan review currently in place is working well.

Fast Track

Planning & Community Development offers a fast track service to review small-scale applications in real time when submitted at the front counter. When plan review capacity, based on lobby activity, is sufficient for the scope of an incoming application, the front counter technician and on-duty plans examiner conduct the review and process the application and permit live for the applicant. This is very appreciated by applicants.

Tracking System

The City of Bainbridge Island implemented the locally-developed Paladin Data System SmartGov® permit tracking system in 2014. This is a current-generation tracking system that has provisions for online submittal and progress tracking, status tracking functions, GIS digital map integration, archive of approved plans, inspections, and fee collection.

Planning & Community Development is striving to use the system rigorously, which is good practice. It helps the development review team understand where each review stands, and can inform good decision making about what to work on next based on the myriad of applications in review, big and small. A recommended [enhancement](#) to the current use of the system will improve this functionality even more.

Redlines

The building plans examiners capitalize extensively on a technique some building departments use to efficiently incorporate specific code callouts and treatments themselves when applicant plans aren't explicit enough to ensure compliant construction.

The building plans examiners redline the plans, as a courtesy to the applicant, by adding supplementary content to permit drawings in lieu of requiring a new set of plans. This saves a resubmittal cycle with its attendant effort, days or weeks of lost time, and administration (a

comment letter and second intake and routing through the office). Applicants concur with these refinements at issuance.

This is a welcome service for applicants, ensures resulting construction meets rigorous code standards, and streamlines the process.

Passion to Improve the Process

The Planning & Community Development team, alongside Public Works counterparts, is very energetic and dedicated to improving the City's process and the feel of daily operations. The team was very forthcoming during the assessment, and proactively raised issues and concerns to assure the underlying problems could be studied and inform the recommendations herein.

Through this process, a great deal of momentum has been built. The team is ready for action.

The Constraint

The Constraint

Every system has a constraint, the one piece, step, or specialty that sets the pace of everything through it. Picture Agate Pass Bridge at rush hour. The [Theory of Constraints](#) guides us to focus on the constraint for therein lies the improvement potential of the system. Improvements elsewhere that do not ease this constraint miss the central, high leverage, opportunity.

The area of the development review system in Bainbridge Island that paces overall application flow through Planning & Community Development is generally Planning review though all specialties in the development review process experience a common “physics” explained in the following section. This was the principal focus of feedback from a spectrum of stakeholders. On Bainbridge Island, the confluence of several forces sets this stage and concentrates workload in this area of the development review process.

Underlying it is a regional surge in development demand from latent projects set free by low interest rates and the economic recovery from the Great Recession. Next, the development review process goal for top quality development has driven design review standards and growing pre-application steps for Planning to administer and enforce. Further, low impact development stormwater and no-net-loss shoreline master program requirements—that must be verified even for exempt construction—drive more rigorous analyses and complicated applications to review. Codes require interpretation. Now, there is also a new comprehensive plan update to implement.

Magnifying is the doubling effect of iteration. Planning & Community Development reviews commonly require at least one applicant resubmittal to demonstrate compliance with City planning codes. This, in turn, churns downstream reviews. Building permit submittal requires an approval from Planning to take it in. Redlines that plans examiners add to applicant plans often must be redone, mostly due to Planning driven changes.

City staff feel the eyes on them. Applicants want crystal-clear and durable guidance up front. There are complaints when problems with these complex applications surface later. There is public outcry when trees come down. In addition, there are state, on top of local, regulations to uphold. Furthermore, the community calls for transparency and strict compliance. Together, this drives caution, rigor, and detailed documentation. Staff turnover complicates matters as few have extensive institutional knowledge and familiarity with the municipal code. The 120-day clock ([RCW 36.70B.080](#)), once a highly quoted and tightly monitored timeclock across the state, is a constant reminder, and careful attention is paid to separate up-front activities from clock time.

The Physics of the Challenge

The fundamental physics, or drivers, behind the performance of today's development review process are illustrated in Figure 20. These combine to produce a very challenging environment in City Hall that complicates applicant efforts and creates a gap between City Leadership goals and the results of the process.

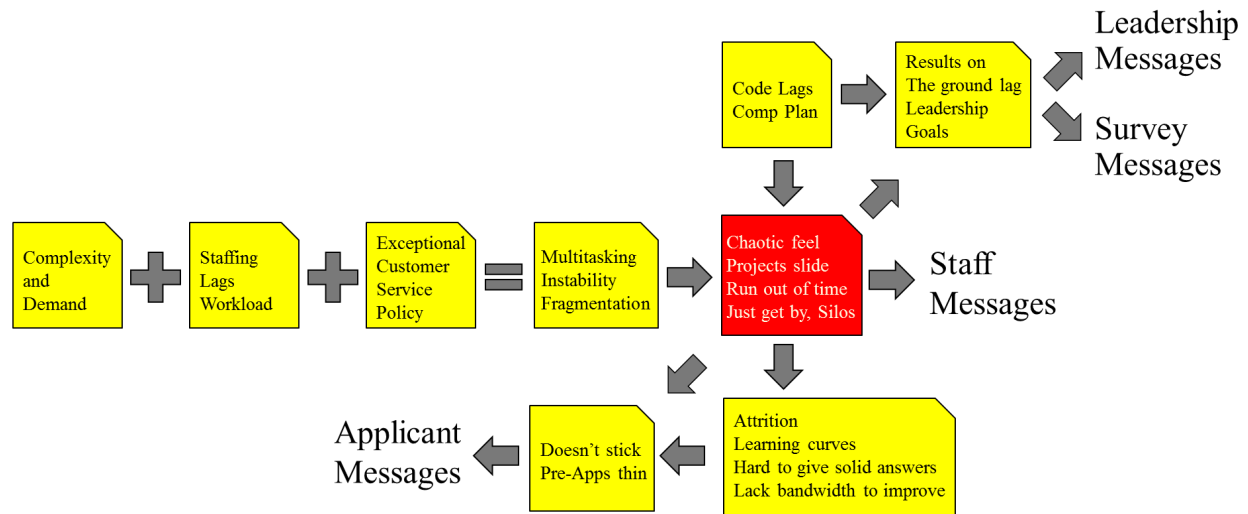


Figure 20 - The Physics of The Challenge

Complexity of Review and Current Development Demand

First is the intensity of complex City staff review magnified by current development demand.

Complexity

Complexity of the development review process has risen in recent years. What began in the 1970s with the Federal Environmental Protection Act, Clean Air and Water Acts, and Washington State Environmental Protection Act (SEPA), Growth Management Act, and the Shorelines Management Act (SMA) has evolved over the years to sophisticated efforts to contain the effects of new construction on stormwater, shoreline functions, resource lands, and more. Meanwhile, the State's building codes have similarly evolved to the current International Building Codes with triennial updates.

In current forms, no-net-loss of environmental function standards apply to shoreline construction, National Pollution Discharge Elimination System (NPDES) Low Impact Development standards apply to stormwater management, and an updated critical areas ordinance is in the wings. Meanwhile, cities and counties have been adding zoning sophistication to more precisely shape the look, feel, and placement of growth. The City of Bainbridge Island has added subarea standards, design review, innovative housing design demonstration provisions, and recently updated the Comprehensive Plan.

These take effect when adopted into the municipal code.

The municipal code often requires engineered solutions and added specialists like geotechnical engineers, wetland biologists, and others to develop sites. Further, demonstration of this compliance in construction plans and studies can be onerous, particularly as the standard may vary from jurisdiction to jurisdiction as to what it takes on paper to verify the design meets the municipal code. Extensive and popular marine and freshwater shorelines, wetlands, steep slopes, and pockets of municipal infrastructure routinely trigger this added rigor for applicants, City reviewers, and inspectors.

Current Demand

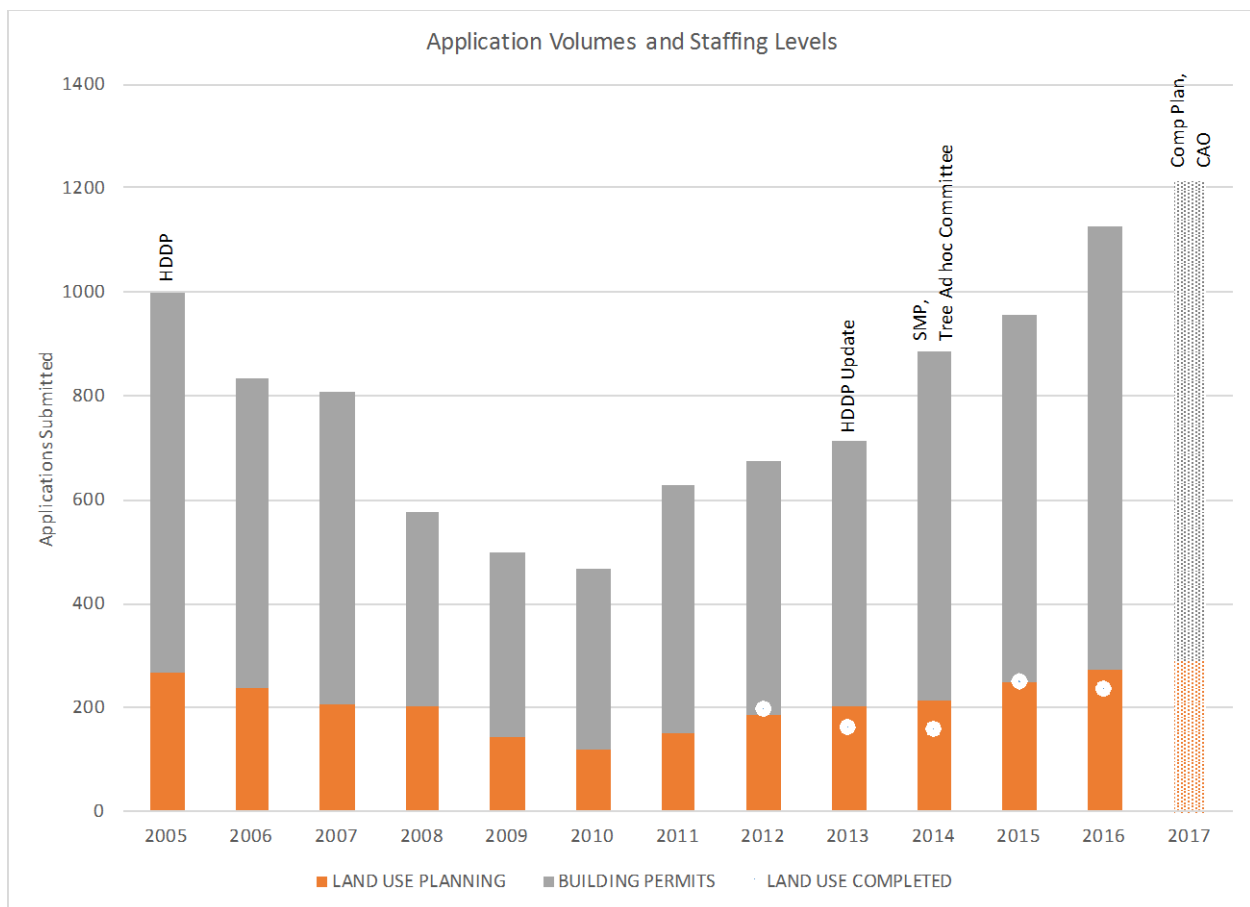


Figure 21 - Application Volume

Application volumes have risen significantly since a recession-sharpened decline reversed in 2010 (Figure 21). Annual building permit volume has risen nearly 250% to 875 in 2016 and land use actions are up 230% to 275. 2017 projections are up another 5-9%.

Further, planning applications are coming in faster than the City can process them. Since 2012, a backlog of 104 applications has amassed. Based on 262 applications decided in 2016, this approaches half a year of latent work (Figure 22).

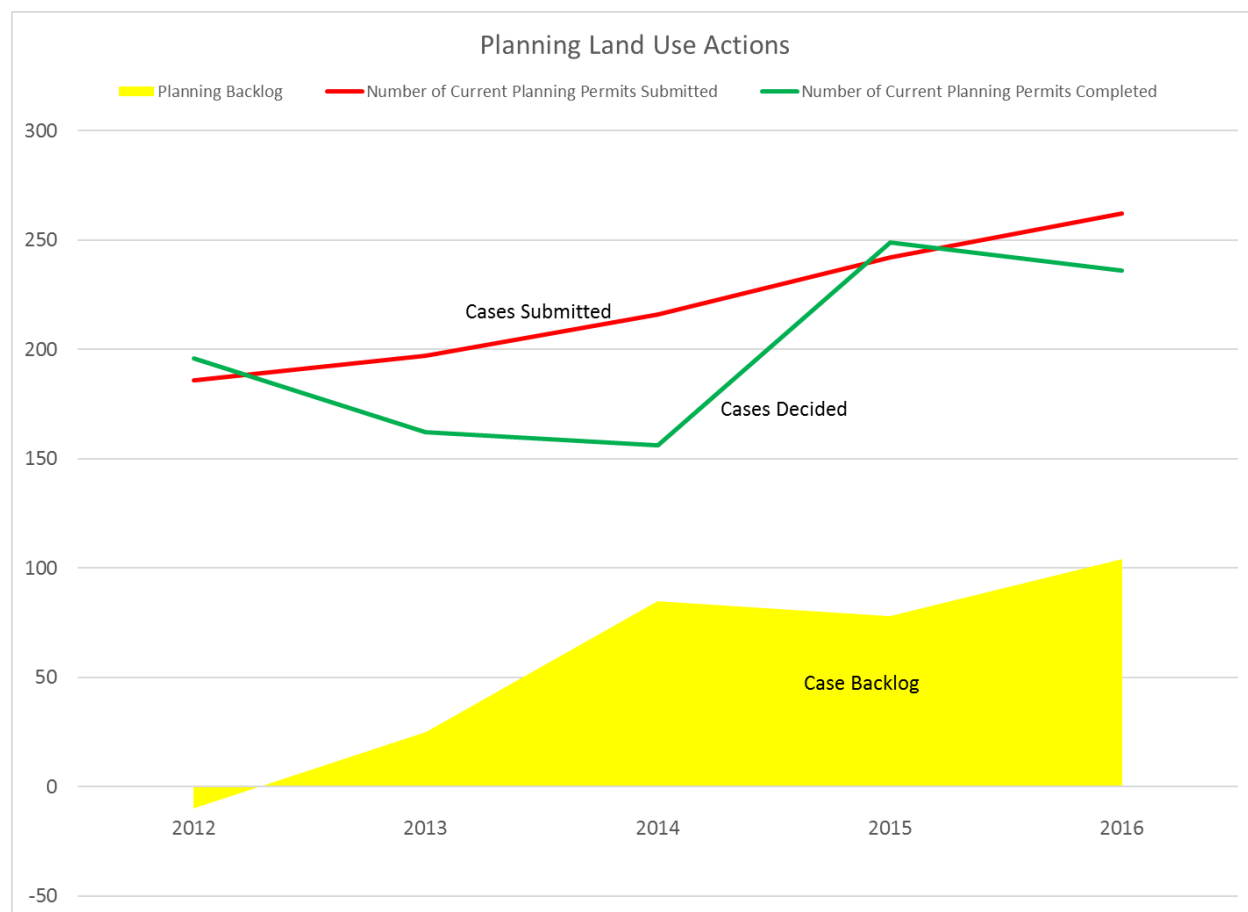


Figure 22 - Rising Planning Case Backlog

Staffing Lag

The spectrum of economic sectors surge and wane with macroeconomic cycles. However, the development industry swings intensely. Single-family residential building permit demand, a key indicator of the industry in the Western US since 1959 (Figure 23), shows this volatility. A finer view of the Puget Sound region follows suit (Figure 24). Accelerators include interest rates, world events, and code advances.

Figure 25 illustrates this trend on Bainbridge Island.

Volatility of Building Permits

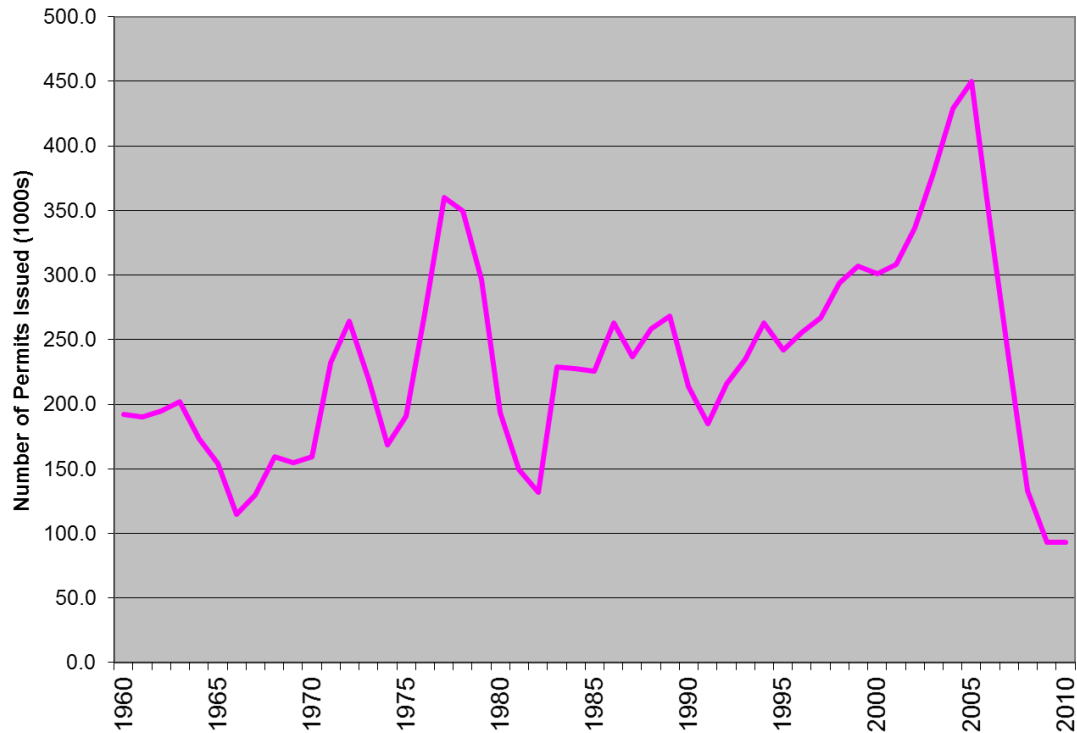


Figure 23 - Western US SFR Demand

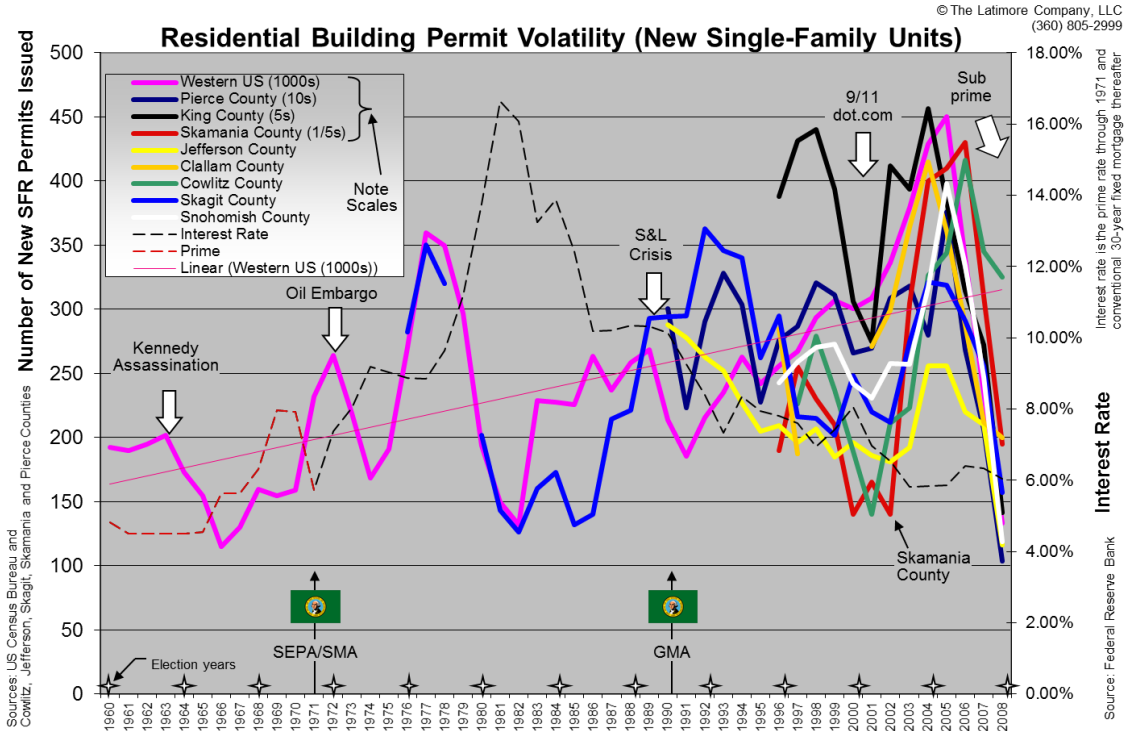


Figure 24 - SFR Demand (Puget Sound Region)

This peaky demand cycle plays havoc on local governments. Development review services are supported by fee-based systems. Evaporating demand leaves local governments underfunded. Reductions in force follow. These are very painful experiences, for those impacted and for local government leadership. Some laid off reviewers leave the industry, and the local government loses experience and organizational memory.

These memories are firmly in place when markets reverse and the industry scrambles to fulfill pent-up demand. But, local governments worry, “is this a real recovery?” Local governments are cautious about budget risk and the possibility of further layoffs, so hiring is cautious. By the time the market cycle is confirmed, local governments are left competing for a diminished skill base.

As a result, capacity lags demand.

This is occurring on Bainbridge Island right now (Figures 25-28). The most marked lag is in administrative support, down 75% (more so in 2016 with one on a leave of absence) since a 2008 peak.

Building plans examiners and Development Engineers are currently loaded nearly 75% higher than in 2012. In 2017, Development Engineers were transferred to Public Works, where a project manager and inspector were added.

Two Planner positions have recently been added to address planning permit volumes.

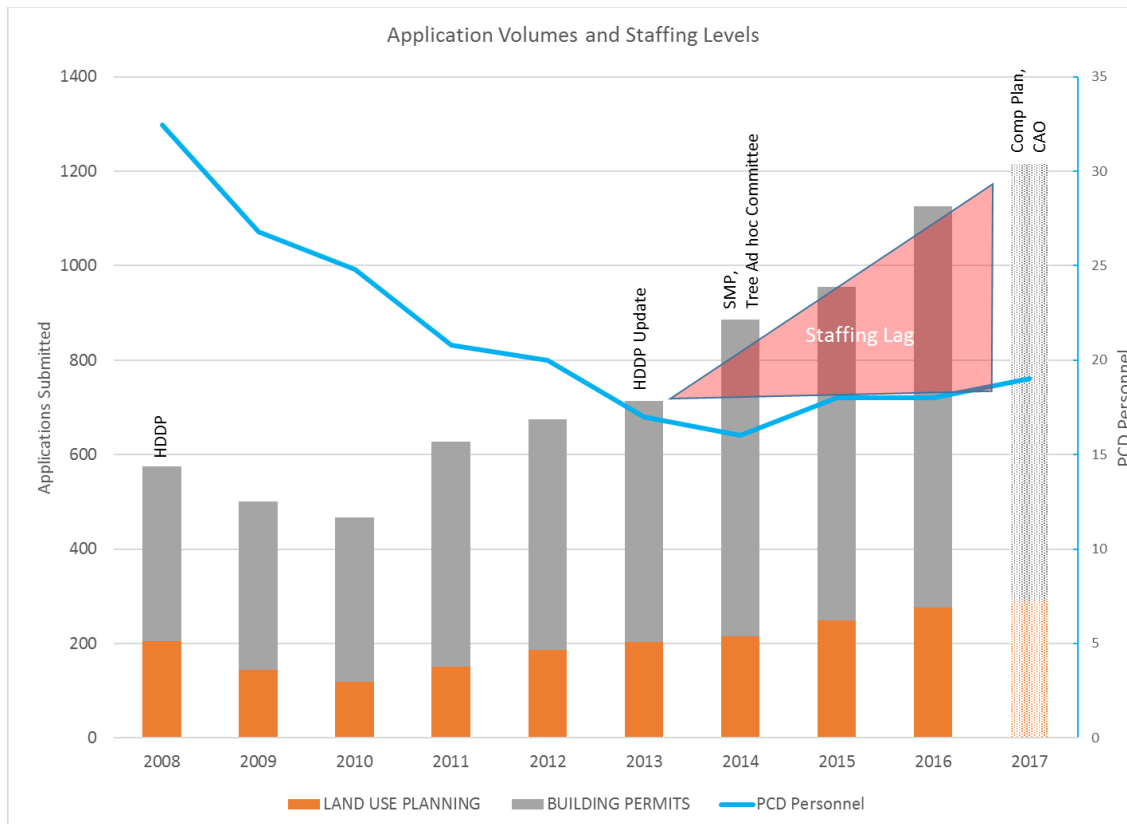


Figure 25 – Bainbridge Island Staffing Lags Demand

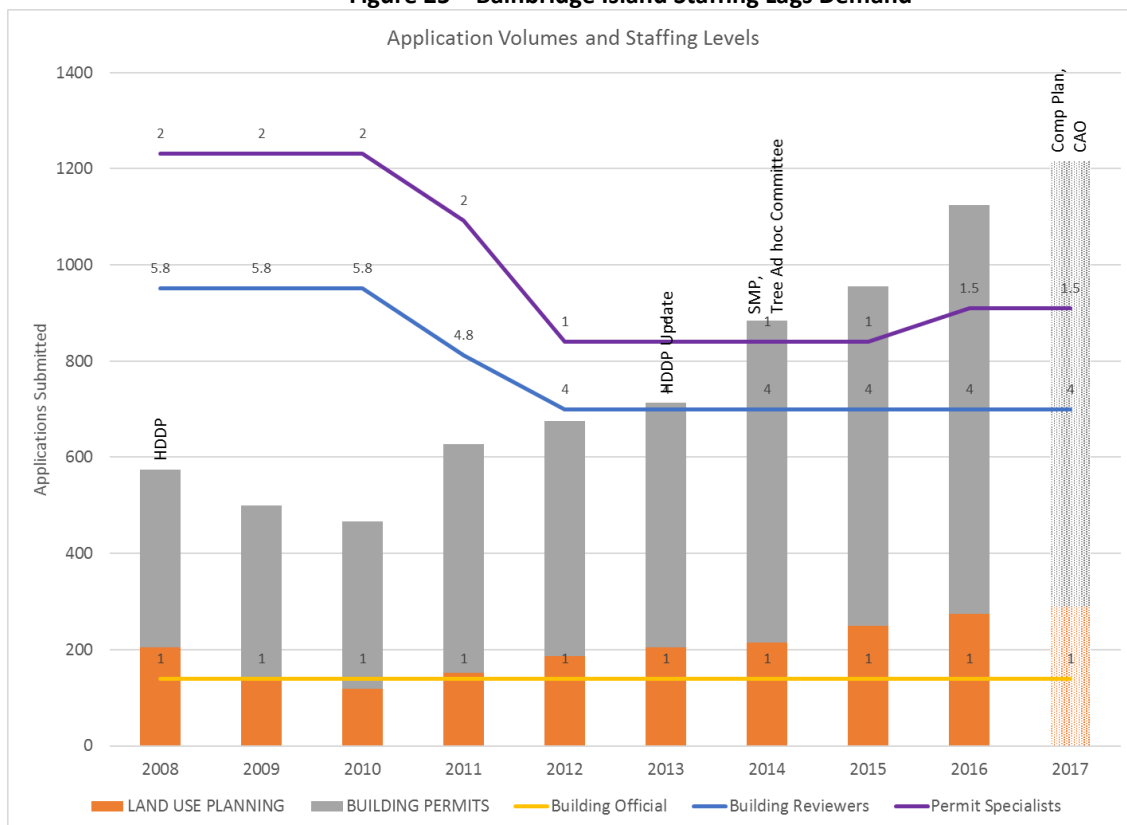


Figure 26 - Building Reviewers

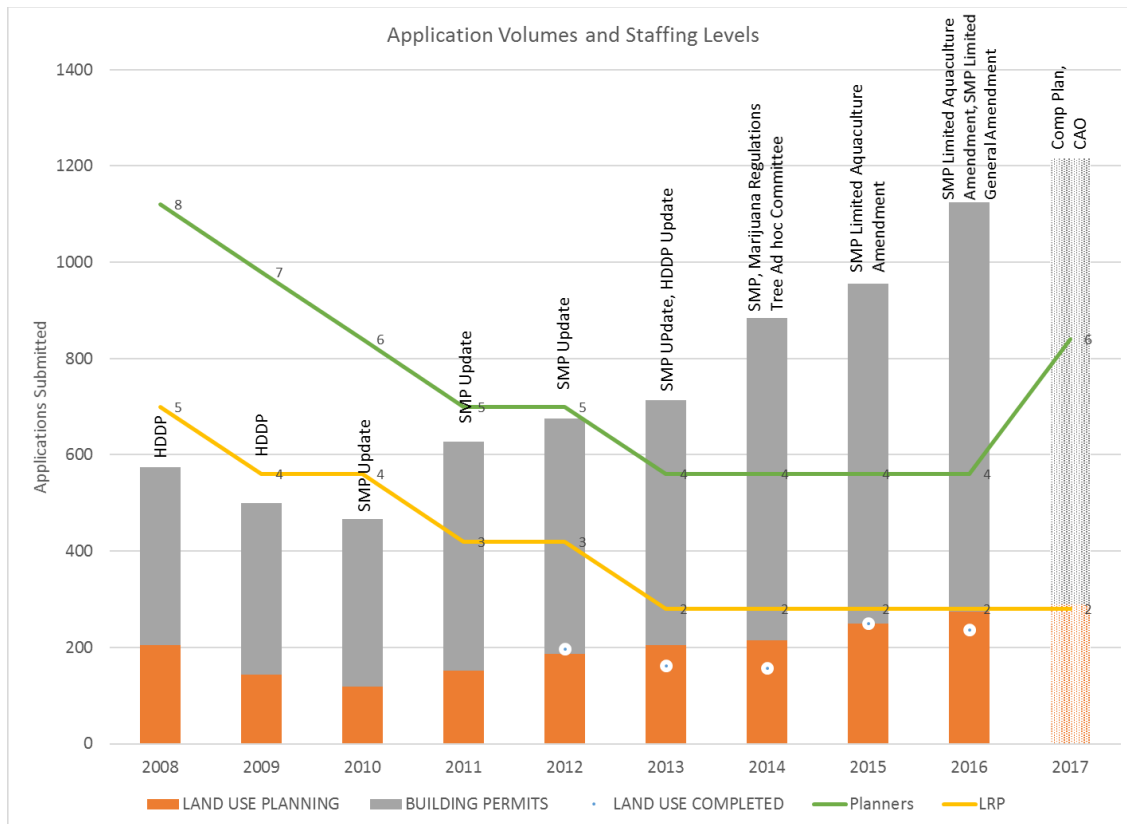


Figure 27 - Planners

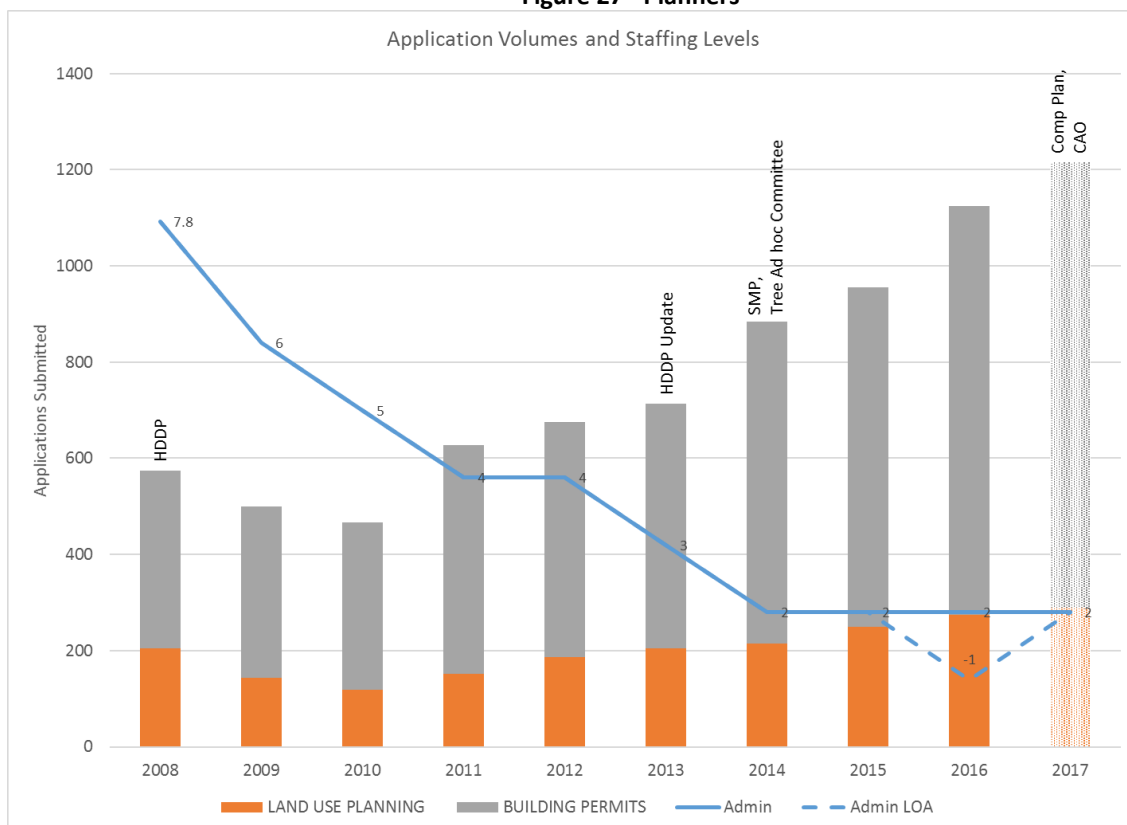


Figure 28 - Administrative Support

Exceptional Customer Service Policy

Planning & Community Development staff dutifully uphold a longstanding policy to provide exceptional, personal, customer service. This policy was cited often in staff interviews, as the hallmark of Department client service.

Regardless of what is in work at the time, if someone comes to the counter, calls, inquires, lodges a complaint, questions legitimacy of projects in construction: whatever it is, that person is served. And, additional City staff are commonly needed for an answer since basic questions often cross multiple municipal codes. Newer City staff members may also need to confirm an answer. Several City staff members can be engaged in a front counter question.

This is an exceptional service level, particularly considering the inventory of plans to be reviewed, inspections to perform, and decisions to render. While this is a well-known level of service amongst staff, a written copy of this policy does not exist.

Every day, this devotion to duty provides a great service to the community, but shreds planned work. One City staff reviewer lamented: “Sometimes I come to work with just 1 or 2 [key objectives] to complete and I don’t even get to the first one.”

This multitasking has the effect of fragmenting the workday and creates a chaotic work environment as City staff members react to various interruptions. This fragmentation often pushes intended development project reviews to tomorrow, the next day, next week, or to an absolute deadline like a public hearing date or the 120 day clock. Then the review becomes a rush, which opens the door to errors or omissions, foregoes collaboration with peers or other project reviewers; and delays if not skips SmartGov® entries which compromises the utility of the tracking system across the team and limits applicant visibility. The team is conscious of the dilemma, knows there are better practices, but against the stops can’t break the fray.

Instability

Rising application volumes, backlog, complexity, paired with the lag in corresponding staffing, clash with the competing demands of unplanned customer service surprises to create a chaotic, unstable work atmosphere. It’s isolating as individual deadlines are jeopardized and rallied, while dependent on others to provide their findings and conditions subject to their own pickles.

A long-term effect of this is City staff turnover, which erodes organizational memory and forces in-progress projects to be reassigned, relearned, and potentially reinterpreted, potentially upsetting applicants, and losing velocity.

Incoming personnel must climb learning curves which are particularly challenging for Planners and Development Engineers, as these codes and standards are far more localized than building

codes across jurisdictions. Undocumented steps can be missed or painfully detected later. Process guides vary across the Department. In some areas, few resources exist for City staff.

Applicant Effect

Applicants perceive this instability, not only during project review but during front counter inquiries. Applicants cited that answers seemed to be a function of which City staff member was asked and even when they were asked. This is a predictable outcome given varying learning curves, and whether other City staff are available for consultation when other project deadlines are looming.

Some base purchase or major construction decisions on front counter advice. Some cited they were told the wrong answers and the project complexity soared once underway. Answers did not stick through the development review process.

A related pattern in applicant feedback was an imbalance in pre-application efforts. Namely, despite a substantial submittal rigor requirement to hold a pre-application meeting, the answers back from staff were disproportionally generic, boilerplate. Pre-application meetings are short lead-time compared with project reviews, generally scheduled 2-3 weeks out. City staff pre-application preparations are often squeezed by the chaotic work environment.

Code Lag

The centerpiece of communities planning under the Growth Management Act (GMA) is the Comprehensive Plan. It documents, through extensive, early and often public debate a forecast of population growth and associated services, articulates a vision for future land use, housing, and reconciles concurrency of infrastructure, transportation, and other considerations in aims of accommodating planned growth while retaining or intentionally transforming the essence of the community. Bainbridge Island's first Comprehensive Plan was adopted in 1994, alongside other communities' first-edition GMA plans. Updates over the years added the Lynwood Center subarea, the Winslow Master Plan, and incorporation of increasingly complex State standards.

The Comprehensive Plan, in turn, is implemented into practice by aligning the array of individual Bainbridge Island Municipal Code (BIMC) development regulations through code amendments, and updates of corresponding Public Works Design & Construction Standards, to accomplish the intent of the Plan. Private development is then held to these standards by enforcing these updated regulations during project land use and permit review and inspection.

The Comprehensive Plan guides, the Code enforces ([RCW 36.70.340](#)).

Code amendments follow the legislative process. Long-range planners deduce what codes need to change to implement an aspect of the Plan, formulate proposed text, and with administrative help, package, schedule, and present a draft to the Planning Commission. The Planning Commission evaluates the draft, hears public comment, remands for changes as decided, rehears changes, and forwards final recommendations to the City Council for review and action. Once adopted and effective, the municipal code change becomes law and is enforceable.

So, this codification process introduces a lag between Comprehensive Plan adoption and implementation in project review. The extent of this offset is governed by:

- The nature of the Comprehensive Plan update (its scope and transformation).
- Long-range planner capacity to reduce the update to its complete set of code amendments.
- The pace of advisory boards, committees, task forces, the Planning Commission and City Council.
- Intensity of public comment. In most communities, few other than applicants take the opportunity to complete surveys of the type conducted for this assessment. However, 2/3 of the Bainbridge Island survey respondents are not applicants themselves. Public interest in development on the Island is high. This is likely present throughout the legislative process as well. There is a lot of community interest and passion on Bainbridge Island.
- Plus, the lack of time to incrementally revise forms, handouts, and staff practices for development review as amendments are completed.

Several interviewed said the last Comprehensive Plan update took some time to implement through code. Some see lingering gaps. It is an extensive effort to discern what municipal codes need to change to capture a goal, how to clearly express the requirement in code language, and vet each through the legislative process. The author of this report served on a city planning commission himself.

The *Navigate Bainbridge* Comprehensive Plan update adopted this February now must go through this process.

The anticipated work program (Figure 29) is substantial. Resulting municipal codes are forecasted to take about a year to develop and codify, and this rests on two long-range Planners with limited administrative support and simultaneous elements moving through Planning Commission and City Council.

DEPT. OF PLANNING & COMMUNITY DEVELOPMENT 2017/2018 LEGISLATIVE WORK PROGRAM

COMPREHENSIVE PLAN ACTION ITEMS	2017								2018					
	MAY	JUNE	JULY	AUG	SEPT.	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY	JUNE
BIMC CLEAN UP AND COMP PLAN CONSISTENCY TITLES 2, 17, 18						POLICY DIRECTION				LEGISLATIVE				
AFFORDABLE HOUSING TASK FORCE TITLES 2, 17 & 18 INFORMS WINSLOW AND SUBAREA PLANNING			TASK FORCE WORK AND RECOMMENDATIONS				POLICY DIRECTION						LEG	
TREE AD HOC COMMITTEE WORK TITLES 16, 17 AND 18	AD HOC COMMITTEE & STAFF WORK		POLICY DIRECTION					LEGISLATIVE						
PARKING STUDY TITLES 2, 15 AND 18; AFFECTS WINSLOW AND SUBAREA PLANNING					POLICY DIRECTION					LEGISLATIVE				
ISLAND CENTER SUBAREA PLANNING				SUBAREA PLANNING COMMITTEE & POSSIBLE CONSULTANT WORK			POLICY DIRECTION							
TDR/PDR PROGRAM REVIEW TITLES 16, 17 AND 18; INFORMS WINSLOW & OTHER SUBAREA PLANNING, AFFORDABLE HOUSING WORK					POLICY DIRECTION					LEGISLATIVE				
ADOPT GREEN BUILDING CERTIFICATION TITLES 15, 17 AND 18, POSSIBLE TITLES 2 & 16	RESEARCH & DEVELOP OPTIONS					CLIMATE CHANGE COMMITTEE		POLICY DIRECTION		LEGISLATIVE				
LATIMORE STUDY: UPDATE TO DEVELOPMENT REVIEW PROCESS; TITLES 2, 17 AND 18			TASK FORCE, CONSULTANT & STAFF WORK						POLICY DIRECTION			LEGISLATIVE		
AGRICULTURAL RESOURCE LAND DESIGNATION						POLICY DIRECTION				LEGISLATIVE				
LONG-RANGE PLANNING WORK IN PROCESS														
CRITICAL AREAS ORDINANCE UPDATE			LEGISLATIVE											
PUBLIC COMMUNICATIONS TOWER ORDINANCE		LEG												
GENERAL SMP LIMITED AMENDMENT						LEGISLATIVE								
BUSINESS/INDUSTRIAL DISTRICT REGULATIONS	POLICY DIRECTION						LEGISLATIVE							
LEGEND														
CONSULTANT WORK		INTERNAL STAFF WORK						CITY CITIZEN TASK FORCE OR ADVISORY COMMITTEE						
PLANNING COMMISSION										CITY COUNCIL				

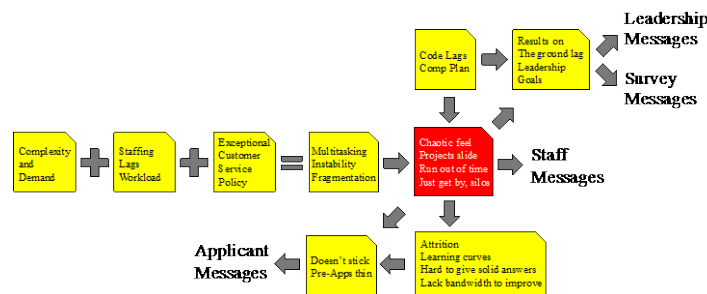
Figure 29 - Comprehensive Plan Implementation Work Program

Meanwhile, a year's worth of high volume applications will be submitted and vested under prior municipal codes on top of those currently in work or in rising backlog. Adding the time needed to decide these applications, well over a year of lag is vested under the previous Comprehensive Plan.

Further, materials must be developed to capture these new regulations into forms, standards, and daily practices in the Department and Public Works. In the current fray, this will be difficult to muster. And, until this is in place, staff have limited ability to durably advise prospective applicants.

Some in City Leadership and some survey respondents reacting to certain projects on the Island expressed a concern that the results on the ground—the output of the Bainbridge Island development review process—may not be what was or should have been approved.

The current instability combined with the municipal code lag creates this problem.



Improvement Recommendations

Improvement Recommendations

The Physics of this Challenge can be solved.

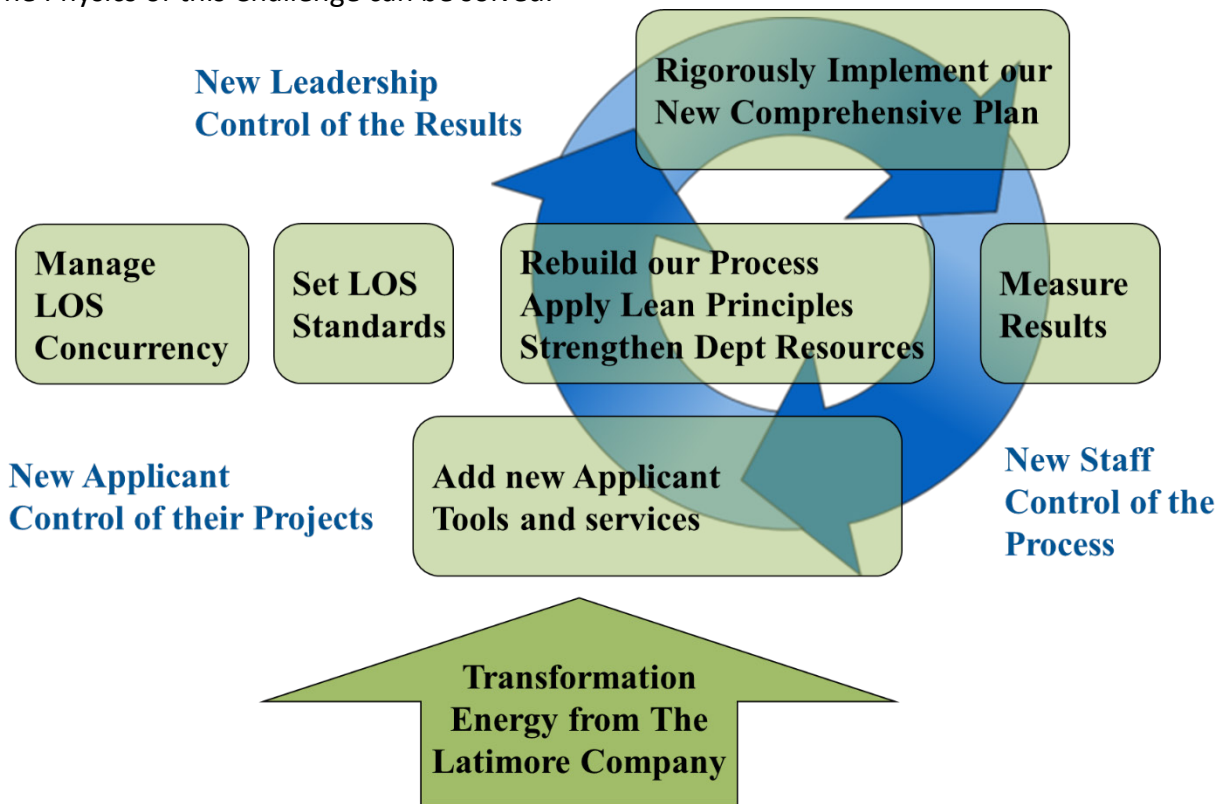


Figure 30 - The Solution

This can be transformed to a closed-loop development review system in the City of Bainbridge Island. A system where City Leadership, City staff, and applicants gain new controls over results on the ground; daily work life in the department; and applicant project success.

It is recommended the development review process be closed-loop, where (Figure 30):

- Levels of service are expressly set.
- Best practices are implemented for project review.
- Comprehensive Plan codification is methodically paced.
- New tools and options are added for durable up-front guidance.
- Results are measured, reported, and used to actively manage a concurrent system.
- The Latimore Company provides the energy and guidance to achieve this excellence.

This approach incorporates best practices for local government permitting. The Latimore Company assembled and published these practices for the Washington Governor's Office of Regulatory Assistance in 2008 (Figure 31).¹



Six+ Best Practices

Overall: Exceptional Customer Service

Bonus Best Practice: Use Case Managers

1. Build Mutual Understanding
2. Engage Reviewers and Stakeholders Early
3. Ensure Complete Applications
4. Analyze Process, Performance, and Costs
5. Use Information Technology
6. Implement Systems for Staffing Flexibility

Best Practices Washington State Governor's Office of Regulatory Assistance 9/30/08
6

Figure 31 - Governor's Office of Regulatory Assistance Best Practices

Rebuild the Process

This package of improvements includes:

- 1. Assemble Templates, Procedures, Checklists. Apply *Lean* principles.**

Bolster areas thin on process documentation. Procedures are drafted, reviewed by the team and Director, and implemented into practice. Review checklists are assembled and chosen for use on all project reviews, boosting consistency and providing placeholders while interruptions are reduced. Best example staff reports are established as “save as” templates to streamline preparation, improve consistency, and provide a built-in checklist of steps and conclusions to be

¹ Governor's Office [report](#).

completed. All the while, the handling and artifacts for these are scrutinized to remove waste and exploit growing team resources to achieve lean practices.

2. Build an Array of Handouts for Citizen/Customer Advisory Board Comment, Development Review Committee Approval, and Applicant/Staff Use.

Update existing and add new handouts where needed. These are reviewed by City staff, the proposed Citizen/Customer Advisory Board (CCAB), and the proposed Development Review Committee (DRC) for accuracy and clarity, placed into practice, and stocked in counter and online repositories for ready staff and applicant use.

3. Guide SmartGov® Enhancement, Administrator, and Public Works Integration. Pull this together.

Enhance the existing SmartGov® case architecture to implement LOS standards across Department and Public Works reviewers, measure real-time aging against these standards for projects big and small, and capitalize on online submittal features.

To reach this level of sophistication, a SmartGov® administrator is needed. The administrator develops and refines SmartGov® templates, fine tunes them over time with Development Review Committee and Citizen/Customer Advisory Board feedback, actively scrutinizes project records for timely and accurate entries (vital for % time elapsed visibility), adds and refines online features, trains staff on intended use of feature sets, resolves issues, coordinates ongoing support with Paladin Data Systems, and runs standard and customized reports for management evaluation. Particularly during implementation of these department improvements, this is a full-time position. This adds the utilities sought from the tracking system and ensures the team uses them properly and consistently for sustainable gain.

4. Launch the Development Review Committee (DRC) and Robust Process Change Methods.

Establish a weekly cross-functional Development Review Committee (DRC) meeting to discuss and reach affirmative conclusions across codes on complex applications prior to comments being released for applicant revision or conditions being released for project approval. Through this collaboration, past project precedence can be infused, regulations can be interpreted with Director leadership, and experience grows even for those just listening in. DRC applications include those appearing before the hearing examiner, new custom single-family residential permits, and others the DRC adds for this integration. Further, the DRC vets and approves incoming improvements and reference materials, assuring positive implementation.

5. Guide Project Manager Implementation and Integrated Letters.

Clearly establish the leader of each project. This teammate leads DRC discussion, serves as the single point-of-contact for the project applicant team, receives and integrates review findings, and drives the project to its LOS to its final decision.

<u>Types</u>	<u>Cycle Time (weeks)</u>
Address assignment	2
Appeal (admin)	6
Appeal (SEPA)	6
Binding Site Plan	6
BLA/Lot Consolidation	2
Certificate of Appropriateness	6
Civil Plan Review	6
Code amendment	12
Comm (accessory)	2
Comm (SEPA exempt)	4
Comm (SEPA)	6
Conditional Use	6
Demolition	2
DRC (feasibility)	2
DRC (formal)	4
DRC (preliminary)	4
Fire (alarm)	2
Fire (sprinkler)	6
Grading (non SEPA)	6
Grading (SEPA)	6
Land Clearing (Non SEPA)	6
Land Clearing (SEPA)	6
Land Use Action	6
Mechanical	2
Multi Family	6
Plat (final)	6
Plat (preliminary)	6
Plat (short)	6
Plumbing	2
Private utilities (ROW)	3
PUD	6
Reasonable Use (riparian)	6
Reasonable Use (wetland)	6
Res (all other)	2
Res (new custom)	4
Res (stock plan)	2
Retaining Wall	4
SEPA Determination	4
Shorelines	6
Sign	2
Tank	2
UGA (DRC)	2
UGA (Utilities)	6
Variance	6
Wetland Permit	6
Wireless Facility	6

**Figure 32 - Sample LOS
Cycle Standards**

Integrated review findings, including any outside/expedited reviews, are packaged into a single comment letter for the applicant to revise and resubmit as one comprehensive and complete response.

6. Implement LOS and % Time Elapsed Timeline Management.

City Council establishes LOS standards for application review (Figure 32) and other aspects of excellent customer service. Then, associated timelines are built into SmartGov® projects, and the team uses % time elapsed, the SMARTQueue®, and real-time data entries to visualize and manage department focus. Implementation of these best practices is managed by the DRC. TLC helps the team through the transition when the projects in review are a mix of old and new methods.

Planning & Community Development uses Paladin Data System's SmartGov® permit tracking system. The team uses the system as most departments do to calculate and apply fees, signal incoming plans to City staff, record City staff comments, conditions and approval decisions, manage inspections, and print permits. Applicants in turn have an online portal that allows them to check on review progress, and as Building has begun experimenting with, there are tools for online submittal.

The team uses the system's SMARTQueue® feature. This feature calculates a percent complete for each application in the system. This allows City staff across departments to see projects that are nearing completion, perhaps awaiting just one last check. For example, if a permit requires 5 review steps, when 4 of them are complete, the SMARTQueue® is 80 (for 80% complete). The team uses this information to focus attention on those approaching 100.

To improve predictability of review timelines, TLC recommends a second measure be added alongside SMARTQueue®. Taken together with SMARTQueue®, this combination provides new insight to make project management decisions, hour to hour in the busy office environment and between inspections, on what to work on to deliver best service.

This complementary measure is *percent of time elapsed*.

The first step is to define turnaround (cycle time) standards for each type of application. These can, and often do, range greatly from, say, a small accessory building to a subdivision.

As an example, here is what one community chose for development review LOS standards (Figure 32). First review cycle times can differ from resubmittal reviews or be the same. These targets are a level of service discussion, akin to setting traffic flow standards in comprehensive planning. Faster targets draw more capacity. A starting point for the City of Bainbridge Island could be roughly the cycle times Planning & Community Development deliver today.

Once targets are established, SmartGov® is used to tally the number of days each application has been in-house since its last counter submittal (aging). The number of days is divided by the respective target for its application type to arrive at % time elapsed.

For example, wireless facility review in Figure 24 has a 6-week target. At the end of Week 3, the % time elapsed is 50%. At the end of Week 4 it is 67%.

Once % time elapsed is calculated for all the applications in review, all of them are sorted by this number. The application with the greatest % time elapsed is the top priority whether a deck or a new commercial development.

Next to the sorted % time elapsed field is the SMARTQueue®. With the combination, both staff and administration can gauge progress relative to time elapsed. Outliers stand out and can be addressed, and week to week trends can be monitored to predict and bolster future performance.

The effect of this recommended approach is a narrowing in the scatter of fastest to slowest and a similar convergence to the targets set for each application type, the very definition of predictability. Current averages can be published to give residents and prospective applicants a sense for when reviews will be complete. Publishing the real-time % time elapsed and SMARTQueue® value for each application allow applicants and the public to see precisely the status and evolution of individual project reviews. Lastly, tallies can be summed from cycle to cycle to derive 120-day or other clock measures.

7. Ahead: Real-time Completeness Determination and Review Debriefings.

From the vantage when the development review process stabilizes through the recommended

improvements, refinements are added that boost predictability, timeliness, efficiency, and collaboration. The 28-day cycle for determination of completeness is replaced by a real-time decision at the time of submittal by the DRC. Then at the conclusion of each DRC review cycle, a meeting is held with the applicant team to explain findings, discuss solutions, and prepare the applicant team for a successful, real time, resubmittal completeness determination. These leaner practices further eliminate resubmittal cycles and the attendant energy consumed by the current development review cycles.

New Applicant Tools and Options

The pending Site Assessment Review (SAR) should be implemented as currently envisioned. It is intended to establish a mutual understanding of site hydrology so that successive land use and permit applications can properly implement the low impact design aspirations of the latest Department of Ecology stormwater manual.

The SAR hand-assembles GIS map information the City has on a subject parcel planned for development, and provides stormwater recommendations. The GIS portion creates a tacit baseline of existing conditions to underpin development plans and inform development review. The recommended parcel report, defined below, would add new utility and efficiencies to the SAR.

Building on SAR, six new applicant tools and optional services are recommended. The sixth, an option to establish a *site layout*, is recommended after the other improvements are well established in practice.

1. Launch Citizen/Customer Advisory Board (CCAB) and Facilitate Discussions. Obtain Customer Perspectives of LOS, Handouts, Procedures.

A task force/advisory board, which could be called the Citizen/Customer Advisory Board (CCAB), is formed and convened from time to time to advise the Planning & Community Development Director on development review processes and community and customer service. The group is on order of 10 members, comprised of development industry representatives (architects, developers, contractors), a representative from City Council, one from the Planning Commission, and one from the Design Review Board, and representation from the community, including The Latimore Company and Planning & Community Development staff. Near-term topics are advice on desired LOS standards, feedback on the clarity and utility of draft handouts and other reference material, and perspectives on new procedures. This guidance helps the Planning & Community Development Director gauge the readiness of improvements, hear matters of interest to those working with the Department, and provides valuable data points for what levels of service clients need to be successful.

2. Guide/Develop Parcel Report Capability. Get the Word Out.

As recommended in [Best Practices for Local Government Permitting](#), a foundational step is to build a mutual understanding. This begins with an understanding of the existing (starting) conditions of the parcel. What do City maps say? Are there streams, wetlands, steep slopes, tree groves, existing structures, road approaches, etc.? How is it laid out now? What do such features imply for development? Applicant familiarity with regulations varies widely: what factors are significant? What do these terms mean? Professional studies may be needed based on how the prospective applicant wants to proceed, and the conclusions of these studies may limit what was intended or render it expensive.

A powerful tool, called a *parcel report* creates breakthrough mutual understanding.

The City's GIS data is programmatically formatted to present mapped features and aerial imagery, in a standard, repeatable, way. It automatically highlights mapped features on the parcel and links the reader to explanatory material to indicate the significance.

It's the official starting point of Bainbridge Island development. And, it's available 24/7. Prospective applicants begin with it. Counter inquiries begin with it. The upcoming SAR begins with it. Realtors begin with it. It's the baseline of mutual understanding. And if the applicant sees a different picture on the ground, the parcel report is the benchmark to ferret out the differences.

This has been in place for nearly a decade in nearby Cowlitz County. Its debut was widely praised by prospective applicants, buyers, sellers, and front counter staff who gained a shared vocabulary and site understanding that accelerates collaboration—literally on the same page. It packages traditional GIS information (Figure 33) into a powerful new format (Figures 34-35).

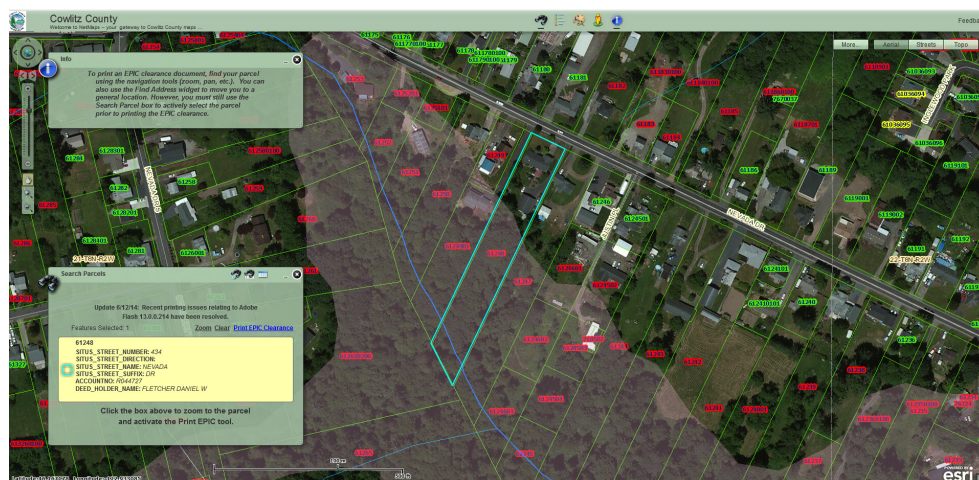


Figure 33 - GIS Map (Cowlitz County Example)

EPIC Planning Clearance Information

Parcel: 61248
Owner: FLETCHER DANIEL W
Site Address: 434 NEVADA DR

Status
Red

Proceed to the Building and Planning Department for a Planning Clearance Review.
You can access the necessary forms from the online Site Plan Package.
Planning Clearance may take up to 2 weeks from time of application.

Zoning and Comprehensive Plan

Zone: UR
Comprehensive Plan: L-UR
Subdivision: COLUMBIA HGTS GDNS
Short Plat/Large Lot #:
Abbreviated Legal:
SUB:COLUMBIA HGTS GDNS BLK:7 LOT:37 DES
Acres: 1.5

Critical Areas

Fish and Wildlife Conservation Areas

Riparian Shoreline Stream: No
Riparian Fish Bearing Stream: Yes
Riparian Non Fish Bearing Stream: No
Riparian Habitat: Yes
Shoreline Jurisdictions: No
PHS: No
Stormwater: Yes

Geologically Hazardous Areas

Deep Seated Landslide: No
Deep Seated Landslide Scarp: No
Shallow Landslides: No
Sag Ponds: No
Potentially Unstable Slopes: Yes
Slopes 80%: No
Slopes 60-80%: No
Slopes 45-60%: No
Slopes 30-45%: No
Mine Hazards: No
Volcanic Hazards: No

Wetlands

NWI Wetlands: No
Hydric Soils: No

Other

Timber Moratorium: No

Riparian Habitat Area (RHA): Areas adjacent to streams or rivers that influence the aquatic ecosystem by providing habitat, shade, nutrients, organic or inorganic debris, and woody material. The size of the RHA is dependent on the type of stream associated with it.

Shoreline Stream: A stream or water body that is designated a 'Shoreline of the State' by the WAC. Standard RHA width for a type 1(S) Stream is 150 feet as measured from the ordinary high water mark. Also see 'Shorelines Jurisdiction.'

Fish Bearing Stream: A stream that flows perennially and contains fish and/or potential fish habitat. Standard RHA width for Type 3(F) Fish Bearing Stream is 100 feet as measured from the ordinary high water mark.

Non Fish Bearing Stream: A stream that flows either seasonally or perennially, but does not contain fish and does not meet the physical criteria for a fish-bearing stream. Standard RHA width for a non fish bearing stream is 50 feet as measured from the ordinary high water mark.'

Shorelines Jurisdiction: All of the water areas of the state, including reservoirs, and the associated shorelands, together with the lands underlying them. Development within 200 feet of the Ordinary High Water Mark or within the floodplain of the water body is regulated by Cowlitz County's Shoreline Master Program.

Priority Habitat Species (PHS): Habitat areas with unique or significant value to one or more priority species as classified by the State Department of Fish and Wildlife.

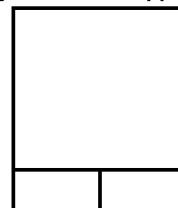
Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marches, bogs and similar areas. Buffer requirements may vary, and are determined by the type of wetland and proposed development activity.

Hydric Soils: A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. Hydric soils may indicate the presence of a wetland area.

Stormwater: Areas of the unincorporated, urbanized areas of Cowlitz County that are subject to the requirements and provisions of the Cowlitz County Stormwater Management Ordinance.

Geologically Hazardous Areas: Areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. These may include areas with active or inactive landslides, active or inactive landslides, active or inactive scarps, and potentially unstable slopes as identified on the adopted landslide inventory maps.

Counter Complete
Ready for Permit Application



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Figure 34 - Parcel Report (for this Cowlitz County Example)

EPIC Planning Clearance Map For Parcel 61248

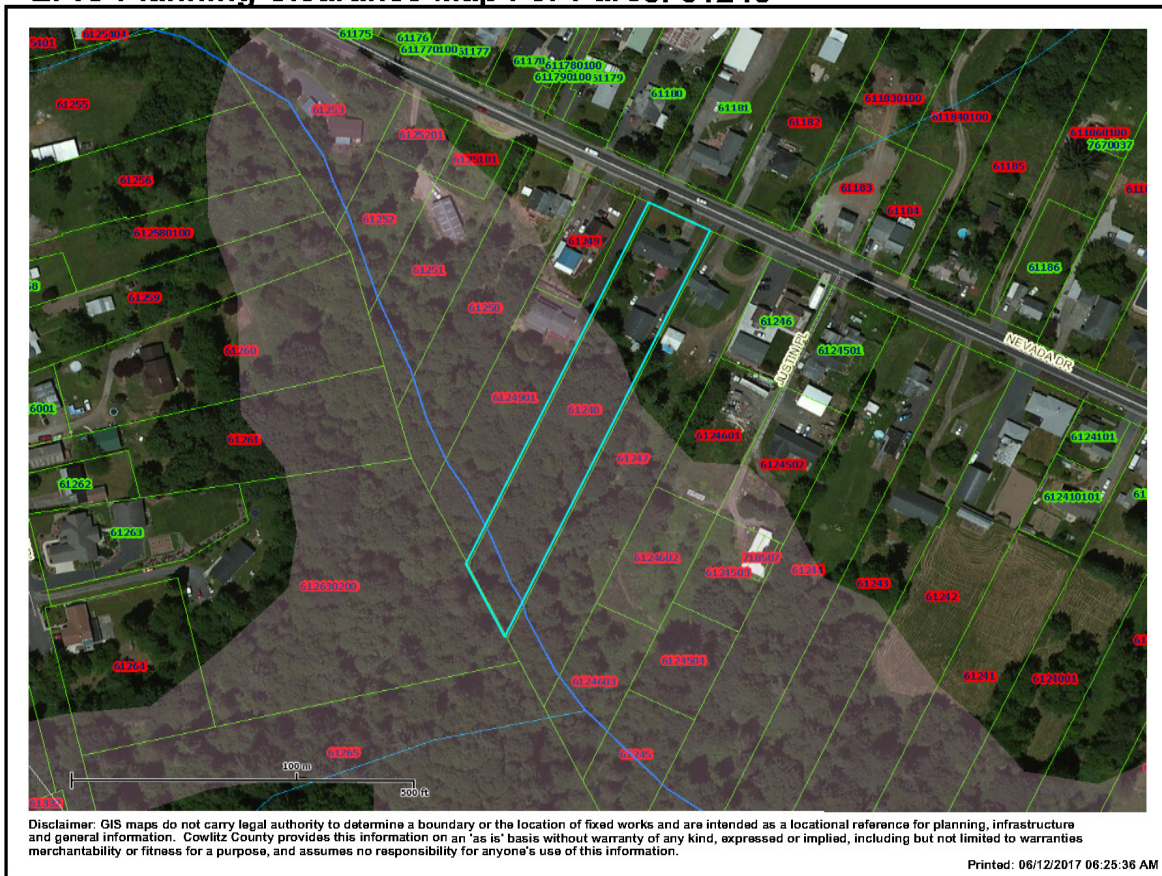


Figure 35 - Parcel Report (Cowlitz County Example)

Once implemented, the parcel report will also streamline staff SAR research, providing a running start for site visits and a structure for organizing staff SAR comments and hydrology recommendations.

Once well established, the City could leverage parcel reports to create additional efficiencies. For example, the logic of the Cowlitz County parcel report assigns a red/yellow/green color coding based on the nature of “yes” mapped features. Green parcel reports, indicating minor if any such features, prequalify certain steps required for a yellow parcel report. Red parcel reports, in turn, signal a staff site visit is required to submit significant construction applications.

3. Offer Pre-Development Consultations.

Some years back, Planning & Community Development offered a development review service called a “Consultation.” The objective of a consultation was to provide a prospective applicant with an hour of time with staff to explore a development concept or assess the development potential of a site. As this is intended to occur very early in the development review process, minimal materials are required from the requestor to hold the meeting. Whether called a pre-

development meeting or a consultation, this optional service builds on the benefit of parcel reports to flag potential environmental factors and discuss alternatives with a common initial understanding.

4. Expand Electronic Submittal Options.

Electronic submittal has become very popular in our digital world. Indeed, some jurisdictions now see 80% of their building plans digitally submitted. SmartGov® is provisioned for electronic submittal and fee payments and it has tools for routing these virtual plans for office review and resubmittal exchanges. Planning & Community Development has been piloting electronic submittal for residential solar panel and roof permits in Bainbridge Island (Figure 36). The Department also collects digital versions with many incoming paper plans to capture configurations in SmartGov® or local file servers.

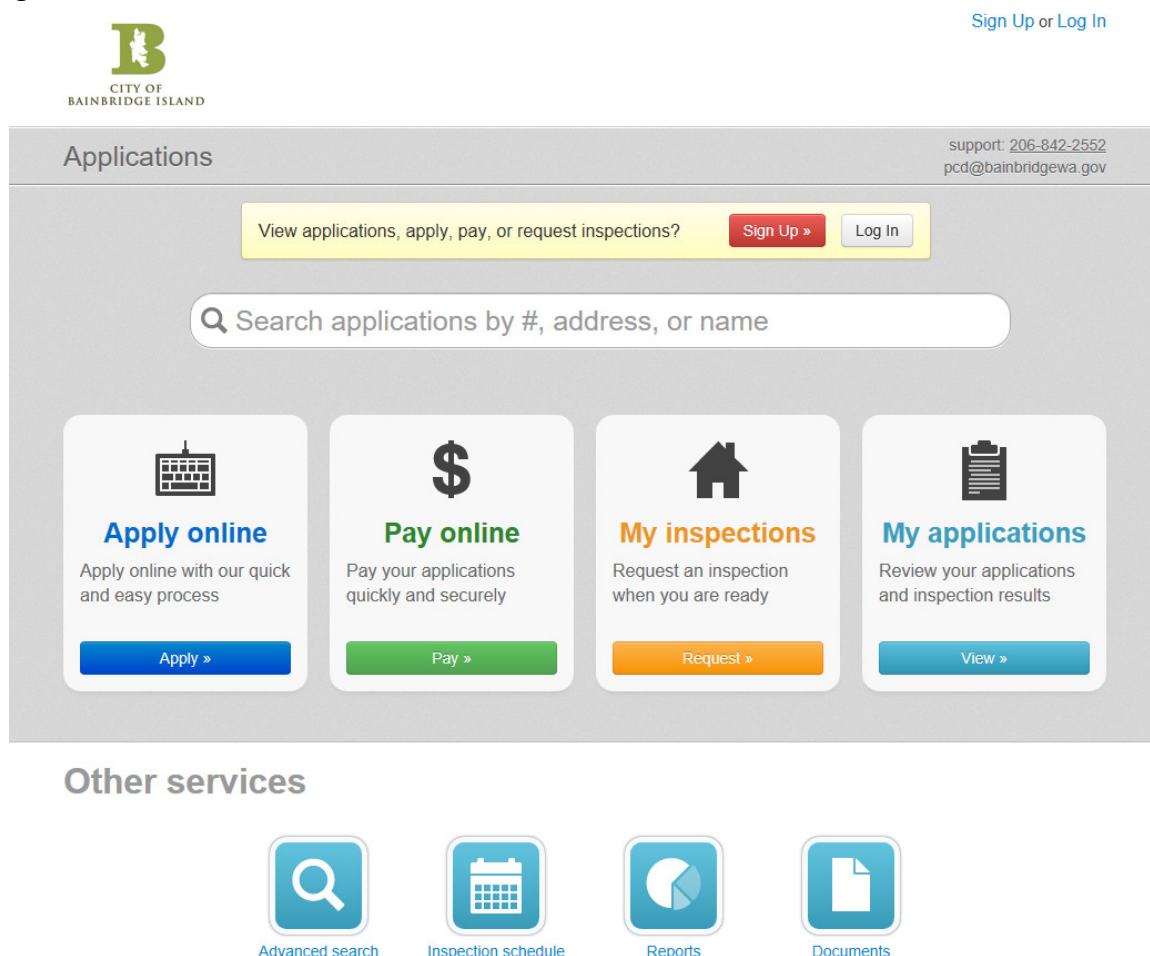


Figure 36 - Current Online Features in Bainbridge Island

TLC applauds the team for moving in this direction with these first building permit application types and recommends expanding electronic submittal offerings. Many jurisdictions begin with building permits and expand through road approach, sign, and special use to full civil plan and land use applications over time. Incoming plans continue to be vetted at intake to ensure

sufficient content to render accurate permit decisions.

5. Expand Real-Time Progress Visibility through SmartGov®

Improved project architecture, real-time staff data entries, and LOS standards, which enable % time elapsed, on top of the current SMARTQueue® which indicates % complete, applicants receive powerful new insight and confidence in the state of their project reviews. Development review progress can be monitored as it convergences on LOS targets. After project review, notations for common construction-phase questions from the public such as proper setback or building height could help reassure the public when key features pass inspection.

6. Ahead: SFR Site Layout Option.

It's not uncommon throughout Washington State for individuals to buy property for future home sites or existing residences for renovation. Longtime family properties may be due for an update: a bigger dock, armoring, an addition, clearing out of overtaking vegetation. The attraction for many of these sites are great vistas and waterfronts for beautiful homes, vacation getaways, or retirement destinations. Bainbridge Island is a wealth of these wooded coastlines, slopes, and streams, all within reach of Seattle. Improvement of these sites, like elsewhere, may stretch years, paced by financing, availability or both.

A fair number of applicants providing feedback for this assessment were in this category.

The challenge is the very features that draw this interest present the greatest environmental challenges and complexity in the development review process. Many underestimate the effort, studies, and cost. Some proceed slowly enough to encounter new regulations midway through that force new courses, dampen dreams.

After other improvements are well established, a new development review service could be offered, for example a [Site Plan Advance Approval Determination](#) as Jefferson County calls it. Or, perhaps, *Site Layout*, could be added. This is a popular option for applicants fitting this home site scenario.

This approach allows a Single Family Residential (SFR) applicant to establish a site layout upfront that serves as a framework and baseline for downstream permitting. It establishes a construction envelope: the location of the house, accessory buildings, driveways, wells, onsite septic system components, primary and reserve areas, and other areas presumed to be disturbed with construction. Discussions of allowable envelopes, drainage provisions, mitigation, and the like, and downstream permit requirements occur at this phase.

Once agreed, this site layout is vested and valid for a reasonable development period the City sets in its municipal code. Five years was chosen in the noted county. The applicant then develops his or her plans accordingly, placing improvements per the site layout.

The regulations are fixed during this period barring state or federal changes, so the applicant can plan, finance, and chip away at the improvements confidently.

In turn, staff gain a clear baseline to work from that streamlines downstream permitting. Incidental deviations from the site layout can be approved administratively. Substantial changes render the site layout moot and normal permitting applies.

The site layout process is an optional add-on to the pre-application process. The applicant chooses either the incremental (most likely) or the concurrent approach in the prior recommendation, developing their SAR and site layout. After pre-application meeting discussion, staff and the applicant agree on the site layout. Then it's off to the races.

Comprehensive Plan Implementation

Rigorous, proactive methods are used to manage the lag between Comprehensive Plan adoption and implementation into daily project review practice.

1. Comprehensive Plan implementation Project Management and Pace Monitoring.

To proactively manage the lag between Comprehensive Plan adoption and implementation of updated goals and policies in development review, detail tasks and precedence relationships are built beneath the work program recently review by the City Council (Figure 29). These tasks are then resource-loaded and re-phased based on available staff capacity. City Leadership can then proactively assess the predicted pace and make adjustments accordingly. Once agreed, progress is monitored and reported to City Leadership in closed-loop fashion to understand when policies, programs, and development code is implemented and thus start shaping results on the ground.

2. Robust Procedural Incorporation.

Implementation into Department practice is managed through the new DRC, with input from the new CCAB. Incoming regulations and their intent are presented and questions are answered to poise staff for implementation. Handouts, forms, templates, construction standards, and review checklists are revised to capture the new criteria; these are also reviewed in the same fashion for clarity, accuracy, and readiness by the CCAB, DRC, and the long-range planning team. Vesting considerations are clarified at this time as well.

Measure and Manage Results and LOS

A closed-loop system is implemented that measures, reports, and responds to results on the ground, pace of Comprehensive Plan implementation into practice, and actual City performance to level of service (LOS) standards. It also establishes concurrency where levels of service are linked to staffing levels so City Leadership can choose LOSs with an understanding of the cost of service alternatives.

1. Establish and Proactively Manage Levels of Service Standards

As cited before, Level of Service standards are considered and chosen by City Leadership. Staff use these LOS standards to apportion capacity accordingly. Standards are set for plan review cycles, counter and inquiry services, and response to construction concerns.

These are documented and replace unwritten policies that have had detrimental effects on plan review as described.

Target areas:

- Counter inquiries. Discussions on order of 15 minutes is common regional practice. Aided by parcel reports. SAR and pre-development consultations for deeper discussions.
- Online inquiries. Available by portal and by embedded link in parcel reports. Response on order of ≤ 1 week is common. Also aided by parcel reports.
- *SeeClickFix* issues. Recent actual issues “clicked in” constitute a day’s worth of staff effort to acknowledge, research the concern, verify matters onsite, and respond. On top of daily inspections and counter service, and compounded by any absences, one or two issues could consume all remaining plan review capacity that day.
- Phone call returns. Current practice is to answer calls and return missed calls that day. Next day response is common.
- Dedicated plan review time blocks. These reserve useful blocks of uninterrupted time for heavy project review. These are on order of 2-4 hour blocks once or twice a week, which can be staggered. Able to count on these, larger, more interruption-sensitive, reviews are undertaken on time rather than sliding until urgent or pockets of quiet time are found. Inquiry coverage must be reconciled.
- Pre-development consultations depth beyond a counter inquiry. One hour meetings. 2 to 3 week lead time for a time slot is common.
- Daily coverage levels. Hours when counter service is available by specialty. Absences and fast-track services figure into this.

2. Establish Initial Plan Review LOSs based on Current Performance.

It’s recommended that first-edition LOS standards for the various types of project review be set conservatively, as near as can be determined from SmartGov[®] records to current performance.

Predictability is vital to applicants. Choosing feasible LOSs, given the physics currently limiting performance, yields more predictable results. Meanwhile, improvements will be steadily added. As pieces are put into place, performance improves and LOSs stabilize at new, higher performance levels. Then, second-edition LOSs are chosen.

3. Measure Results (On the Ground, Actual LOSs, CCAB Feedback)

Measurement, evaluation, and response to ongoing results closes the loop of an actively managed development review system.

- Actual performance to LOS standards is measured (e.g. 2.8 weeks vs. 3 weeks for this backlog of this application type, 7.4 weeks vs. 6 weeks for that backlog of that application type, etc.), shared with the CCAB for feedback, and reported to City Leadership.
- Actual progress toward Comprehensive Plan implementation into practice is tracked and similarly reported to City Leadership. This provides an in-process opportunity to adjust pace, hearing schedules, or priorities to actively manage the lag.
- Final results on the ground are assessed and reported to City Leadership. Annually, a cross-section of completed projects are evaluated for conformance to vested codes and consistency with the goals of the Comprehensive Plan.

Through closed-loop management, City Leadership can positively assess the results of its development review system, confirm it is working as intended, identify solutions for any undesired trends, and speak with confidence that the system is serving the community as intended.

Enabling through The Latimore Company

Department staff concur with and are committed to this improvement effort, are eager to begin, and are excited to reach this new operating environment. The team wants to be successful.

However, pursuit of best practices in the past was often overtaken by the ongoing demands of the daily fray City staff are trying to address. The energy required to break through from A to B couldn't be mustered, so the fray remained.

The Latimore Company will provide this transformational energy, reinforcement, and continuity. Together, we reach B.

The development review project work program contains 12 transformational elements, identified below. The next step is to develop near and long-term work program priorities, project schedules/timeline, and projected implementation costs.

1. Establish initial Customer Service and Plan Review LOSs.
2. Develop Comprehensive Plan implementation resource-feasible plan, pace, tie to daily practices.
3. Assemble the templates, procedures, checklists. Apply *Lean* principles.
4. Build the array of handout drafts for CCAB comment and DRC approval.
5. Guide SmartGov® enhancement, administrator, and Public Works integration. Pull this together.
6. Implement and phase-in LOSs and % time elapsed timeline management.
7. Launch and establish the DRC and incorporated development review practices and methods.
8. Launch and establish the CCAB. Obtain feedback on LOS, handouts, procedures.
9. Guide Project Manager implementation, integrated letters, and correction cycles.
10. Guide/develop parcel report capability. Get the word out.
11. Guide City Leadership through implementation of closed-loop system management.
12. Provide ongoing communications with Team, City Leadership, CCAB.

These are phased for maximum benefit to department operations, applicants, and City Leadership, and paced to provide the team and the system an orderly transition.

Conclusion

Conclusion and Next Steps

This Assessment of the City of Bainbridge Island development review process concluded the process boasts 6 strengths and 18 improvements are recommended to redesign the way the City's department staff, advisory boards, committees, and applicants work together to produce a top quality built environment, predictable timelines, consistent results, and high customer satisfaction.

The pacing aspects of review are the effects of strong development demand, Island ecology, evolving regulations, customer service standards, a lag between Comprehensive Plan updates and changes in staff practice, and a lag between development volumes and staffing. These combine to create a challenging work environment, applicants call for more durable guidance and predictability, and a sense from some in Leadership and in community survey results that final results on the ground are not what was intended. The "physics" of how these forces affect the results, timelines, and atmosphere of development review are explained in the report.

The Improvement Recommendations create a closed-loop process where City Leadership, Department Staff, and Applicants guide, set, and manage levels of service, methodically pace Comprehensive Plan implementation into practice, and provide new ways for the City and its Applicants to establish more durable understandings up-front, efficiently respond to staff correction comments, and capitalize on online technology.

Next Steps finalize an implementation schedule. The Latimore Company recommends a 12-point work package to supply the energy for timely transformation, expertise, and steady reinforcement to bring this high-performance development review system to the City of Bainbridge Island.

Thank You

The Latimore Company thanks the City of Bainbridge Island Leadership for this opportunity to work together to improve the performance and outcome of the development review process and deliver superior customer service to the Bainbridge Island community.

We also thank the many applicants, residents, local business leaders, online respondents, and development review staff for sharing their insights and passion for good development review with us. On to implementation!

Respectfully submitted, Kurt Latimore, Member of The Latimore Company, LLC

Appendix

Appendix

Online Survey Responses

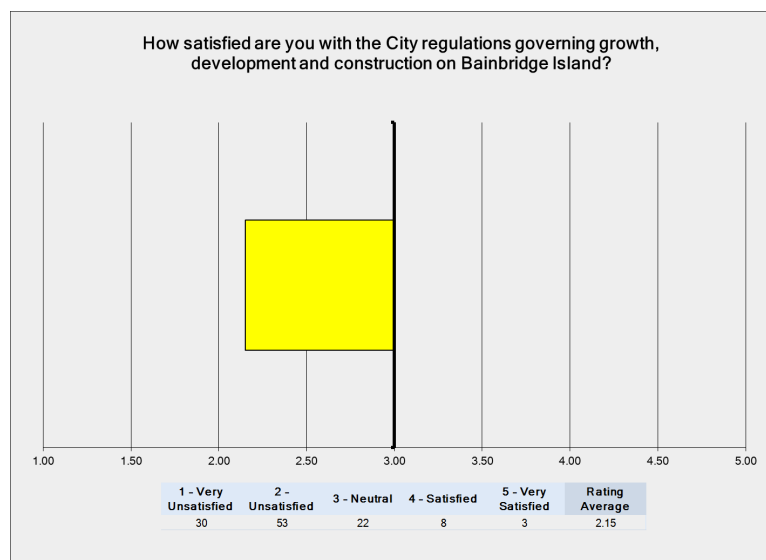
These are the raw, free-form responses clarifying why each answered the way he or she did on the following questions:

- Question 3 pertaining to the development regulations.
- Question 5 pertaining to the character and quality of development occurring here.
- Question 9 pertaining to the various aspects of customer service by the department.
- Question 11 to add any other feedback or suggestions.

In roughly 5 of these free-form responses, a word or two was edited to redact personal information. In these cases, [brackets] surround the edited text.

Question 3:

How satisfied are you with the City regulations governing growth, development and construction on Bainbridge Island?



Seems like a gauntlet - lots of permits (trees, low impact development,
City staff turnover high. Little or no institutional member inside city hall or within some of its
processes. We seem to be training staff & elected officials & esp. department heads to move

on. Infill in Winslow former city limits extreme of new residents & folks parking their money as investments & of off island commuters. Now that classic downtown maxed, planning focus on density seems goal- muddled and starting new density ring around island mixed use sites which are lacking in infrastructure. Need to identify the checks to sustain livability, perhaps replace planning commission figures by qualified brakepersons, less as advocates.
Even with seemingly lots of community input and committees, lots of complex regulations do not seem to yield consistent high quality outcomes that reflect the values that community members express as desirable.
Too complicated, too restrictive, too many inconsistencies and gray areas.
shoreline management is out of control.
There are a lot of conflicts in the way the city staff interprets land use rules. Also, as one who has participated in comp plan and SMP updates, it's pretty clear that the rules ultimately adopted largely follow what city planning staff and outside, off-island organizations initially propose and pretty much ignore the input of citizens and other island government agencies.
The number of permits approved has sky-rocketed. There are way too many multi-home developments going in, that take away from the character of the Island and degrade quality of life for current residents. We need to slow the growth of housing significantly.
I'm sorry to see us getting crowded but realize it's inevitable.
I think the City if doing the best it can under current regulations, but I'm looking forward to the Comp Plan helping to provide more visionary direction and empowering staff to maintain a personal touch. That being said, while much development strives to fit into an Island character, somehow we all lost the plot on the new development on Wyatt - too big, not in character, stupid design and heavy-handed waste of space on water retention. A total lack of imagination that we all allowed to slip through on a significant property.
They are completely out of touch with what citizens values.. their main goal is to foster development, regardless of how awful and ugly. They hand out variances like candy to anyone for anything. They refuse to protect open space, critical areas and trees by the laws they draft. They completely left out citizens in the final Comp Plan writing, essentially making it a developer and retail friendly, again completely ignoring citizen input at all levels and using a completely false and misleading "survey" to say that this is what citizens want, when the survey was not one that asked for priorities at all and had no questions about environmental issues etc. You lie to citizens all the time about how much trees and open space are valued while allowing clearing everywhere anyone wants it, with absolutely no penalties. The Code Enforcement Officer is a joke, perhaps the worst we have ever had.
Land Clearing Regulations need to be clarified and enforced.
Over reaching in its efforts to preserve quality of life. Creates processes, increases costs, delays, much of which provide little real value. Especially at the individual homeowner level.
There are too many new homes being built. The island is getting too crowded. The island roads were not built for this many cars.
I appreciate the rules that limit sprawl, however I think we need to do MUCH more to promote and create affordable housing on the island. There are many reasons to want our workers, including our lowest paid ones, to live on the island, and currently there is no adequate plan to make that happen. We should allow for ADU's/mother-in-law/tiny homes

on properties, require builders to include truly affordable units, and study at all aspects of this issue.
Also, I didn't see a need to build the new shopping area on High School (the Visconsi project). Why should we be approving projects just because an area is zoned for them, if there isn't a need for that type of development?
And lastly, my mother recently moved to the island and has discovered that very few condos and town homes are designed for older people to age in place. Most new development has two or more stories with bedrooms on a second story. Bainbridge has a huge draw as a retirement community, but our housing doesn't reflect that. We should be strongly encouraging builders to create housing for older people who want to age in place (our community would really benefit).
no benefit except to the developer. no thought for the whole impact on the water and habitat
I have had very little interaction with the city regarding growth, development, and construction other than to take one phone survey shortly after moving to the island. I do like the emphasis on large, undeveloped spaces and parks and keeping the congestion of clustered homes/condos on the south end. I worry a bit about what that congestion will do to our utilities, traffic flow, etc., however. AND WHEN ARE WE FINALLY GOING TO GET A NEW, DECENT POLICE DEPARTMENT BUILDING??
COBI needs to do more to facilitate and encourage the development of more affordable housing.
too many rules and regulations and they're hard to keep up with. Even the city staff can't understand them.
While I understand that the business folks are eager to make more money, I don't like the move to make Winslow businesses cater more to tourists than our island population. Too many high-end gift stores, etc. I do appreciate the move to concentrate more of the inevitable residential growth to the Winslow area. I am against new chain stores such as Walgreens. Please do not put in a big parking garage.
Good job of protecting undeveloped areas outside Winslow and the community centers.
Need to ease parking restrictions (zoning ordinance limit on # parking spaces) for commuters around the ferry---they are the ones paying the bills (high property taxes) and yet, we do everything we can to make their lives complicated.
Staff does a good job of enforcing the existing rules but some of the other bureaucracy (Design Review Board, Planning Commission) are unrealistic and counter-productive.
Driven by developers, whether its low income housing or more traditional construction. How many empty commercial properties exist on the island?
While applying for a building permit in 2015 I found the process quite cumbersome. The interface between the city and the county seemed more difficult than necessary. I spent about 2 months at City Hall dealing with both the city and the county and found at times the

same questions and answers were required even though the information they stated they needed I had supplied previously. I understand that most times I dealt with different personnel who were not familiar with my questions and therefore they were required to look things up. One item that cost us over \$2000.00 was found at the final inspection unnecessary for our situation. Needless to say I was upset.

It was an indication that someone did not know or understand the requirements and therefore gave me wrong information.

The regulations seem to apply to individual home owners but not to developers. We had a hard time getting a permit to remodel our home, meanwhile developers clearcut 5 acres near Battlepoint, put 2 homes on a less than 2 acre lot here in Seabold, put a house on a cliff on Euclid and then there is Allens Cove (admittedly before growth regs but still a travesty. Net Systems is doing all sorts of things on their property but since it is off the roads, no one even knows.

Building plans seem to be approved before the public can chime in. Walgren's.

I am very unhappy about the handling of the Sportsman Club contamination site. (Which isn't a club at all, they are open to the public). I am new to the island and understand there is a group of people trying to bring this news to the forefront only to be met with sweeping it under the rug and coverup. They have documents and test results to prove these facts. This is going to get out and when it does, I'm afraid the BI government will have a black eye. I hate to see this happen. All our property values will suffer when people realize this entire site and their neighbors properties are contaminated with LEAD and ARSENIC. How long will it take for this to affect our well water while lead penetrating into the soil for 80 years. How did these schools get built so close to this business? Our children have to listen to nonstop shooting while at school. These children don't even react to Gun fire while we live in a world that you better react and fast if you hear gunfire. There are people with PTST living within earshot and this can't be good! How long before a PTSD victim reacts to gunfire because of hearing it constantly, 7 days a week. Then there is the stray bullet theory! If a stray bullet from these high powered guns escapes the facility it could travel over two schools! Really? Who thinks that couldn't happen? Then let's address the pond across the street where children fish! Contaminated!

I don't understand why this isn't a top priority for our city leaders! It's time to stop turning a blind eye and address this issue! What is it going to take to get this resolved?

I feel that the reason most of us have moved and live on BI is because of the bucolic surroundings. Over the years I have found this to be a dwindling area of green and peace

I feel the only thing COBI wants is the income from developers to fill their coffers and build edifices to themselves! Think about the reason you moved here!!

It seems that we suffering from zealous enforcement of meaningless regulations in terms of they affect the environment or liveability of the Island. Lack of leadership seems to be a constant struggle with the ever changing city council.

The joke (haha) is that developers own the city council, planning department and the like. Having their way with what is built and where. Its time for change - look around, how out of control are things? Personally, I think those in decision making need to more honest/forthcoming about availability of water & sewage services, growth impact on traffic, schools and community health. Stop reacting - giving in and take the LEAD for a community for everyone and healthy island future.
I think professional management has made a huge difference in how the city functions, plus the city council seems very professional and objective.
SMP has prevented me from putting in a generator, improving my property and views. I have a vacant lot next door to me that is full of junk, yet there are no ordinances that prevent that as there are in other cities.
We have outgrown our limits. Any more growth and the island will completely lose its character. Traffic has become horrible; the wildlife we used to have are gone. I can't imagine how bad it would be already if not for Parks, Land Trust, etc.
It appears that anyone can buy private land and decide to build a development or a new huge house. We have seen a lot of development over the last couple years. I worry about whether we are looking at the water resources being used by these new houses, the additional educational needs, and trees and wildlife that are destroyed. I think we should be trying to house people in denser areas. We also seem to be building new office/commercial space when there is perfectly good space available.
Bainbridge has become overpopulated and is getting worse. Developers and RE agents are getting rich at the expense of our life style.
Winslow is already the urban center of the island, so I am personally not as affected as most by new construction - except in instances where it may alter major traffic flow areas. I am thus neutral on the subject.
Ignore comp plan. Combined Tree committee with farmland, which obviates anything they can do. No protection for trees. Development allowed with no regard for dwindling water resources.
The regulations themselves are fine and fair. The city's execution of them is scattered and misunderstood by the staff themselves.
Response to Item #3 above is primarily related to the SMP update process. See Item #11 below for more specific information.
This is an island of limited water resources. With climate warming already here and exponentially increasing in the years ahead, we will be experiencing dry, hot summers unknown to this area in the past. Aquifers will be drawn down during those periods by increased population needs, but more importantly, we are at risk of fires from dried out trees and vegetation and the only source of water for firefighting will come from on those same aquifers...in massive draw down. Water accumulated over thousands of years simply cannot be replaced. I know past studies have projected that the island aquifers can sustain a population of

30,000. But I believe that projection should be subjected to analysis under different working assumptions...wet winters with increase in vegetation, followed by months of drought conditions and fire as well as increased water use during those months by residents. Also, prolific use of water for pressure washing buildings and grounds, especially condos and townhomes has become a standard of practice in Winslow.

Lastly, the traffic and parking in town has already maxed out with the current increased density. We're already 15 years behind on implementing any solution for public transportation. Let's face it, bicycling is not the answer for the majority of our citizens. Separated byways for small motorized vehicles could help as could regular, frequent bus routes. Th council has increased the vehicle registration...let's use that money for alternative transportation...not more bike lanes that benefit the very few until some solutions for the rest of us are on the table.

I feel growth is happening too fast and the island is getting over-developed. There are serious concerns that have been raised on water resources but the city does not appear to take it seriously

I think the City needs to go further with green building and ensuring a better planned future for the island that preserves habitat while encouraging walkable, urban development. Incentives should be created to promote deep green solutions like the Living Building Challenge for example.

It seems the infrastructure, especially parking and traffic, is not being improved to handle the increased development. For instance, our Seabold area is now overrun with commuters trying to avoid the highway, and the speed limits and traffic flow have not been amended to prevent this or to slow the traffic down. Also, dense developments downtown don't seem to require sufficient parking, so the side streets and downtown areas are being used for what should be residential parking.

I believe there has been an insane amount of growth in recent years that does not preserve the character and environment of the island. Despite public outcry several large developments have been allowed to move forward. I believe the city is more focused on short term money making/tax making ventures rather than maintaining good quality of life for existing residents. I also don't understand why we approve buildings on unstable slopes or in environmentally sensitive areas. Eventually the tax payers have to pay to maintain roads and areas that continually wash out because of the natural drainage in the area.

Not very familiar with the regulations or process for creating them.

COBI is not listening to all of us ONLY A FEW. We do not want more housing/people, more cars, less water & more stuff. Bainbridge Island is adored for what it is, local hiking, beaches, farms and a vibrant downtown. Not the monument the City Manager wants to make for himself and not for the architects that suck up to COBI for there own obvious gain. Farms, clean food, clean water and air are the essentials we want and need. Bainbridge has been designated 'tree city us' let's walk that talk instead of touting the plaque on the wall.

HTTP projects allow increasing density which affects neighborhoods with little return. Trees and vegetation are not protected by regulations, and when the are, many are removed without penalty.

Regulation is lacking, and developers are allowed to clear cut, densify, and adversely impact my quality of life. City staff, especially the City Manager, and some on the Council, appear to be overly cozy with developers.

Lots shouldn't be so small.

Should not focus on 'affordable housing'.

Should have kept our own water company. Cost went way up and there's no incentive to conserve water.

Quit spending so much money. The super expensive new schools, studies for things like a parking garage and our own power company, etc. Our own power company? Seriously?! Costs will skyrocket. Tired of that, and tax increases. Ridiculous. Just spending other people's money. Disgusting.

COBI appears to be writing growth based on Winslow and not the outer Island areas. The unique neighborhoods are not given much say in how their part of the Island is going to grow. Consultants are from places with much larger population and think the Island should look like those places. The availability of water is not given enough weight in planning decisions. The Comp Plan tends to be ignored. The Island wide Transportation Plan used the Transportation Research Board Special Report 209 from (1986). This report is obsolete and has been removed from the Transportation Research Boards web page. The Special Report 209 was replaced by the 2010 Highway Capacity Manual which was updated in 2015 and again in October 2016. Using obsolete data COBI has decided to replace the four-way stop at Wyatt and Madison with a roundabout. Currently the northbound Madison has a left turn lane allowing the afternoon commute to process efficiently through the intersection. By removing the left turn lane the vehicles turning onto Wyatt will have to merge with the vehicles going north on Madison. This will reduce the capacity of the intersection. COBI removed parking spaces from Winslow Way reducing the maximum number of shoppers reducing the demand for addition retail along Winslow Way. Now COBI wants to build a garage with Seattle garage parking spaces running around \$25,000 for aboveground and \$35,000 for underground spaces. So every 100 spaces is going to cost taxpayers about \$3,000,000 because COBI rebuilt Winslow Way with fewer spaces. COBI widened the sidewalk during the rebuild but did not underground the electricity. COBI put the poles in the sidewalk that where widen for more capacity. COBI proposes cutting trees in the SR-305 Scenic Byway to build a pedestrian overpass to 49 Condos at a cost of \$3,500,000. Those condo users can use the Sound-to-Olympic Trail. COBI needs a new police station but the siting has been used not to provide the best security services for citizens of the Island but to further COBI's city managers vision of a government campus. COBI put No Parking signs next to the Grange on north Madison while the community wanted to share the space. "Woonerf" is the transportation term for a shared space without lines and controls. The public right-of-way maintains the look and feel of a friendly transportation system like Pike Place Market street in Seattle versus the cold impersonal control of bikes go here and cars go here while pedestrians must go over there. Adding the Day Road center instead of concentrating retail in Winslow is a big mistake. You have already seen how Visconti killed

both Winslow Drugs and the Virginia Mason Clinic on Winslow Way. Building Visconti in a Mixed Use Zone with not one residential unit while complaining there is not enough housing in Winslow is hypocritical. COBI pushing to build a new court facility in Winslow after pushing to put the court services in Poulsbo makes the decision making process at COBI to appear laughable. COBI pushed with Kitsap Regional Coordinating Council to put \$38,000,000 in widening SR-305 without letting the citizens have a say does not bold well for buy in of the process. The Comp Plan describes SR-305 as a wall of traffic while not recognizing the Suquamish Way right turn lane all but eliminated the afternoon backup on the Island. Yet COBI is continuing on as if that fix never occurred. Island have asked repeatedly to protect the trees yet COBI cut trees and cut limbs on the ones left standing in the Waterfront Park to the point of removing the opportunity of finding a place of solitude in a natural setting in Winslow. I would like to see COBI put more Capital Projects to a vote. I would also like to see all Island Town Hall meetings every quarter.
Any policy or regulations in place do not appear to be respected or enforced.
Way too much construction being permitted - open space is fast-disappearing. Slow it down!
I don't know as much as I should about the issue, but my sense is that (1) the Council has made some peculiar choices recently (eg, the midnight approval of the moratorium on contingent uses) and (2) every decision that gets made meets with community ire, often from those who oppose any development. It might make sense to try to determine how best to involve the community at the level of policy/permitting/zoning before specific projects get started -- and things like giving best- and worst-case scenarios about what regs would allow/prohibit would be a useful part of that kind of engagement. It's hard for most people to project such scenarios when they read an abstract proposal.
I think the city is transparent with its growth and development projects and have had no problems understanding its intent to involve community in its efforts to solve challenging problems.
I believe at times they are too restrictive, and the approval processes take much too long and are discouraging to development.
The city codes require building out to the sidewalk - it is claustrophobic and leaves little other than cement to building views. The city also promised (a very long time ago) to control growth "better than kitsap county", however they make their money issuing building permits...hmmmmm. Downtown BI or Winslow is beginning to look cramped and overbuilt, other areas are following. Start relating water to growth!
Tax utility increase on water/sewer
I'm not fully aware of the regulations. I've lived here for three years, and have heard vague references to them, but do not know the details of them.
I don't know enough about them to have a strong opinion.
Don't know a lot about city regulations. But there are too many subdivisions that can clearcut the land, yet existing homeowners cannot cut trees. Makes no sense at all.
Understand we need growth but don't like the clear cutting
I don't understand the need for more housing developments and tract homes.
I feel that the culture of the island is being fundamentally changed by the false feeling of need to be an island version of Kirkland.

We are coping as fast as we can considering the continual influx of people from out of State. People will continue to move here (jobs in Seattle) & our good schools. Our roads are in bad shape, we need infrastructure improvement & not just housing (at any price).
The current regulations make it impossible for builders to make a profit unless they build the biggest mansion they can. This is only worsening the affordability crisis and turning our wonderful island into the next Orange County.
There is far, far too much high density, cluster housing being built here. It's turning what was once a low key, semi-rural community into a cookie cutter, build on every available lot, no place to park, overcrowded clone of everyplace America.
Look at the Grow Community. How many hundreds of apartment units have been crammed into that space. It looks more like a prison complex than small island sensible development. Look at the Visconti development. The community didn't want it, there was no need for it, but it was approved anyway. Look at Lynwood Center. Will hundreds of new residents on Blossom Hill and Baker Hill add to the quality of life single family housing residents throughout Lynwood Center currently enjoy here?
Inadequate infrastructure for the pace of development (traffic, parking, utilities).
Excessive bureaucracy and taxation.
Loss of small town character, which is the reason that most of us chose to live here.
not as informed as i'd like to be
everyone just does what they want and if they pay enough in fees they get it. do we ever fine anyone or make them stop or limit density? no. we reward density. we never make any public good part of any development. it is alland only about fees for the city and nothing more. shameful.
Current infra structure (roads, water, sewage, bike lanes, parking, street lighting,power grid) seemed to maxed out and new development and construction seems to not take this in to consideration.
No attempt to control development of too-large homes right downtown, where the houses would seem to be valued by older residents who want one-story, relatively inexpensive homes, not those huge homes. Anyone with children would want to be out in the country in a big house, not right downtown where the kids will run into the street because there are no yards for them to play in...
I have lived on Bainbridge Island for over 35 years. I was born here, and have lived here most of my life. When I grew up, development was slow and thoughtful. Islanders thought about green spaces and keeping the island rural feeling rather than suburban. I am appalled at some of the development choices I have seen recently for example on Torvanger Rd where two large developments are being planned. The reason Bainbridge has always been great was because we had large tracts of green and open space. As I see more and more of this development on the island where large properties are cleared for huge houses, with little restriction, I think the island is losing its identity. We are quickly becoming another Mercer Island.

I am not anti-development. I recognize the need for development on our island. I am currently disheartened with the lack of environmental and social criteria for development. Good development should cater to the needs of the environment in which it is placed and the people who will live within it. Currently most development seems to cater to the convenience of the builders create it and the cars that will drive to it. This is not strengthening our social fabric.
Appropriate regulations would not have allowed the Visconsi development to go forward. In general, I am opposed to development of the finite amount of undeveloped land we have on the island. I am very much in favor of smart redevelopment of already developed land.
Over-regulation in shoreline master plan, over-regulation & unrealistic requirements for development, overly strict construction requirements, especially in green space & vegetation requirements. The regulation is just plain stifling.
Since GMA is mandated, I think the city has done a good job keeping the growth in areas that make sense (close to commercial centers) while preserving the more natural residential areas from larger projects.
Too much clear cutting. I understand growth, but I think what makes our community special is that we still have room to breath. Stop the developers trying to make \$ on cheaply made homes and put efforts into individuals wanting to build unique and quality homes.
We need a water supply study before more building. We have no idea how the extensive new housing is affecting our supply. We are and island.
I understand that there are a few factors at play simultaneously. There is the Comprehensive Plan, which mandates a certain amount of growth, as well as sky high home prices prohibiting people from living on the island. This puts pressure to build out housing. However, the speed at which the Island is permitting housing developments seems to be overwhelming a limited city infrastructure. The Grow Apartments violate fire code because of the above ground wires. There have been sewer issues in the downtown area as well. Additionally, as we know, housing prices will go back down, and then we'll have a glut of gross ticky-tacky homes. (And don't say it won't happen, I know of people on the island who abandoned their homes during the last housing crisis) It all just smacks of a cash grab without thinking of the longer-term. And also, who wants to live on an overcrowded island without any charm?
Little consideration for natural resources, water, open space island quality, just build baby build.
I do not feel like there is enough work done to make sure that there are affordable places to live for people like teachers, librarians, and service industry jobs that we need on Bainbridge.
I have been doing this since 1995 and today the service at the counter is outstanding. No complaints at all.....

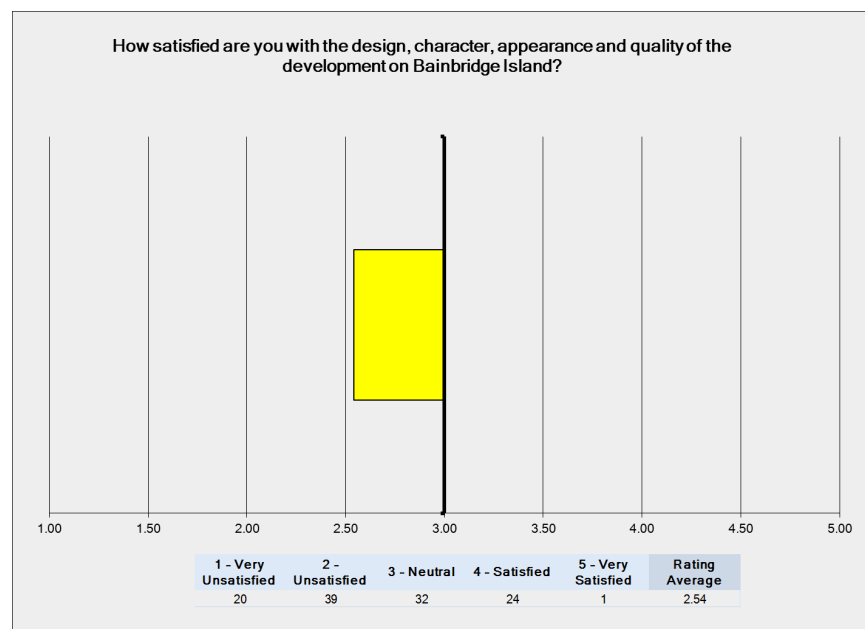
I interact with the Seattle, Poulsbo and Kitsap Planning departments routinely and find their regulations easier to understand and implement. There is a more collegial rather than adversarial relationship with the public and their websites are more user-friendly.
There is too much development in or near wetlands.
It would also be good to see the leash law enforced in Fort Ward Park.
In addition, people should be encouraged to clean up after their dogs (perhaps with more waste bags and disposal sites made available at trailheads and in parking areas).
I would like to see more bicycle paths along roads like Fort Ward Hill Rd to make cycling safer.
I understand that we need more housing downtown but the granting of variances without a process is troubling. The burdens of development - roads, other infrastructure, should be paid by the developers - not Island residents. And yet, that's what happens now. We pay for road improvements made worse by development. Also we have so many mixed messages about housing in our Comp Plan - it is comedic! We need to ensure that all marinas allow liveaboards. That's affordable housing for both the workforce and people that wish to live here.
Unreasonably restrictive shoreline policy
on one hand, I would like to see less growth in general. Specifically less density in Winslow. The new buildings to the east of the cinema are awful!! Way to big for BI.
Also, the new housing project on Wyatt: the houses are way out of scale for the lots. It is starting to look like any other suburban area in the US.
On the other hand, the rules for accommodating existing needed or practical improvements to existing properties is way (!) to onerous and difficult adding to the cost of simply maintaining and updating good current properties. There is a real lack of common sense and reasonable accommodation in rules and in interpretations.
Want to see more downtown development and encouragement of growth and investment. An island like Bainbridge should have a bustling and impressive waterfront and downtown. Too conservative currently.
The hideous prison-like monstrosity on Wyatt has ruined that neighborhood. It is so ugly and disturbing about what has passed as acceptable development in Winslow that I feel it doesn't make any difference what the values of our community are, the developers are in charge.
Are there wildlife corridors in Winslow?
Grow neighborhood too high density! Architecture does not fit Island style!
Too many other "clear cuts" happening all over Island for development! We are losing rural character and stressing infrastructure.
Regulations are okay, although imperfect. Their application reflects limited real life experience of city staff. It's a difficult balancing act.

I keep abreast of projects and proposals and am generally satisfied with how things are handled
Slow growth down.
The focus on measuring/maintaining current infrastructure like sewer, water, roads, bridges has been sorely neglected by the city because the city's focus for the past few years has been on looking 20 years forward doing the "Comprehensive Plan". Lovely to make a plan, but planning is not the same as actually doing. This has been seen many times over when according to the "comp" plan decisions are made without any preliminary discovery or measure of current conditions known to get to a successful outcome. This is why the council keeps seeming to "put the cart before the horse". No one likes to see this and I'm sure it doesn't feel good.
To much unchecked development without consideration of water or transportation impacts.
The large new generic developments, with large houses on small, do not seem to fit with our comprehensive plan and vision for keeping Bainbridge Island a lovely place to live.
I think there is very little follow-up to make certain that conditions in permits are actually followed by the developer. It doesn't help to include conditions and then allow the develop to ignore them and go ahead with the project. There are also not strong enough fines to discourage bad behavior when developing, like clear cutting parcels sequentially. Or after-the-fact permits being granted which should not be without hefty fines.
Too few restrictions on growth and lack of infrastructure to support it.
There are too many conditional use permits issued, the City not following its own Comp Plan and the intent on the Comp Plan. Not enough monitoring of projects to be sure there is compliance.
Judging from all the construction I see, and what I understand is soon to begin, it seems that development is out-of-control. This, to me, means that BI lacks adequate laws/policies control development. While the City needs to take projected growth into consideration, those projections also need to account for available water resources, infrastructure and (per the Comprehensive Plan, unless it becomes diluted in the current revision) the Island's unique rural character.
Too many trees are being cut down. The city is allowing too much development without adding sufficient sidewalks and bike lanes. The Speed limits are not enforced. City is eliminated walking paths and adding roads through neighborhoods.
City continues to green light commercial and to a lesser extent, residential projects without regard for traffic impact and sustainable water tables. We have had a considerable amount of vacant commercial space in Winslow for as long as the past 10 years while more development continues to be approved.
Not enough attention paid to maintaining tree cover and promoting that low-impact development. Would like to see large home size discouraged and small homes (under 1200 sf) encouraged. Would like to see more use of the empty lots and "brownfield" used for building rather than clearing of new land for houses and businesses.
I understand the need for regulations to control growth and protect the environment. I believe our development codes and procedures are more complicated than necessary to accomplish the desired ends.

No plan to assist the commercial properties on Winslow E
I would like to see development that requires a portion of affordable housing.
The Shoreline Management Plan is overly restrictive and complicated. Taken to its logical conclusion, it will greatly reduce the property values of shoreline property owners and thus significantly reduce the City of Bainbridge Island's revenue stream. And city planning staff seems unable or unwilling to work with owners to modify it in a way which is fair to all.
Regulations should delineate what IS permitted not what is NOT allowed so as to logically follow the intent of our Comprehensive Plan.
As the pressures of population growth increase, the pressures on the infrastructure also increase but do not appear to be regulated appropriately with an eye to the need for more operations and maintenance workers to keep the utilities healthy, properly maintained & updated. The boom in new developments are connecting to existing infrastructure - roads, stormwater, sewer & water; it is my opinion that the developers should be the ones paying fees for this rather than the grandfathered residents.
Clear-cutting for housing developments -- big UGH!
Somewhat restrictive regulations but they help maintain the character of the island.

Question 5:

How satisfied are you with the design, character, appearance and quality of the development on Bainbridge Island?



Like some development, but don't like homes with no garages or carport, and storage (yard junk) is often unsatisfactory.

Affordable housing mix skewed or eliminated and so the island needs more or some apartments. Balancing & timing of revenue levy demands on taxpayers by schools, parks city, & fire districts no longer coordinated in a balloting race to beat others to the ballots. Please review the issue of whether four -six taxing authorities on island should be eliminated by now. Otherwise, no new parking garage or plaza is needed. A viable tree and undergrowth ordinance& infrastructure rehab levy is past due. Transport by other than private, carbon consuming motor vehicles needs to be made into a moratorium issue in favor of fewer private autos.. Go to the Gates Foundation for climate change \$. Ask Uber to franchise neighborhood vans.
Similar comment to above. This is an area where I feel that "more rules/restrictions" are not necessarily going to drive better outcomes, but rather incentivizing outcomes, will likely be a greater motivator of high quality design. I think COBI should study other jurisdictions with better outcomes to see what prevailing wisdom is, for how to incentivize. Personally I am in favor of extremely tough MINIMUM standard, such as "Living Building Challenge" Certification, and then give creative professionals liberty beyond high base standard to do their best work. If point of entry is very high, free market will self limit low quality, fast buck type development.
This may or may not be the fault of CoBI Planning and Development. Personally, I think development on the island is too conservative, over regulated, uninspired, too cautious, and too difficult. It's a wonder anything at all happens here. Smart people with good ideas want to do things and just get beat up by an antidevelopment political climate. Change will find a way so we need to agree on that vision and not just fight change.
the downtown area is a mess with unregulated sandwich boards and signage. the power lines should have been underground. bad city council decision and planning. look on the corner of winslow and madison, 13 sandwich boards that stay up year round. the roundabout on high school road is loaded with signs. people put them up because they know there is no enforcement. like talking on the phone and driving. i don't know anyone one who has received a ticket and they all still talk.
My main comment is that the city's rules seem to favor large developers and penalize and intimidate the individual homeowner who isn't wealthy enough to take the city to court.
There are too many multi-home developments with cookie cutter homes that are too big and do not fit into the character of our Island.
I don't think we need some of the density such as what is developing at Sunrise and Torvanger
See above.
above... the buildings are so ugly, the people on the design review board said that the Key Bank building was the ugliest building on a corner in the City. The Grow Ave development is a wall of solid concrete behind the also awful pavilion. Of course Visconsi is the worst thing I have ever seen. Putting two little "awnings" on the terrible but predictable Walgreens. The waterfront park is decimated. I can never go there again.. how dare you cut 80 beautiful trees and limb up the rest so they look like sticks with a little green on them. All that just so the Chamber of commerce folks can now have a "view of the water".

You allowed several developers this year to completely clear beautiful historic trees.
Basically, developers and the Chamber now run the city, and the City Manager is terrible, never ever listening to citizens, refusing to do an all Island REAL survey of what is wanted. Now a parking garage... again all for the Chamber.
Tract Houses are still allowed.
Some good, some uninspired. The new development off Wyatt, while still in the early stages appear to be a an expensive housing track that will offer large living space while adding nothing to the community.
The new homes that are being built are too large and expensive. The island needs more affordable housing for families. Smaller homes would be more affordable.
Too "modern", not a timeless look.
ugly. harbor square a blight. low cost housing with no park. no trails. ugly
I appreciate the character of the downtown area, keeping the original structures as much as possible, and making sure that any new structures fit in well with the 1950's look. Do you think the city might expand on that look? It does make the downtown area unique and very charming. To help direct more pedestrian traffic to the various businesses, it would be nice to have directional signs. A good example is the mall area. A directional sign on the sidewalk to indicate the various businesses inside the mall area and any additional signage would be nice. Keeping with the historical theme, maybe some stop-and-read points of interest signs with historical photos about the history of the island? At one point, during the heaviest tourist times of summer, why doesn't BI have a booth in Seattle offering a one-for-all ticket for tourist to direct them to come to the island? (ferry pass, freebies at various businesses, lunch ticket, free shuttle bus ride passing by the island's main attractions, etc.)? This would bring much more tourism to the island. I would like to see a driving 'scenic route' developed with signage and flyer/booklet to direct tourists in vehicles around the island to the most interesting, historic, and beautiful points. Traffic in the downtown area is very congested, especially in summer; would it be possible for the police department to develop (and install traffic control devices if necessary) a traffic plan to direct residents away from the congestion? And keep the majority of the tourists in the main downtown area? Would it be possible to place activity areas along Winslow way such as permanent chess boards and stools?
It looks okay. Some buildings/signage are wonderful and others have little aesthetic appeal to offer, in my opinion. Please do not put in a large parking garage. Please put emphasis on biking and community transit services. Please promote electric cars with more (and free, if possible) plug-in stations.
Example: Unintended consequences. Height restrictions have resulted in huge boxes for apartment houses (eg Harbor Square, Grow Avenue Apartments) Perhaps some kind of carrot for creating something that has a more creative appearance.
Requirement for landscaping to be installed on subdivision before buildings are put in and

water is connected resulted in lots of waste---dead trees, etc. (eg. Grow Avenue and Wyatt Way--DR Horton development).
I find that some of the new buildings/homes being built do not fit in with the Island makeup, way too modern/square unappealing to fit in with the existing buildings.
No design overview. The two "homes" on Henderson look like dental offices.
As in number 4, too much development with not enough attention to our utilities that are needed for the quality of life we moved here for . Not to mention the dismal architecture of the ongoing developments. Shows no originality or pride in the homes being thrown up!
I think Charlie Wenzlow has done an excellent job of designing buildings that not only add character, but pay attention to a certain NW style, while saluting sustainable concepts. There are aspects of the downtown Winslow street remodel that still need adjustments. The awkward 4" step in only 1/2 of the cement ramp at the T & C crosswalk. The crazy triangular pointed planter that juts out by Mill Stream is a favorite attraction for drivers to run over on the way to Madison Avenue.
some look and feel are beautiful and on track. there are others, for example the giant homes on Wyatt - fast construction and materials are cheap. Signs of disaster later. For example what about the schools? - quality has been poor and even more of a shame is the lack of quality maintenance. How many schools do we have to REPLACE? Do we really believe that because our new community is typically wealthy that the solution is to just let the school fall apart because we'll be able to replace it anyway? its like cutting trees down without a permit because I can afford the fine anyway ... bah
The dense growth seems to have expanded way beyond Winslow. And within Winslow, green spaces must be preserved.
Cheaply constructed, horribly landscaped and not very attractive.
Bainbridge is a suburb. I know it wants to be seen as this quaint, artistic mecca, but it's a suburb. Thus, shopping centers and housing developments are what I expect. Build some more. Houses too. Though I am, in fact, upset by the lack of rental property and affordable housing here, as that would bring some much-needed young blood to the island. We can't cultivate this hip, welcoming ideal while simultaneously making it impossible for so many to live here.
Hate that COBI required commercial building right up to lot line. Leave a buffer of trees!!!!
Quality and character of new development varies between good, bad and in-between. I think the Planning Dept. and the Design Review process encourages higher quality development, but the outcome ultimately depends on the attitude and objectives of the development team and their consultants.
Some are great (Grow community) others are horrible, like the massive houses on Wyatt Way, just west of Grow that look like something in a Texas neighborhood with the house covering the entire plat and surrounded by asphalt.
Trying to concentrate growth in specific areas with affordable housing is a positive thing.
It seems to be focused more on tourists than residents.
For such a wealthy island, our town should be more attractive. The past has seen some poor planning decisions. There are some notable recent improvements however - the art gallery and that overall development and the park across the street to welcome people to the island

is excellent.
The community needs a stronger vision for elevating the quality of the City and its infrastructure. I realize this is made difficult by the nature of public discourse on the island with people that seem to fight everything.
We need some more 'big ideas'.
I appreciate the requirements for green buffers along the roadside for new rural development, and the downtown developments are attractive enough.
The pleasant beach development was disappointing because it completely dwarfed and overshadowed the small historical theater and other buildings across the street. Completely changed the character of the area.
Starting to look like everywhere else. Formulas.
Cars/parking dominate designs. Also very large homes use up natural resources and create non-affordable homes for the next occupant.
Clearcuts, McMansions, or dense developments that fail to maintain green space. For example, there is nothing "green" about the Grow development.
Home lots too small, too many condos downtown. Ugly
Visconti is a disaster compared to what it could have been with underground parking and above store housing. It looks like everywhere USA. Thanks COBI for another lost opportunity.
How in the world does a place like Bainbridge approve anything at all like the memory care center near the fire department or a housing development like Ferncliff Village or the buildings at the Visconci site???? It appears there is an absences of caring or expertise and most likely both. And then there is the proliferation of sandwich board signs and make the whole Winslow downtown look trashy.
The humongous new Grow building is the latest example of the uncontrolled greed of the developers that rule Bainbridge Island.
Some of the new buildings that have gone up recently are pretty terrible looking -- but I also think that, in general and with few exceptions, people have a right to build what they like on their property, within the parameters of the regs/rules under which they bought it.
the GROW community is an example of a good idea gone bad. When it started it represented a nice small community of homes, now it looks like an industrial nightmare..not ver attractive anymore, looks like a metal jungle...
Grow, Sakai, emerald, and others
The most visible developments are in Winslow. The Grow project started out beautifully, but the newest blocks of buildings are hideous and incongruous with the surroundings of a small town. The new development on Wyatt is ugly and will house more wealthy people with poor taste who are willing to pay huge sums for large cheaply constructed McMansions to feed their oversized egos. Maybe that's harsh, but I miss the lovely meadow that was there before.

Too much growth that has not been well-thoughtout. Many larger developments look like they could be built in any community. They need to match the scale and feel of Bainbridge island.
I think some are very aesthetically pleasing while others look like big box cookie cutter homes
The public builings that exist seem are nice.
Again trying to turn the populated areas into a thing they aren't. Craftsman style not modern chic.
I have no objection to modern sustainable buildings that are high performance. Unlike older Boomers (I'm Gen X), I think the Grow Community is a necessary offering which got snapped up by MANY who want to live there, not drive & still be near ferry etc.
It is avtually very well planned with community gardens & alternative energy to fossil fuel consumption. Older generation calls it "ugly" & want Carfstman Cottages that are 3,000 sf.
on at least 1/3 acre...that's NOT realistic for us. We ARE a Seattle suburb, wake up people!
Lynwood Center is the lone development that maintained the local character while adding needed density. There are way too many developments going up that are indistinguishable from cheap tract housing in the Midwest and Texas.
Recent speculative construction projects lack design imagination and quality. The design review process result in substandard appearance, with low cost (but high prices) taking precedence over quality.
small town feel. some modernity
ugly. not pedestrian friendly except by accident. no safety for bikes or kids or walkers. no peace and quiet. ugly lights and all the noise.
Just look at the Grow Community ... need I write more?
See #4 above.
Bainbridge was known as a small, rural, farming and artist community, with a small group of summer vacationists. It has lost this identity with huge home developments, lots being clear-cut, and high price of homes. We have very little space for low income families to live on our island. Even the highly touted "Grow Community" displaced several people in low income homes to build high density, high cost housing. This high rise community has become an eyesore on Wyatt Way where there used to be a hidden development of government homes.
See answer #4.
Generally, I like things the way they are. I don't think we need more development.
New developments like Grow Community are ugly in design and way too crowded together. Makes Bainbridge begin to look like "Tenement Row."
There's such a wide variety, from beautiful to dreadful it's hard to have an opinion.
Too much cookie cutter developers trying to make \$\$\$. Concentrate on the people of your community not developers.

Some folks refer to Grow Avenue development as the "Great Wall of Bainbridge". Most new housing seems quite extravagant in size and intrusive in design. How about more green space in future developments and screening from the street??
The housing developments have uniformly been generic, "McMansiony" style homes that add nothing to the character of the Island. Additionally, developments like Grow have had building code violations and issues with mold and shoddy craftsmanship.
It fits in with existing standards/appeal
Half the time it seems like projects have stalled. New projects appear to be approved even though there are a number of empty/unused spaces.
Much of these features have more to do with land prices and project budgets and less with design regulations. The planning department should focus on land-use, density and environmental impacts and less on aesthetics, which is always subjective.
Well i don't believe we have much control over it and I suppose that is ok - the market will work to ensure quality construction. Still the City enacted the HDDP ordinance to encourage high density development and promised to study the effects but to date has not.
See above
Hard to judge with so little development available.
Although much of the development has shown thoughtful deliberation, a few projects (the new Walgreens and the Emerald housing development) has been woefully lacking in foresight.
See #4. It's so ugly I can't even drive down that part of Wyatt, but have to cut over from Grow. It's huge. A glut of hideous condos that will bring down all the surrounding property value. Compare it to the attractive condo complex "Winslow?" tucked out of sight across Shepard from the backend of the monster. I can't imagine anyone wanting to live in that blocky warren. I think it's the lifting of the two-story height limit that has ruined Winslow. I would like to see that reinstated.
See 4
Our rules and their application are a cut above the average community, but certainly not wonderful.
All seem to be appropriate and in concert with BI and our lifestyle and property
The island is a destination for tourism as well as an aging bedroom community. Why are tourism opportunities not a primary goal for the downtown business community. Why does the city not open up to ideas of summer weekend attractions to keep tourist on the island after the ferry drops them off. We have great eateries, but need more artist access to the downtown area, why not bring a larger stage to Eagle Harbor and do music, musicals, plays. This past Black Friday there were many visitors but nothing planned to help them spend time/money in the island. An early farmers market or craft fair should have been offered.

Our studio tour and Christmas in the country need free bus service to/from the ferry to get people into these places. We have great trails to hike and bike as well as public access to beaches and water craft rental.
Most of what I have seen is just ugly, lacking character or personality, and out of place on Bainbridge.
The current residential developments I see being built are generic, have limited to no community areas, are large homes on small lots, and have limited design appeal. The development by our home seems to be driven by profits only, with a developer that is not from the Island. The houses are huge with tiny back yards, all the same basic design, no consideration for quality of life or any building a nice place to live.
Some of it is admirable, but other development looks like a Soviet gulag. There is too little effort made by some architects to create lovely buildings -- some seem to just want to create some sort of monument to themselves, regardless of whether it blends into the neighborhood (which it often does not).
Developments like grow and others are too intensive for the island. Visconti was s tragedy.
Harbor Square and Walgreens developments. There are no trees saved to make the developments environmentally and visually more appealing, No use of pervious pavement or driveways for water recharge to our acquirers. It seems like nothing is done to assure developments fit in to their surrounding areas architecturally. Grow Community is huge on Wyatt Way! It overpowers the neighborhood.
For example, that monstrous housing development at Grow and Wyatt is about the ugliest eyesore I can imagine. It is totally out-of-character for BI. I am not necessarily opposed to high-density residential projects in the true City Core (excluding Suzuki), but I believe it should at least try to meet some reasonable aesthetic criteria.
It is willy nilly. The needs to be a vision. Less modern more Bainbridge. Grow community is a perfect example of development gone awry. The plan has changed too many times to satisfy the developer and not the community.
Most of the new commercial development such as the Visconsci project and much of the new residential development such as Harbor Square is typical of the low cost, cookie cutter approach to development that is prevalent across much of suburban America. The island is fast approaching the same generic look that is endemic throughout the U.S.
See above comment. That new housing development on Wyatt is disgusting.
Generally pleased with the way the Island has developed in the 40 years I have lived here. The current development on Wyatt near the corner of Lovell is a marked negative, out of scale and with poor aesthetics. Also unfortunate that a more attractive solution could not have been found for Visconsi.
Looks and high density are good.
Mostly a matter of taste.
The developers from other places have discovered that they can fetch top dollar for properties on Bainbridge Island. Their interest is in the dollars rather than the quality of life for the island. Traffic is horrendous, houses are filling in the land in order to "get as much bang for the buck" as possible for the developers. Solution: Develop "character requirements" that buildings and developments need to adhere to as well as charge the

developers fees for keeping the infrastructure healthy and fully functioning. In my opinion, this question is primarily a question of "quality of life" that should be included in the acceptance or rejection of a development or requirements thereof.

Clear-cut developments, cookie cutter, outsized homes.

New construction is limited and carefully done to a higher standard of aesthetic. Not too many chain stores so smaller businesses have a little more of a chance to survive. Careful protection of waterfront areas.

Question 9:

How satisfied are you with the City's Planning and Community Development Department (Planning, Development Engineering and Building) development review service?

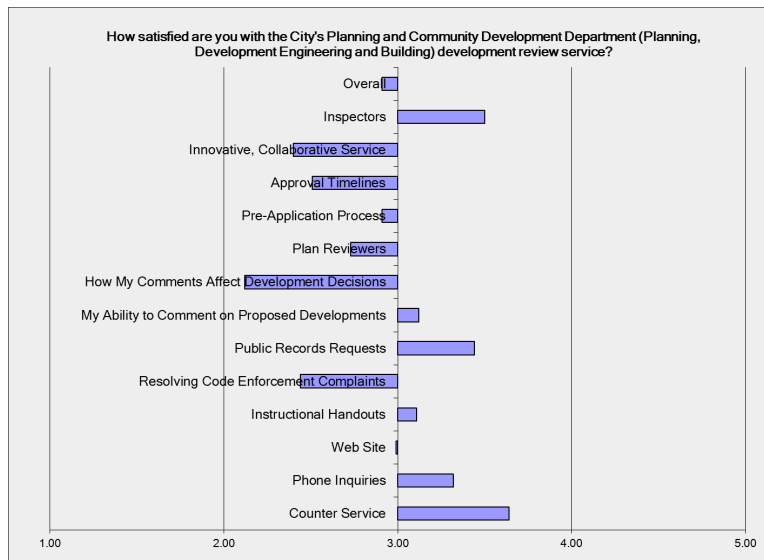


Figure 37 - Combined Satisfaction (Applicant and Non-Applicant Perspective)

	1 - Very Unsatisfied	2 - Unsatisfied	3 - Neutral	4 - Satisfied	5 - Very Satisfied	N/A	Total	Weighted Average
Counter Service	2.50% 1	15.00% 6	22.50% 9	32.50% 13	20.00% 8	7.50% 3	40	3.57
Phone Inquiries	10.81% 4	13.51% 5	24.32% 9	10.81% 4	16.22% 6	24.32% 9	37	3.11
Web Site	8.11% 3	16.22% 6	32.43% 12	21.62% 8	5.41% 2	16.22% 6	37	3.00
Instructional Handouts	5.41% 2	16.22% 6	16.22% 6	21.62% 8	5.41% 2	35.14% 13	37	3.08
Resolving Code Enforcement Complaints	13.51% 5	10.81% 4	13.51% 5	16.22% 6	0.00% 0	45.95% 17	37	2.60
Public Records Requests	0.00% 0	0.00% 0	26.32% 10	13.16% 5	5.26% 2	55.26% 21	38	3.53
My Ability to Comment on Proposed Developments	5.26% 2	10.53% 4	18.42% 7	39.47% 15	5.26% 2	21.05% 8	38	3.37
How My Comments Affect Development Decisions	13.51% 5	27.03% 10	24.32% 9	5.41% 2	0.00% 0	29.73% 11	37	2.31
Plan Reviewers	10.53% 4	13.16% 5	21.05% 8	21.05% 8	10.53% 4	23.68% 9	38	3.10
Pre- Application Process	13.16% 5	15.79% 6	15.79% 6	18.42% 7	10.53% 4	26.32% 10	38	2.96
Approval Timelines	23.68% 9	26.32% 10	18.42% 7	10.53% 4	5.26% 2	15.79% 6	38	2.38
Innovative, Collaborative Service	16.22% 6	27.03% 10	13.51% 5	8.11% 3	5.41% 2	29.73% 11	37	2.42
Inspectors	0.00% 0	2.78% 1	22.22% 8	41.67% 15	13.89% 5	19.44% 7	36	3.83
Overall	2.70% 1	32.43% 12	24.32% 9	29.73% 11	8.11% 3	2.70% 1	37	3.08

Figure 38 - Expanded Satisfaction Responses - Recent Applicants

	1 - Very Unsatisfied	2 - Unsatisfied	3 - Neutral	4 - Satisfied	5 - Very Satisfied	N/A	Total	Weighted Average
Counter Service	0.00% 0	4.48% 3	14.93% 10	19.40% 13	10.45% 7	50.75% 34	67	3.73
Phone Inquiries	2.99% 2	1.49% 1	13.43% 9	10.45% 7	8.96% 6	62.69% 42	67	3.56
Web Site	6.06% 4	10.61% 7	19.70% 13	15.15% 10	3.03% 2	45.45% 30	66	2.97
Instructional Handouts	0.00% 0	4.55% 3	22.73% 15	6.06% 4	1.52% 1	65.15% 43	66	3.13
Resolving Code Enforcement Complaints	8.96% 6	10.45% 7	10.45% 7	4.48% 3	0.00% 0	65.67% 44	67	2.30
Public Records Requests	1.52% 1	6.06% 4	15.15% 10	13.64% 9	6.06% 4	57.58% 38	66	3.39
My Ability to Comment on Proposed Developments	10.77% 7	13.85% 9	16.92% 11	20.00% 13	6.15% 4	32.31% 21	65	2.95
How My Comments Affect Development Decisions	25.76% 17	18.18% 12	18.18% 12	1.52% 1	1.52% 1	34.85% 23	66	2.00
Plan Reviewers	9.09% 6	10.61% 7	12.12% 8	3.03% 2	0.00% 0	65.15% 43	66	2.26
Pre-Application Process	4.55% 3	0.00% 0	13.64% 9	4.55% 3	0.00% 0	77.27% 51	66	2.80
Approval Timelines	1.52% 1	1.52% 1	15.15% 10	1.52% 1	0.00% 0	80.30% 53	66	2.85
Innovative, Collaborative Service	7.58% 5	4.55% 3	10.61% 7	3.03% 2	0.00% 0	74.24% 49	66	2.35
Inspectors	2.99% 2	1.49% 1	14.93% 10	5.97% 4	0.00% 0	74.63% 50	67	2.94
Overall	7.58% 5	16.67% 11	24.24% 16	13.64% 9	1.52% 1	36.36% 24	66	2.76

Figure 39 – Expanded Satisfaction Responses - Other than Recent Applicants

Free-form amplifications of satisfaction responses (applicant and non-applicant):

New PRR system infinitely better than the old non-system.
Public notices for pending developments when posted on site are not visible. Current distancing from ROW, fall down or deterioration rate, and vandalism. Written notices on city hall bulletin board are artfully vague & misleading in a keep-it-short bullet style. Rehearings or continued hearings or permitting compliance deadlines are not required to post the premises again or inform identified interested parties. The three-minute rule indulged-in by city council or commission for public hearings comments by public on certain issues that are complex or nuanced is negligence in practice. Putting that warning on all agendas is crucial. The DCD staff practice of inviting developers to be advanced briefed & present when citizens wish to discuss information in a neutral way about pending permits is discouraging. Even

more so is when the developers are leaving in the company of the planner as the requested meeting starts!
Staff often struggles with rule complexity, and their ability to make clear and decisive decisions is hampered. Generally staff competent and decent people trying to do a good job, but seemingly fearful about making a decision that might get them in trouble in public eye, so become frozen, therefore making even the simplest process time consuming, infer Tim Ament and therefore, an untenable business environment.
While counter service is satisfying and most of the staff are nice and helpful, follow through with phone and email inquiries is lacking to non-existent. Process and approval times are ridiculously long.
the SMP is so complicated you have only found one person that can understand it and process the SMP plans. she is probably the only one that has read it. The SMP usurps my rights as a land owner. i agree we need regulations but i basically own the property and building but have no rights unless i get a permit for everything ... have you read it ????
The answers one gets depends on who the questioner is talking with at the time. Two different staffers will give two very different answers to the same question. I think most try to do a good job, but, there are some in the planning department who try to impose their personal values over the city ordinances. The department needs a strong and effective leader, something that has been lacking for many years.
I have said all I want to say.
Code enforcement is based upon voluntary Compliance and not about enforcing the regulations. After the fact permits must still comply with the rules, cutting of trees without a permit must have consequences (re-planting Required) and Fines.
Constant need to be followed up. New requirements with each contact.
Behind the desk help is not helpful; do not offer assistance - tell you what you can't do and do not offer suggestions on how to accomplish the end goal. Feels very "us against them"- Power issues. Would like to see a change in staff.
I have had little contact with the planning department.
The inspection and building department are very responsive and helpful. They do seem somewhat siloed with the left hand not knowing what the right is doing sometimes. Working with planning (at least our planner) is very frustrating. It's difficult to get answers in a timely fashion. Planning doesn't seem to communicate with the building group. It would be great to have one contact that can help to shepherd a development from start to finish rather than having to call all around looking for answers. It takes forever to get through the preapplication phase and timelines are not well defined. Overall I ranked as satisfied and that is because of the help a few folks there gave me toward the end..
All the staff at city hall try to be helpful. The first point of contact is either Jay or Aaron. they couldn't be nicer and they try to help but the information they give out is very often wrong or not complete. they're too new to have the correct answers. The development engineers have very limited counter hours and they too don't give out very good information. Their answer is

to hire a consultant. A drainage consultant, a wetlands consultant, a fish and wildlife consultant, a geotec consultant a 3rd party geotech consultant etc etc. It takes time and cost money. they just don't want to take responsibility for anything. It also seems like as soon as you give them what they ask for they raise the bar and ask for more. I don't think they answer to anyone. Permitting used to be a simple logical process and it's now getting way over regulated and too complex. I don't care what the rules are I just want them easy to understand and easy to follow with out hiring multiple consultants.

On the other hand the building side is the opposite. James Weaver is always helpful and the inspectors are great.

My family is about to begin the process of adding a building to our property for the first time in 22 years, so at this point I can't answer most of the above from personal experience. However, friends and neighbors have had various problems so I am, unfortunately, wary about how our experience will go.

Staff does a good job of enforcing the rules and tries to be fair and responsive.

Building permit website is not kept up to date, so inspectors don't have current info. There is a ton of process. Please don't add more!

During the pre-application action I received many different inputs that did not agree. I would hope that each person giving answers/help would know all the requirements and not guess or give haphazard statements leading to wasted time and money by the applicant

The process is too complicated for ordinary home-owners, biased towards developers. Multiple copies of things all different sizes. Questions about neighboring properties. I can't remember all the specifics but I do know we had to hire someone just to fill out the paperwork. We got conflicting answers to questions from the counter.

See my comments on #4

I feel that the head of Community Development is too swayed by the City Manager and I truly think he is not sharing the wants and desires of the majority of the population on BI!!

I think any city/public job is almost an impossible task to do well, but in our situation, it seems we have gone from naive and new to old and jaded pretty quickly. Kitsap County always had helpful and flexible permitting.

The planning department decision making is almost always done BEFORE the public is made aware. One complaint I have today is the historical commission - as a historical home owner impacted by commission decisions, I was not once contacted by that organization to participate in decision making. Attended public meetings and asked to be kept up to date - not once was I notified of changes/decisions etc.. where is the community in that process?

I am not able to find projects under review (preliminary plat on Weaver across from Rotary Park) or approved projects on the city website. For me, it is either not intuitive or the information is not provided. As an interested citizen, I would like on line access to pending and approved land use projects, including site plans, plat maps, etc.

I could not put a generator on my property because of the SMP, they were polite, but denied my request.

I commented on how the Copper Top development would destroy the ability to get out of Wardwell and Planning disagreed based on 'studies'. Guess what, it is impossible to get onto Wardwell from Sportsmans from the south, and impossible to turn left from Wardwell onto Sportsmansclub. Wood stove pollution is becoming a serious issue and the city is doing nothing about it.
You do as well as you can, but a great portion of this island won't be happy until you personally chauffeur them back to 1985 in a DeLorean.
For Very Unsatisfied, see #11 below.
Don't have much reason to interact with city Hall. Appreciate this survey. We should have more on important issues like the car tax and how it might be used.
I think the City has some great staff. James in Building department for example. Heather in planning. I have had good experiences with multiple staff including the new planning director.
Trying to stay engaged with the the Pleasant Beach development has been difficult. Mailers notifying residents of meetings/plan changes weren't sent consistently to all affected. Public meetings seem to check the box rather than truly allow residents to comment and affect change. My interactions with Josh Machen on the zipline proposal were disappointing. He was extremely biased in support of the project and seemed to disregard neighbors concerns about the proposed project. In a separate incident we contacted the city about a code violation (a neighbor using a city easement as his own property and also dumping manure on our property) and the city chose to take no action.
I am very frustrated that the City listens to a few and especially caters to the developers. The Island has become an Island of whiners and he/she who whines the loudest wins. Unless you have a money and/or influence then that's an automatic win.
Planning and Public Works need to improve coordination. See-Click Fix allows some email one-way communication, but does not resolve code enforcement which often requires one-on-one communication. Planning Staff and Planning Commission are very helpful.
This is an example of the City worrying about the developers needing faster service; we need to slow down development, we need regulation that preserves the Island's character. The City fails to enforce codes that would preserve trees, and consequently the clean water and clean air on the Island in favor of fast development. The City Manager is overly concerned with obtaining fees, as though that is the purpose of government.
All public records in electronic format should be available on a read only access with a key word search that does not require a public records request.
Everything seems to be directed by the CM who is neither authorized or experienced/skilled in this area.
Our permit was delayed 3 months due to the inability to make a decision on an SMP code. That may seem minor to to the city planners, but when someone is paying two mortgages while that decision is being made it is a tremendous burden on the homeowner. Code interpretation should not result in delays. Also, it seems that developers take president over private homeowner...hmmm, maybe more money gets results faster?
Don't listen. Visconti, Sakai, etc. Public opinion means nothing

I find the COBI web site very difficult to navigate through to get information I want on what is being planned in the community. I have signed up for emails and agendas etc., for several public commissions, including planning commission, design review board, and other groups. These emails are helpful and useful so that I know what is going on in terms of city projects and development proposals.
Either nobody in the last 20 years has cared or there hasn't been anyone in charge who has been able to fix the inequity of how applicants are treated by different members of planning staff. Rules are not applied the same everyone. Also, I would love to be able to ask the same question to the different planners and get the same answer from all three.
N/a
I do most things on line so any printed handouts or literature on paper is N/A for me. Website is typical of municipality. NOT dynamic & too many clicks to get to some info. I'm used to software development with much higher design on User Experience for the customer so they don't get frustrated trying to find information that are not connected with dynamic links. Modern websites are MUCH more than just the typical top horizontal and left hand column Navigation Bars (Nav Bars). The email list serv is a pain to opt out once info is no longer needed. Still using postcards to reach out to community (archaic & super expensive & labor intensive). Instead, use more collaborative methods e.g. social media, automated txt messaging & automated community engagement tools.
Reviewers unwilling to be helpful, reasonable and flexible.
I have never had one telephone call returned, or one email response in my many attempts to contact city council members regarding questions about upcoming issues before the council regarding concerns from our neighborhood meetings. Only lip service is paid to community involvement and citizen input is discouraged by default.
not necessary
I don't see significant change to design after consultation, especially with regard to environmental and societal concerns.
When attending public meetings, I always get reinforcement of my feeling that the members of the various planning, advisory and other groups related to development and planning listen but don't hear what they don't want to hear. They then give recommendations or approvals based on their personal political or environmental biases. I have the impression that many of the members of these committees or advisory groups are on them to acquire the power to change the Island as they would have it and not necessarily to work on behalf of the majority of the island's citizens.

We've only had one permit for some minor electrical work and it was set up by our contractor so we didn't have much to do with it. We were surprised at how quick the approval was given and how timely the inspector was.
I haven't felt with getting permits, but I heard it is a nightmare. My family would like to build one day (for a nice family home) and we were told all about the permit process and how hard and expensive it is. Seems like another challenge for those of us already trying hard to make ends meet. We can't compete with developers!!!
Web site is not user friendly, difficult and frustrating
As I mentioned.....I have been developing land and building since 1995.....I make my living at the Counter.....I am OK with everything.
As I said before, I routinely work with other planning departments and find the Bainbridge department lacking in available resources (take-away information), return of voice mail and the turnaround time on permit submittals for single family residential projects. I never need to ask for handouts in other cities; they are on display and ready to grab. Their websites are much more user-friendly. Turnaround times for standard residential permits are much quicker and my phone calls get returned promptly. In addition, in Seattle, there are "over-the-counter" permits for small residential remodel projects. I've been begging the staff at Bainbridge for years to implement something similar. Currently, a small residential project gets thrown in the same hopper with large-scale commercial/mixed-use projects. It's ridiculous. As is the so-called "expedited" process, which saves no time and favors wealthier clients. One last thing: all staff should be required to wear name tags and offer a business card with contact information at the end of every conversation.
I checked neutral for items with which I have no direct experience.
While I am satisfied with being notified of development, it is not always practical to go to hearings. There should be dedicated environmentalists watching development. Environmental integrity should be a priority of the city.
Codes are unevenly enforced. City needs to ensure that residential neighborhoods remain residential and not manufacturing districts. People that wish to say - make wine - need to be in an industrial area not creating illegal warehouses with 24 hour fan systems in them that disturb neighbors.
Plan reviewers: you have to separate planning from building.
Building is good and I am satisfied.
Planning is awful - arrogant, combative, unable to use common sense
I'm not a developer so I've had little need to use these services, but the one time I did recently the personnel were courteous and helpful.
I'm not actively involved in much of the bureaucratic steps that are necessary to effectively running the city. From the outside -- and the everyday comments overheard on the street -- I can't offer many comments; positive or constructive.
I participated in the public review process for a 17 home development in Wing Point that borders my home. I went to the public meeting and hearing, had many conversations with

the Planning Department, and wrote letters. The local neighbors were given absolutely zero consideration in the decisions regarding this development. The public review process was a complete waste of time. We asked for a simple buffer of a few trees. The Planning Dept said it was following a code that was not publicly available and refused to make any changes to the developer's plans for the people who actually live here. My home is now backed by two huge homes with 15 ft back yards and my yard is basically ruined. The entire process felt very disheartening. Now the Planning Dept. isn't available for questions and no longer respond when we inquire about the project.
I think code enforcement is the most lax (and most difficult) job for the city, and I think it is not being done as consistently as it should be.
I often find out about a proposed development too late in the process to comment.
Unclear if #9 only applies to those who have actually applied. But, in general, I have heard many, many complaints that objections and opposition to any particular development project are allowed, and even seemingly encouraged, but then ignored. One exception was placement of the planned Police/Justice center next to City Hall. In that case, the public outcry was overwhelming, but even then COBI did not relent for a conspicuously long time.
I believe individual city planning departments are trying to do their best in working with the community but too often it seems like once the city has decided on a course of action, there is little weight given other voices and their concerns. What is the city doing about guaranteeing our water supply? What is the cities plan for controlling traffic? Driving in Winslow is difficult and parking is non-existent. Congestion at #305 and High School Rd is terrible much of the day.
I am about 11 months into an attempt to get a boundary line adjustment and then short plat a residential lot in Winslow. That seems an exorbitant amount of time for a relatively simple project. I DO understand that the Planning & Community Development department is short-handed, and other than the amount of time this has taken, have no complaints about the way it is being handled.
Website in general is illogical. Hard to find info.

Question 11:

Please add any feedback or suggestions you'd like us to understand about the City's Planning and Community Development Department development review service:

The position of city ombudsperson has been discussed over the years as needed to help blow whistles in a timely way about cavalier development review service. The same applies to public works reviews. The so-called tasking of "an engineer "on DCD staff to review public works-type of issues during LAND USE permitting has not worked. Its disingenuous RUBBER STAMPINGS show. This lack of quality in DCD reviews for so long is irresponsible. One feature in all cases due to CONTINUED faulty acoustics during public hearings (subnormal despite new expenditures as we start 2017) in city council chambers is no one in rear half w/o more hearing wands or beyond row 2 or 3 hears most monotone, mushy half phrases by council persons, planning commissioners, hearing examiner, other public members or experts, OR

CITY DCD STAFF LOOKING EAST OR DOWN OR TO MONITORS IN PARTICULAR. [Staff] should be tasked to groom articulation skills. Our reps might best visit a few local churches for acoustics upgrades such as Rolling Bay Presbyterian. It's a guess which of 7 councilors or CM are speaking in exchanges involving 4 or 5 podiumees.
Have had good luck in Bldg specific permit review process. Clear code, clear decision tree keeps it relatively simple and straight forward. Lots of difficulty with "grey code" on planning side that had lead to slow process, as fear by staff of making wrong decision, creates indecision, which is very problematic situation for making cost effective business decisions.
Regulations need to be clear and consistent. Developers, builders, designers, Architects, homeowners, and business owners just want to know the rules and have them applied consistently and efficiently.
you have started a cottage industry for consultants for people getting a permit. i had to hire 3 consultants (\$5400) besides the architect to receive a permit. it potentially could have been much higher. the consultant bids for storm water ranged from \$600 - \$5000.
I would like to see some demonstration projects documented to see how well the process works and act as a guide for others who plan on going through a similar process. A case in point: how have the Shoreline Management rules affected permitting and what people can or cannot do on their property?
They and the City Manager need to get out of writing the law and our Comp Plan should be completely redone. You mislead people, you make it easy for developers while putting single citizens through hell by misquoting the regulations to get more fees and making them do all kinds of things that aren't really necessary. These folks don't know the law, so they can and are manipulated by the staff and department. I have now helped several people avoid huge fees because they did not know the law, and I do.
It's all about money.
The process is very unfriendly. Not collaborative, and produces a we versus them attitude. Frequent response is that it is a requirement of the code, end of conversation. No way to provide feedback to modify code sections that are having unintended consequences.
Process results in excess costs and delays with little gained.
Growth this fast is not good for the island. The roads are getting too busy. The island does not need more expensive mansions. We need smaller homes that are affordable.
the city has no connection to the island. never goes out to se what they are destroying with clumsy laws and enforcement.
I would like to see the island's various governmental entities engaging the public more such as holding events that bring residents into direct contact with city officials: Coffee with a Cop, Coffee with the Chief of PD, Pizza with the Chief (for the youth), more tours of facilities such as the fire department buildings and many more preparedness classes such as disaster preparedness, Safe Sitter classes, First Aid/AED/CPR classes, food/clothing drives to stock Helpline House, regular police department/sheriff's office community forums to keep residents informed and also provide feedback to the PD/Sheriff, emphasis on the development of Neighborhood Watch or Block Watch programs or Map Your Neighborhood,

blood drives, CERT classes, child car seat safety clinics, bicycle safety clinics, physical fitness/agility events with the police officers where our large fitness community can directly contact and get to know the officers while walking/running/biking 5K's or such, establishment of a police advisory committee on the island, driving and bicycle safety courses for teens and children with emphasis on helmet use, blinker lights, etc. (and these items offered for sale at the events) to bring our youth into contact with our police officers and also to teach them safety. We may live on an island apart from the main (ha ha) but we are still a part of the larger PNW society.

streamline the entire planning process. It's out of hand

It would be wonderful if there was a more positive relationship between city employees and island residents. The prevalent distrust is discouraging. Whatever can be done to promote honesty, openness, and helpfulness will be most appreciated by all. Friends and neighbors who are known for their own compassion and integrity have told me accounts where they were made to feel like the enemy in dealing with city employees. How can we stop this and promote positive dealings? Perhaps a tall order, but surely one worth aspiring to, at this time.

I wish we had a design review that could reject or modify buildings based on the character of the neighborhood. Homes are being built now which we will be stuck with for all eternity that have nothing to do with their surroundings. And there aren't enough trees to hide them! So then if there aren't going to be more guidelines, at least make it easy for homeowners to modify their existing homes. We should all be encouraged to stay where we are and use what we have rather than sell our homes and build something new on pristine land. Why can't we just fill out a form about what we want to do and have the City be responsible for the larger setting?

I attended a meeting with two members of the city council regarding the shooting range and it was quite apparent that nobody at city hall wants to touch this issue. There were doctors there to prove the above mentioned issues and yes, these gentlemen seemed concerned, but we know concerned until everyone walked out the door.

I hate to see this get into the news but from what I hear, that is the next step. Everyone seems like our city government isn't caring for the people of island, only a chosen few get this special treatment. We don't live in a world of coverups anymore, our news is 24/7 and everyone is held accountable for their actions! It's time to hold Sportsmans Club Gun Club.

Someone needs to address the concerns of the citizens of BI, I don't think the city pays a whole lot of attention to what we as residents of this island truly want to see happen. Not sure about the future water supply, sewer hook-ups...who is watching the store? I don't see a lot of positive action to preserve our island's treasures!

Would be great to have the City Manager try to gather a sense of well being and respect for his individual employees which wild then transfer to the public interactions. Seems as if the workers are on the verge of being 'caught' and are leary of making any statements that might make things worse.

stop development - step back and look at each sub-community on the island - what is the impact of current and proposed development on service demand and availability in that sub-community? For example, Island land marks like the sportsman club is already impacting

housing/schools built too close - their gun residue travels miles and is harmful to health. As part of a sub-community - is this considered when development was approved in that sub-community?

Suggest you ask folks from each sub-community - where not that big, get personal - to partake in an oversight committee, involved in proactive reviews of community resources (like water, sewage, drainage, trees) and impact of proposed development demands on those resources. What will they loose IF .. or what will they gain IF. We have one aquifer on this islandand where is all this new grey and brown water going to go? How many people shower in that 5 bedroom house.

OR is it all about MONEY?

See above

We need ordinances to prevent property owners from keeping unsightly junk (boats, cars, garbage) on their property. The city restricts owner from trimming trees, yet my neighbor can store a derelict sailboat on his property (which I can't block because of an easement and fence height restrictions.

Please stop the development and 'growth'. RE prices will rise -- that's good

The planning department needs to be fair and even with application of regulations.

They need to remember that the citizens are their customers and employers.

They need a much better appreciation for the amount of commitment and resources the applicants are putting into their projects. While some staff are helpful, some act as if it is their job to interfere with and block projects that are completely aligned with the SMP and the regulations as they stand. I am very disappointed with the results.

As an architect with over 40 years experience in many different jurisdictions around the US, I have worked with a wide range of land use codes and planning documents. The recently adopted SMP is without question the worst land use document I have encountered. It is filled with ambiguities, discrepancies and internal contradictions. Ultimately, many critical interpretations are simply left up to the discretion of the "Administrator". This means there can be no reasonable expectation that the regulations can or will be applied consistently over time. This will inevitably lead to future litigation against the City.

I attended a number of [public] meetings where local citizens (who had read and apparently understood the problems with the draft versions of the SMP) offered reasonable comments and suggestions for changes that could have corrected some of the worst problems. As far as I can tell, their efforts were completely ignored by the Planning and Community Development Department. The fact that the Director and Staff allowed such a flawed document to go the Council for a vote is hard to understand, and it raises some serious questions about the focus of the Department.

The working assumptions behind analysis should always be made explicit. Too often contentious disagreement is focused on data when the real disagreement is on those implicit assumptions behind the data...values, predictions in the face of uncertainty, etc.
Please consider water resources and work on a sustainable growth plan. Seattle in general is growing which adds pressure on growth here but it must be approached carefully and reasonably to maintain all the things that make this a great place to live.
The community needs to appreciate the excellent and dedicated people it has on staff.
City council and senior leadership need to push for a stronger, bolder vision that is based on a deeper plan for sustainability island-wide and preserving the island's natural character - encouraging strong urban development in nodes like Lynwood, Winslow and Rolling Bay and reducing sprawl. Development should be incentivized that is deep green.
I feel like the purpose of the department is to encourage development and create tax revenue for the city. I have no confidence that the city is listening to the concerns of citizens about the pace and location of development, preserving water, and the environment.
I recognize there are a lot of pressures on the City. In my opinion, it would be prudent to move at a slower pace than at present and get all science and facts in place prior to a project. Not just the convenient science/facts that suit the City's ambitions. COBI spends money (My tax dollars) TOO FREELY on studies, surveys etc., that the outcome is already in alignment to what COBI wants to do. I do not want a downtown parking structure (above or beneath) because we cannot afford it. The recent school bond has many strapped. Focus should be on better mass transit and fixing potholes. Bainbridge has been designated 'tree city us' let's walk that talk instead of touting the plaque on the wall.
The Island is fine as it is. Thank you for reading/listening.
Committees & Boards which make/recommend conditions (e.g. Council/Planning Commission, DRB) should occasionally visit those sites for which they had approved policies/conditions/designs/ to really understand what their decisions resulted in.
Higher a City Manager who has the marching orders to preserve the Island's character rather than building, including the latest horrific idea of charging Islanders for a parking garage downtown because the City Staff refuses to use public transportation. I am offended at the City Manager's blithe assumption that we should all pay so that City Staff need not commute by public transportation and to support merchants. Let the merchants pay. We have lost every downtown business except the grocery store and the post office, and I don't need to go downtown.
COBI transportation planning has not included technology changes like Adaptive Control Traffic Signals using optical sensors to provide real time changes to signal timing for maximum capacity of the transportation system. All the traffic signals are on the state highway and they are time-of-day uncoordinated signals which cause cross Island backups during the peak commute periods. These backups are due to very poor transportation planning and coordination between COBI, WSDOT and WSF. Example the traffic signal at WSF toll booths for pedestrians is not coordinated with the Winslow Way traffic signal causing WSF unload to take longer than necessary. The fix would be for WSF to unload walk-

on passengers both to the north and south when unloading the ferry at the very end of Olympic Drive (SR-305). COBI transportation planning does not even acknowledge that driverless buses and cars will be here in under a decade. Building a garage to park cars may be like buying better buggy whips just as everyone buys a cars. Great solution but a couple of decades to late. COBI should work with WSDOT and WSF to get three smaller ferries on this route. That change alone would spread the demand on SR-305 over more of the hour rather than the 15 minute ferry traffic surge we see today. Do not add any more streets or traffic signals to SR-305 that would only reduce capacity on the Islands one and only highway. Do not make the Island's SR-305 segment look like Poulsbo's with 7 traffic signals in less than two miles. Poulsbo has turned their SR-305 into a main street with the resultant speed and capacity of a main street. Don't make the same mistake here. Doug Rauh rauh01@msn.com
New CM; a new Planning director with vision and guts to challenge CM, CC and Planning Commission.
The city in general, including city council, city manager, and planning department are very pro-development and unlike city government during the first 10 yrs of COBI governance, has not shown an interest in preserving island values; We need to build a non-motorized system to encourage walking and biking and not continue suburban projects that rely on the automobile. Even though the Visconsi project at H.S. road and 305 was approved by the hearing examiner, there are many, I mean MANY people who opposed this project as not representing Bainbridge Island. There are some very nice projects on the island, including Lynwood center that have character and people love that. The projects and land uses at the four corners of H. S. road and 305 represent every suburban city in America, and it could be in LA, Houston, Chicago, or worse, Bellevue or Kirkland. Development is OK if it speaks to island living, is in scale with other buildings, has similar colors and materials as the rest of the island, and relies on walking, biking and NOT automobiles.
Continued development of the type and pace being approved here is making what was once a distinctive, attractive living environment into a Mercerized everywhere. More water use, more sewage, more need for municipal services, more schools, more traffic (traveled Fletcher/Miller Rd at 8am lately?) but no infrastructure to accommodate the increased demands has already resulted in, and will continue to result in, a reduced quality of life for everyone. Growth management on Bainbridge is a joke. Plenty of growth, but no management.
The last word in #11 above is service. What is lost in the review process is that the city should be providing a service, not an inflexible team of adversaries who see their job not as helping, but rather as heartlessly enforcing regulations and documents. The process has become more of a bureaucracy than a service.
we need better control over water. over noise. over light. we need to inventory and protect wildlife. give credit for habitat.council and staff need to actually get out and see what they are doing to the island.
IMO what attracted me to B.I. 10 years ago seems to be disappearing and what is taking its place is not necessarily an improvement.
I think in order to keep our identity as a farming/semi-rural community, Bainbridge needs to put the breaks on development. Bainbridge doesn't have the resources or the infrastructure

to maintain this level of development.

I look back at the two developments on Torvanger. Living on Madison Ridge, I have seen traffic increase on Madison each year that I have lived there (over 10 years). Adding 30 or 40 large homes to that section of the island will only make things worse. We have back ups at Day Road and 305, Madison/Sportsman and 305 and adding more traffic to this small country road will only exacerbate the problem.

there should also be limits to how many homes can fit on to one development outside of the Winslow core. There are some older developments on Bainbridge that have a mix of homes and green space with trail systems and open space for the public. It breaks my heart to see a large scale development like the one on Torvanger, with several large homes and no open space. That development should never have gone through.

I also think Bainbridge needs to upgrade infrastructure to keep up with development. We seem to be going the way of suburban Bellevue or Mercer Island, but with the road infrastructure of rural Kitsap County. Up until last summer, Madison Ave N, had no shoulder to speak of until a bike lane was added to one side of the road. There are still several roads on Bainbridge with little to no shoulder and very few sidewalks. Why isn't there a raised sidewalk leading to Blakely or Wilkes? There is a planned development for Rolling bay, yet Valley Road has no shoulder for bikes or pedestrians. Valley Road is a popular walking street and isn't at all safe.

How do we design a community that is about natural and social community, not the ability of developers to build easily (removal of too many trees, creation of crazy retention ponds surrounded by fences) and cars to access (roads create moats around where people live and slice through our downtown)? Can we envision a future where the place we live is about the people who live there, not the machines and services that are meant to help them?

See 10 above. Go further into the community for members of planning and advisory groups. Do not depend on the usual community activists. Difficult job but it must be done. The usual suspects will always volunteer to be on these committees. We need to convince a few who prefer not to be on these committees to take up the task on behalf of the community. We need new blood.

Please please please stop this madness. Way too many ugly developments and not enough uniqueness with trees!!!! Please!!! Blis becoming a suburb not a quirky little gem of a town. It is gross.

Why so strict on waterfront and not on hillsides? The Lynwood hillside seems open for disaster since stripped of its vegetation. Lots of clearing all over the Island as well.

Up to date information on our water supply.

What growth will do, how much growth is enough?

What should we be looking at on growth 20+ yrs from today?

Natural resources should be front and center on all growth issues.
I do think that the review process could be faster, especially with developers/builders like myself that are well known for their ability to get things done or have been doing same for years.
Other than that I have no complaints.....it is all good!
[name removed]
See above. The Planning Department can and should do better.
On getting permits, inspections - very good...timely. On code enforcement....I think the process needs some work.
Bring back height limits.
More open space, wildlife corridors.
Our island is an amazing place and beautiful resource that could offer a wonderful experience for families to enjoy over holidays and summer. Let's look at meshing our economic needs with the opportunities that arrive hourly at our dock. The ferries are a top tourist attraction, let's make sure when those people come off the ferry they have a lovely reason to stay, play, dance, eat and shop.
Please serve the community and help us preserve what makes Bainbridge special. Listen to public review, address the needs whenever possible, developers will still make money but small changes make a big difference for those who live here. And make sure the code actually aligns with the Comprehensive Plan and the values of our Island. The "open space" provisions seem too favorable for developers.
Generally very good people, and they seem very overworked at times. The city should provide additional staff for Planning & Community Development.
The Comprehensive Plan was put in place to keep Bainbridge Island a special place. We are known for our rural character. I am not opposed to development, particularly in areas we have designated for density. It just seems that things are built without environmental regulations or preferences in mind and are out of balance with the neighborhoods. Bigger is not always better. It's important to take into account our scarce water, trees and character of our area.
I believe that the City needs to scale back its plans for continued growth. The Island simply does not have adequate resources to sustain it, and doubly so if one considers open space and forests among those resources. Every tree that is cut down, every meadow that is paved over, and every new road constructed depletes the essential character of this unique haven.
More on line access to the rationale for the city's decision to move forward on various projects. It often seems like short term gain (tax revenue) always trumps long term impact. Where is the sustainability in our planning process? We are a sole source aquifer and yet the city planners still have no knowledge, to my knowledge, of the level of population and development the island can maintain.

Where infill is a desired result (in Winslow), there should be an expedited process to allow short plats.
Need to update the skills of the City manager or replace to that of Executive
Communication about the shoreline regulations could be much clearer. Also compassion for older folks who need exceptions would be appropriate.
n/a

City of Bainbridge Island

City Council Agenda Bill



PROCESS INFORMATION

Subject: 8:15 PM Use of Council Committees, AB 18-010 - Mayor Medina (Pg. 160)	Date: 1/16/2018
Agenda Item: COUNCIL DISCUSSION	Bill No.: 18-010
Proposed By: City Council	Referrals(s):

BUDGET INFORMATION

Department: Executive	Fund: TBD	
Expenditure Req: TBD	Budgeted? No	Budget Amend. Req? Yes

REFERRALS/REVIEW

:	Recommendation:	
City Manager: Yes	Legal: Yes	Finance: N/A

DESCRIPTION/BACKGROUND

Prior to the change in form of government, the City Council used a committee structure. However, upon implementation of the Council-Manager form of government in 2009, the committee structure was replaced with study sessions, which are intended to function much like a committee of the whole. This change was to create a structure that is consistent with the Council-Manager form of government. The success of a city manager depends upon the manager providing and sharing information equally with all members of the governing body. One of the main problems with council committees is that they create an imbalance of knowledge on the council.

Good governance is responsive and transparent government. The use of council committees frequently results in redundancy because of the desire for the full council to become equally educated and informed as the members who serve on the committee. Another problem is less transparency to the public because council committees tend to be less on the public's radar. The recent experience with the Critical Areas Ordinance is a very real example of how the use of a council committee can be inefficient and less transparent than study sessions with a committee of the whole approach.

Use of council committees creates extra staff work, including noticing the meetings, preparing for and staffing meetings, and then producing the minutes, etc. Currently, City staff support numerous citizen advisory board and committee meetings as well as weekly meetings of the City Council. Meeting space at City Hall is frequently scheduled 3 to 4 evenings each week, which means additional committee meetings would likely need to be scheduled during business hours. Attending council committee meetings during business hours would reduce the time staff has to complete existing workloads.

Some Council-Manager cities are currently using standing committees. Of those who responded to an email

inquiry, commonly used committees include finance, public works, land use and environment, and general government. Those who reported some success with standing committees noted that the committees have clear charters and work plans approved by the full council. In addition, of those Council-Manager cities using standing committees, the majority reported that committee recommendations are placed immediately onto the consent agenda for approval by the full Council.

RECOMMENDED ACTION/MOTION

Discussion item.

City of Bainbridge Island

City Council Agenda Bill



PROCESS INFORMATION

Subject: 8:30 PM Review of the Governance Manual, AB 18-011 - Mayor Medina (Pg. 162)	Date: 1/16/2018
Agenda Item: COUNCIL DISCUSSION	Bill No.: 18-011
Proposed By: Mayor Medina	Referrals(s):

BUDGET INFORMATION

Department: Executive	Fund:	
Expenditure Req:	Budgeted?	Budget Amend. Req?

REFERRALS/REVIEW

:	Recommendation:	
City Manager: Yes	Legal: Yes	Finance:

DESCRIPTION/BACKGROUND

The City Council was scheduled to review and discuss the Governance Manual. The attached version was adopted by resolution in 2015. The highlighted text indicates sections for Council discussion, as well as language that needs to be updated in the next version.

Proposed changes were submitted, but were not received in time for legal or City Manager to review before submittal into the agenda packet. Therefore, it is recommended that this item be scheduled for a future agenda to give adequate time for an appropriate legal and management review. In addition, the substantial amount of proposed changes will take both Council and staff time, which was neither planned for nor anticipated.

Also attached in two separate documents are comments received from Councilmember Peltier and Councilmember Tirman.

RECOMMENDED ACTION/MOTION

Discussion only. Move to a future meeting for further discussion.

ATTACHMENTS:

Description	Type
2015 Governance Manual with Highlights	Backup Material

- ▣ Councilmember Peltier's Comments
- ▣ Councilmember Tirman's Comments

Backup Material
Backup Material



Manual of City Governance Policies, Procedures and Guidelines

Resolution No. **2015-07**

Adopted June 23, 2015

A Comprehensive Collection of
Governance Principles, Policies, Procedures,
Standards of Conduct, Meeting Rules
and References to Applicable Law

Introduction

The Bainbridge Island Manual of City Governance gathers standards for Bainbridge Island governance practices into a single document. It is a comprehensive collection of policies, meeting rules, coordination procedures, administrative references, public outreach guidelines and procedures. Included, by reference, are relevant provisions of applicable state and local law. Also included are principles to guide the Council/Manager form of government.

This manual can be a valuable resource for Bainbridge Island, the City's citizens, the City Council and City management as we continue to work together for effective and efficient local government. The City Council and City management should be familiar with the contents of this manual and keep it close at hand.

This manual (as adopted by Resolution) is a legislative act and is intended to remain in force except to the extent that any portion may be subsequently be amended or rescinded by act of Council.

Webmaster's Note: This document contains embedded hyperlinks. To go directly from the Table of Contents to a specific section, roll your curser over the page number and click.

RESOLUTION No. 2015-07

A RESOLUTION OF THE CITY OF BAINBRIDGE ISLAND ADOPTING A MANUAL OF CITY GOVERNANCE POLICIES, PROCEDURES AND GUIDELINES FOR THE COUNCIL-MANAGER FORM OF GOVERNMENT.

WHEREAS, the City Council desires that city government be transparent and accountable to the public; and

WHEREAS, the City Council seeks to govern in a manner that is responsive to the community, in collaboration with City management, and in a business-like and professional manner; and

WHEREAS, written principles, policies and procedures best assure an atmosphere conducive to principled, accountable and transparent governance,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. There is hereby adopted by reference, "City of Bainbridge Island Manual Of City Governance Policies, Procedures and Guidelines" dated June 23, 2015 which is attached hereto as Exhibit "A".

PASSED by the City Council of the City of Bainbridge Island, Washington at the regular meeting of the City Council on the 23rd day of June, 2015.

APPROVED by the Mayor of the City of Bainbridge Island, Washington on the 23rd day of June, 2015.

Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: April 30, 2015
PASSED BY THE CITY COUNCIL: June 23, 2015
RESOLUTION NUMBER: 2015-07

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Article 1: USE OF THIS MANUAL AND ITS RULES

1.1 Purpose

This manual, and its governance policies and rules of procedure, are designed to provide guidance for the Council and City Administration. They are not to be considered restrictions or expansions of Council authority. These rules have been prepared from review of many statutes, ordinances, court cases and other sources but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.

1.2 Waiver, Amendment, or Suspension of Portions of this Manual

Failure of the Council, acting in an open public meeting, to follow any of these rules shall be considered a Council decision to waive such rule. No notice of such waiver need be given. Amendments of all or any part of these rules may be made by resolution or temporarily suspended by motion until changed, provided there is no conflict with any superior statute.

Article 2: PRINCIPLES

It is hereby the policy of the City to establish the principles stated in this Article 1 as core values of City governance:

2.1 Values

2.1.1 City Leaders Listen to the Community

City leaders listen to the community in a way that represents the community's interests and goals.

2.1.2 Collaboration is Valued

Council and staff should use their best efforts to collaborate in every endeavor, seeking consensus as far as possible.

2.1.3 City Leaders Lead and Reason Together

Council members should, individually and collectively, demonstrate the ability to lead and reason together.

2.1.4 The City Exemplifies Professionalism in City Management

City leaders exhibit respect for the professionalism and ethical conduct of the City Manager and staff.

1.1.5 Sustainability

Leaders strive to achieve sustainable outcomes in City policies and administration, with sustainable bottom lines for the community, environment, and for city finances, and the local economy.

2.2 Relationship between Council, City Manager, Staff, and Public

2.2.1 Council Oversees City Organization But Does Not Interfere With Management

Council establishes budgetary authority for departments and positions, and may determine the duties and compensation of each, but does not interfere with the City Manager's management of City employees.

2.2.2 Council and City Manager Roles and Responsibilities Differentiated

Leaders adhere to the separate and distinct policy and management roles of Council and City Manager. Administrative policy and complaints are handled by the City Manager and Department Heads; legislative policy is established by Council.

2.2.3 Performance-Driven Management

Council reviews the City Manager's performance annually. The City Manager is responsible for performance reviews of subordinates.

2.2.4 City Attorney Is Legal Counsel to the City and Its Officials Collectively

The City Attorney is hired by the City Manager and represents the City and in that capacity provides legal advice to the Council, City Manager, and staff to the extent their interests coincide with the City's.

2.2.5 Staff Provides Adequate Information for Council Policy-Setting

Information is sufficient for effective decisions.

2.2.6 Council Will Not Request Unnecessary Information

In recognition of the limitations of staff time and resources, the Council will not request unnecessary information.

2.2.7 Public Documents Ensure Open And Transparent Government

The Council and Administration will adhere to laws on public access to documents.

2.2.8 Communications to the Public are Essential

The City Manager shall be responsible for the City communications function, but controversial communications shall be promptly copied to Council.

2.3 Functioning of City Council

2.3.1 Importance of Open Public Meetings

The City shall comply with the Open Public Meetings Act under Washington law.

2.3.2 There is a Council-Selected Mayor

The Council-selected Mayor presides at Business Meetings of the Council.

2.3.3 The Mayor Also Embodies Other Leadership Roles

The Mayor serves as: the City's ceremonial head; the main liaison for the Council with the City Manager; a team leader; a goal-setter; an organizer who helps stabilize Council relationships; a champion of the City.

2.3.4 Citizen Volunteers Play an Important Role

For citizen advisory committees, boards, and commissions, the Mayor shares the role of seeking and interviewing volunteers, and appoints citizens to these committees, boards, and commissions subject to Council confirmation.

2.3.5 The Role of Deputy Mayor is Rotated

Council members take turns serving as Deputy Mayor, presiding at meetings, and coordinating with City Manager when Mayor is unavailable or absent.

2.3.6 Service on Regional Bodies is Shared Among Council Members

Council selects individual Council liaison roles based on the desire, qualifications, and skills of interested Council members.

2.3.7 Representatives of City Act in Accordance with City Policies

It is a duty of staff and Council who represent the City to advocate positions that are consistent with City policies, projects, and plans.

2.3.8 Councilors Serve in Liaison Roles to Community Organizations

Council approves liaison duties to community organizations for arts, human services, business community, tourism organizations, etc., based on desire and qualifications.

2.3.9 Councilmembers Have Opportunity to be Leaders and Innovators

One or more Council members may "sponsor" an ordinance or resolution.

2.3.10 Council is Mindful of Limited Resources

Council expense reimbursement is limited to budget and requires receipts. There are other limits on types and amounts of reimbursements.

2.3.11 Council Authorizes Certain Grant Applications Before Submittal

If a grant would require material matching dollars or impact policy, the Administration will seek Council approval prior to applying. The administration will bring grant opportunities it becomes aware of to the full Council. The Council may also initiate the process of pursuing a grant.

2.3.12 Fewer Standing Committees

Because staff time and resources are limited, the Council will use Study Sessions of the whole Council rather than numerous Standing Committees. The Council will consider utilizing a Standing Committee only if needed to provide ongoing oversight in a prescribed area, as described in Section 3.1.2 below.

2.4 Efficiency and Effectiveness of Council Decision-Making

2.4.1 Council Makes Effective Use of Time

Council differentiates among four types of public meetings: (1) goal-setting retreats (sometimes called “advances”); (2) Study Sessions; (3) Business Meetings; (4) single-issue workshops; (5) public communications meetings and forums.

2.4.2 Provide More Effective Opportunity for Public Interaction

Communication with public is more interactive in Study Sessions than in Business Meetings. Typically, public comments on any topic relating to City business will be taken at the outset of Business Meetings, whereas in Study Sessions public comments are taken in the course of consideration of each matter under study at the meeting. Each public comment should usually be limited to three minutes. Councilmembers may also receive public comments via email or other written communications.

2.4.3 Council’s Business Meetings Will Be Efficient and Businesslike

The information exchange, review, deliberation and vetting of issues during the prior Study Session enables Council business meetings to be expeditious.

2.4.4 Effective Decision Making Requires Finality

Rules shall limit the prerogative to reconsider a Council decision; effective decision making results in finality and “moving on”.

2.4.5 Council Dialog Calls For “Sticking to the Point”

The Presiding Officer’s role, especially at the business meeting, is to keep Council business focused and expeditious.

2.4.6 Council Meeting Agendas Are Set by a Team

Agendas for Council meetings are generally developed and refined by the Council and Administration at Study Sessions, and are then arranged by the City Manager and City Clerk in consultation with the Mayor, Deputy Mayor, or both, who provide final approval prior to being publicly posted. Items for draft meeting agendas are submitted to the City Clerk, Mayor, and City Manager, and after team review are finalized by the Mayor, Deputy Mayor, or both, for public notice and distribution.

2.5 Functioning of City Manager and Staff

2.5.1 ICMA Standards are Respected

City leaders respect the ICMA standards and model documents (e.g. ICMA Code of Ethics and the City Manager’s employment terms/conditions).

2.5.2 Council-Manager Governance Depends on a Strong City Manager Role

The City Manager prepares the proposed budget; administers code and policy; appoints and removes city employees; serves as the City’s chief executive officer.

2.5.3 Regular and Understandable Financial Reporting

The City’s regular financial reports enable the Council and community to understand the City’s financial condition, and are in harmony with accounting standards for governmental organizations, applicable law, and municipal best practices, taking into account brevity, cogency, salience, and clarity.

2.5.4 Council and Administration are Mindful of Risk Management

There will be periodic reviews of risk management with WCIA (Washington Cities Insurance Authority). The Council empowers the City Manager with a dollar authority level to settle minor claims.

2.5.5 Public Information is Enhanced by Audio, Video, Website & Notes

There is a full audio recording on the city website for each Council meeting. Video and local radio may be used for Business Meetings and bi-weekly Study Sessions. Minutes of meetings are concise and are approved and posted online in as timely a manner as possible.

Article 3: DEFINED TERMS AND BASIC RULES

3.1 Types of Governing Bodies, and Advisory or Supporting Groups

3.1.1 City Council (or “Council”)

The Council consists of 7 officials, each elected to four-year terms. The terms are staggered with 3 or 4 terms expiring at the end of even-numbered years. Individual Council members do not have governing power as individuals, but only when meeting as a Council, when a quorum (4 or more) is present. A special-purpose meeting of the Council when a quorum is present is sometimes referred to as a meeting of the Committee of the Whole.

3.1.2 Council Standing Committee

A Council Standing Committee consists of Councilmembers (not more than three, approved by the full Council for a calendar-year term), with staff support appointed by the City Manager. The Council may, but is not required to, establish one or more Standing Committees. A Standing Committee is a body with no established expiration date, and which has jurisdiction over a Council-prescribed ongoing policy area, such as finance. The purpose of a standing committee is to perform oversight functions in the prescribed area, and to develop and recommend actions in that area to the Council.

3.1.3 Council Ad Hoc Committee

An Ad Hoc Committee is a temporary committee established by Council to investigate and advise Council on a specific policy or issue for future Council action, or to develop a legislative or policy proposal for Council on a particular topic. The Council determines the purpose of an Ad Hoc Committee at the time of establishing it. The Council may appoint up to three Councilmembers to an Ad Hoc Committee, and, if applicable, one or more citizens or subject matter experts who are not city employees. Furthermore, each Ad Hoc Committee shall include the City Manager (or his or her designee) and any City staff that the City Manager chooses to assign to the Committee. An Ad Hoc Committee shall be dissolved upon completion of the Council-assigned task.

3.1.4 Citizen Board, Citizen Committee, or Citizen Commission

As defined by ordinance or resolution, a citizen board, committee, or commission is generally a standing (rather than temporary) body with prescribed authority to perform

a recurring advisory or decision-making role on behalf of the City as a municipal corporation. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B. Procedures and rules that apply to such bodies are described in Article 6: Citizen Committees, Boards And Commissions.

3.1.5 Citizen Advisory Committee

A Citizen Advisory Committee consists of a group of citizens, established and appointed by the Council or by the City Manager, which is tasked with the responsibility of advising the appointing body or Manager regarding some activity or pending decision of City government. Such a committee is normally formed on an ad hoc temporary basis to advise either the Council or City Manager (or a Council standing or ad hoc committee) on a particular topic relating to city legislation, policy, or practices, or the means to carry out a proposed project or city activity. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B.

3.1.6 Steering Group

The City Manager or the Council may establish a Steering Group to perform a temporary ad hoc task or project prescribed by the Council or the City Manager – such as organizing one or more forms of citizen engagement on a public issue, or providing direction and oversight for the implementation of a City project or program.

3.1.7 Small Task Group

The Council may, from time to time, create, and appoint members to a small task group for the purpose of examining issues and making recommendations important to the City but not requiring the more formalized process of a larger task force, which may require a steering committee. The small task group may consist of one or more Councilmembers, one or more citizens or experts familiar with the issue or project, and the City Manager (or designee). In all cases, the instrument appointing a task force shall set forth a clear task assignment and provide for dissolution of the group upon completion of the task.

3.1.8 Multi-Agency or Regional Task Group

When a major regional effort involves key agencies outside of City government but vital to a project's coordination, the Council may create by motion, legislative directive, or intergovernmental agreement, an appropriately named multi-agency or regional task group (and may create a Steering Group to guide the task group effort). Membership shall consist of one to three Councilmembers and may include the City Manager (or designee), typically one representative from each partner agency, and, if applicable, representation from any private consultant or non-profit agency with a key interest or resource vital to the issue or project.

3.1.9 Scalable Public Process Planning System

For public issues of high interest or high impact or those that require a lengthy public process, a Public Process Steering Group may be formed. For issues that are less controversial, have less far-reaching impacts, or are suited to a shorter process, an Ad Hoc Committee or Task Force may be more appropriate. The purpose of the committee, task force, or steering group is to strategize and facilitate appropriate public process for a particular community subject or issue. See Exhibit C for more details on the use of this Scalable Public Process Planning System.

A Public Process Steering Group typically consists of one to three Councilmembers, the City Manager (or designee), and the City's Communications Coordinator. The Councilmember(s) shall be appointed by the Mayor and confirmed by Council. The City Manager shall appoint additional staff as needed to provide technical support, and may appoint one or more citizens to provide community input. Representatives of outside agencies may also be included where appropriate. These appointments shall identify the task(s) of the Steering Group. The group shall be dissolved when the task is completed. A similar approach may be taken in assembling an Ad Hoc Committee or Task Force, except that the group make-up may be smaller and simpler, and it may have one or just a few meetings, or even "meet" by email.

The committee, task force, or steering group shall serve as a collection point for information and activity pertaining to the task or issue assigned and shall advise on the design for public processes. Public process activities may incorporate a range of tools such as press releases, newspaper columns, Q & A's, fact sheets, presentations to community organizations, focus groups, neighborhood meetings, ward meetings, and public forums, as described in the City's public participation guidelines. The Council Liaison will inform the Council of the group's activity at Council meetings (when appropriate).

3.1.10 Nonprofit Service Agency

A nonprofit organization may perform a function for the City as defined by contract with the City or as prescribed by ordinance. An example of such a nonprofit entity designated by ordinance is the Bainbridge Island Arts and Humanities Council (for oversight of the Cultural Element of the Comprehensive Plan).

3.2 City Officials and Adjudicators

3.2.1 Mayor

See the definition and duties stated in Section 5.3.

3.2.2 Deputy Mayor

See the definition and duties stated in Section 5.4.

3.2.3 Presiding Officer

The term Presiding Officer means the Councilmember who is to chair, or is in fact chairing, a Council meeting. Unless otherwise stated in the meeting agenda, the Presiding Officer shall be the Mayor unless the Mayor is absent, in which case the Presiding Officer shall be the Deputy Mayor (or, in the absence of both, the Councilmember who is elected by the quorum to preside at the meeting).

3.2.4 City Manager

See the definition and duties stated Article 7: City Administration.

3.2.5 Appointive Officers

The City's Appointive Officers consist of the City Manager and those persons (who may or may not be City employees) who occupy any of the appointive offices stated in Section 2.08.030 of the [COBI Code](#).

3.2.6 Council Liaison

With Council approval, a Councilmember may serve for a calendar year as the Council's Liaison (i.e. representative), to an organization. A Liaison is responsible for facilitating communication, collaboration and coordination with the designated organization, and with regular reporting and accountability to the Council. There are typically Councilmember Liaisons to four types of organizations:

- *A county-wide or regional policy or governing body or intergovernmental organization (such as the Kitsap Regional Coordinating Council)*
- *A community organization (such as an arts, business, or social service organization)*
- *A governing or inter-agency board functioning in the city (such as the Parks Board or the Intergovernmental Working Group – IGWG); and*
- *A citizen board, commission, or committee of the City, whether or not the charter calls for an ex officio Council member (such as the Utility Advisory Committee or Lodging Tax Advisory Committee)*

3.2.7 Hearing Examiner

The City regulates and adjudicates land use matters using a Hearing Examiner system set forth in BIMC 2.14.030. The Hearing Examiner is appointed by the City Manager and confirmed by Council. Under BIMC 2.14.030, the Hearing Examiner is "responsible for conducting hearings on and adjudicating quasi-judicial cases involving a variety of complex land use and regulatory compliance issues, and other issues which the city council may designate to the hearing examiner by ordinance or resolution." The Hearing Examiner has the authority to adopt rules and procedures for proceedings before the Hearing Examiner. Additionally, many of the procedures for hearing various matters and appeals before the Hearing Examiner are found in BIMC 2.16.

3.3 Types of Meetings of Council

3.3.1 Regular Meeting

A Regular Meeting of the Council is a meeting convened on a regular series of dates (and at a time) stated in City ordinance. At a Regular Meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve additions or deletions to the agenda at the meeting.

3.3.2 Special Meeting

A special meeting is a Council meeting called at a date or time other than the time prescribed by ordinance for a Regular Meeting. At a special meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve deletions or additional items for discussion (but not additional action items) to the agenda at the meeting.

3.3.3 Business Meeting

A business meeting is a regular or special meeting of the Council that is primarily for the purpose of voting on the City's business, generally in the form of motions, resolutions or ordinances. A business meeting typically includes a public comment period for a limited period of time stated in advance on the agenda, during which a

member of the public may address the Council on any matter of public concern (whether or not on the agenda).

3.3.4 Study Session

A study session is a regular or special meeting of the Council that is generally held in a more informal manner or setting than a business meeting, and where the purposes may be, for example, (i) to study, deliberate, or review one or more topics or emerging issues for potential action at a future date, (ii) to vet the status of matters that are intended to be presented on the agenda of an ensuing business meeting unless exceptional circumstances apply, (iii) to engage in public comment or dialog, or (iv) to participate in presentations with City staff or other subject matter experts. In general, final votes are not taken at a study session, but there are commonly procedural votes on the disposition of various matters. Any regular or special Council meeting may be adjourned to a Study Session.

3.3.5 Workshop

A study session on a single topic or subject is sometimes referred to as a workshop.

3.3.6 Public Hearing on Ordinance

A formal public hearing may be required by statute or City ordinance as a portion of the prescribed public process for the Council's adoption of the City budget, the City's Capital Facilities Plan, and certain other legislative actions. In such a case, a public hearing is conducted according to certain formal public hearing rules prescribed by law. The public hearing typically occurs during a publicly noticed portion of a regular or special meeting of Council, where the time of the hearing has been stated in the prior public notice.

3.3.7 Public Hearing on Quasi-Judicial matter

Certain Council reviews and actions that are akin to a judicial decision affecting a particular party or a particular set of one or more properties require that the Council conduct a formal public hearing of a "quasi-judicial" kind. Such a hearing is typically conducted by Council during a prescribed portion of a regular or special meeting, and is performed in such a manner as to establish a clear record of proceedings, facts presented, and the decision process according to judicial standards. A detailed discussion of quasi-judicial hearings can be found in Section 9.14.

3.3.8 Retreat

A retreat (sometimes referred to as an "advance") is generally a Special Meeting called for the purpose of very informal discussion dealing with goals, objectives, and guidelines for future activity of the organization. At a retreat, the Council may, for example, develop goals and objectives for its own organization for the year, consider priorities for the Council work plan, or set goals for the City Manager which may be elements of an annual performance evaluation in accordance with the employment agreement. Although a detailed listing of the City's activity plan for a coming year may result from informal consensus, formal adoption should be made in a regular Council meeting by motion or resolution.

3.4 Types of Public Participation in Government

3.4.1 Public Comment Period at Business Meetings

At Council Business Meetings, the agenda shall generally include a period of time known as the Public Comment Period. Within that time period, any member of the public may be recognized by the Presiding Officer and may address the full Council on any public issue – whether or not on the agenda. Unless Council determines otherwise, the Public Comment Period at a Business Meeting is reserved for comments by the public rather than responses from Council or Administration. For further guidelines, see Sections 5.6 (Respect and Decorum) and 9.12 (Procedures for Public Comment at Business Meetings).

3.4.2 Interactive Dialog with the Public at Study Sessions

At Council Study Sessions, the Presiding Officer shall determine the manner in which public comments and dialog are to be invited, depending on the nature of the Study Session and the amount of time available. In general, the Presiding Officer may allow more flexibility in accommodating comments and dialog on agenda matters under discussion than is generally allowed at a Business Meeting, and the Presiding Officer may allow responses and interactive dialog with Councilmembers, the Administration, and other presenters.

3.4.3 Other Meetings with the Public Outside of City Hall

The Council may organize other meetings with the public in various forums outside of City Hall – in various settings such as public forums, neighborhood meetings, presentations to community organizations, ward meetings, town halls, and so on. In such settings, the meeting shall ideally include one or more Council members and one or more members of the Administration.

3.4.4 Public Forum

*When major public policy development warrants, and after adequate preparation of issues and alternatives, a steering group (see Sections 3.1.6 to 3.1.9) may conduct **larger citizen forums** to help develop a public consensus on the issues. The general procedure would be to provide basic information, to explore alternatives and options and to receive verbal and written public comments. The Steering Group shall summarize the conclusions and recommendations of such **forums** for presentation to the City Council prior to the customary City Council deliberations (i.e., agenda actions, public hearings, etc.) which could normally result in final action. **The procedures are further illustrated in Exhibit A-4 (1) attached.***

3.4.5 Neighborhood or Ward Meetings

Neighborhood or ward meetings may be scheduled as part of a larger public process as designed by an Ad Hoc Committee, Steering Group, or Task Force (see Sections 3.1.6 to 3.1.9), however, any member of the Council may convene a citizens' neighborhood meeting or series of meetings for the purpose of providing a general forum on City matters. Such meetings shall, when convened, provide information pertaining to specific issues as well as an opportunity for citizens to ask questions or express views on any subject. The Councilmember may request that the City Manager or his or her designee attend these meetings to answer questions on administrative matters. Because such meetings typically involve three or fewer Council members and are therefore not

official Council meetings, Councilmembers who attend shall report issues or conclusions to the Council as such meetings occur. At any such meeting, a Councilmember should avoid discussion or comments that pertain to current or potential lawsuits or other quasi-judicial proceedings that might later come before the Council. Councilmembers should exercise care to avoid claiming to speak for the City or Council on any issue on which the Councilmember is not expressly authorized to speak for the Council.

3.4.6 Additional Avenues for Public Participation

Public process activities may also incorporate a range of tools such as press releases, newspaper columns, fact sheets, Q&A's, etc. as described in the City's documents and guidelines pertaining to public participation in various projects and processes.

3.4.7 Committees and Other Citizen Participation Opportunities

For descriptions of other potential participation opportunities for citizens relating to City governance, see Sections 3.1.3 to 3.1.9.

3.5 Types of Governing Actions

3.5.1 Motion

An adopted motion is a form of action taken by the Council to direct that a specific course of action be taken or executed on behalf of the municipality. A motion is similar to a resolution, but is generally much shorter and worded in a more informal manner than a resolution. A motion, once approved and entered into the record, is the administrative equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing State or Federal statutes, City ordinances, or resolutions.

3.5.2 Resolution

An adopted resolution is an administrative act which is less formal than an ordinance and is a statement of legislative policy or direction concerning matters of special or temporary character. Council action shall be taken by resolution when required by law or in those instances where an expression of legislative policy that is more lengthy or more meticulously worded than a motion is desired. While resolutions are often just a statement of policy, a resolution may have the force of law (e.g., a resolution setting permit fees, or a resolution declaring certain City property to be surplus).

3.5.3 Ordinance

*An enacted Ordinance is a local law (legislative act) prescribing general rules of conduct. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. An ordinance is a legislative act within its sphere as much as an act of the State Legislature. The general guiding principle is that actions relating to subjects of a permanent and general character are usually regarded as legislative and should be addressed through an ordinance, and those providing for subjects of a temporary and special character are regarded as administrative and should be addressed through a resolution. (See *Durocher v. King County*, 80 Wn.2d 139, 153, 492P2d 547 (1972)).*

3.5.4 Comprehensive Plan Amendment

Such an amendment is a legislative act in which the Council amends all or part of the Comprehensive Plan after the Planning Commission has deliberated, held public hearings and made recommendation(s) to the Council. The Council likewise holds a public hearing before passage.

3.5.5 Budget Adoption or Amendment

Legislative acts adopting or amending the budget document for the City on an annual or biennial basis. Although the budget is a maximum spending plan, it must be managed by the City Manager to operate within actual revenue received for each fund.

3.5.6 Capital Facilities Plan (CFP) Adoption or Amendment

The CFP is a 6-year plan which is a companion to the budgeting process and which establishes priorities for construction or replacement of capital facilities of the City.

3.5.7 Quasi-Judicial Ruling

Such a ruling is similar to a “judicial act” taken by an agency or authority that is not constituted as a “court” of law. A quasi-judicial ruling is an administrative ruling made by the Council, Hearing Examiner, or Planning Commission where the process and facts to be heard and judged are prescribed by regulatory laws or ordinances and as such, and are appealable to a higher authority or court of law.

3.5.8 Best Practices

Best Practices, as used in this manual, means methods of conducting certain activities of local government which have become widely accepted standards for a given local government activity. Best practices are often imported as a result of professional networking or from another similar agency that discovered a way to “do it better”.

Article 4: STANDARDS OF CONDUCT

4.1 Sources and References

In this Article, the following references are frequently cited as sources of law or explanations of applicable law and standards of conduct:

- “KTT”: Association of Washington Cities (AWC) and Municipal Research & Services Center of Washington (MRSC): [“Knowing the Territory: Basic Legal Guidelines for Washington City, County and Special Purpose District Officials”](#) (Nov. 2009)
- “CMH”: AWC and MRSC: [“Councilmember’s Handbook”](#) (Dec. 2009)
- “RCW”: [Revised Code of Washington](#)
- “COBI Code” (or “BIMC”): [Codified Ordinances of the City of Bainbridge Island](#) (or Bainbridge Island Municipal Code)

4.2 Standards of Conduct for Officials under Washington Law

A summary of various Washington state statutes and case law that impose duties and standards of conduct on a city's elected and non-elected officials is found in the AWC/MRSC handbook called "[Knowing the Territory](#)" (referred to herein as "KTT"). For a summary of ethical standards of conduct under City ordinance, see, for example, Section 4.9 and the sections which follow it.

4.3 Oath of Office

A Council member, when sworn into office by the City's [Municipal Court Judge](#), swears that "I will...":

- comply with the constitution and laws of the United States and the State of Washington, and
- ...to the best of my judgment, skill, and ability, truly, faithfully, diligently, and impartially perform the duties of the office ... as such duties are prescribed by law."

The City Manager, Department Heads and certain other City employees in key positions are likewise considered city officials and, when hired or promoted to officer status, are likewise sworn in with a similar oath that calls for compliance with those constitutions and laws.

4.4 Public Trust and Fiduciary Duty

"Courts have held public office to be synonymous with public trust and that a public officer's relationship with the public is that of a fiduciary." KTT (pp 6-7). Public trust is a guiding concept in state statutes relating to avoidance of conflict of interest in contracting ([RCW 42.23](#)), and in the Open Public Meetings Act ([RCW 42.30](#)).

The people themselves, in a 1972 ballot initiative relating to public campaign law, declared trust to be the public policy of the State of Washington, [stating in part](#): "That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings" and "That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interests."

4.5 Stewardship of Public Funds

The state law imposes the highest of duties on public officials who are custodians of public funds, such as treasurers. (KTT, p. 7). By analogy, there are provisions of law that impose other high standards for public funds on City officials generally, such as: (i) the State Constitution's prohibition against making gifts to an individual or a for-profit or nonprofit corporation or association (KTT p. 22-24); (ii) the state law prohibitions against using public facilities or property for political campaign purposes ([RCW 42.17.130](#)); and state law requirements for bidding of public works projects ([RCW 35.22.620](#)) (MRSC, "[Bidding Book for Washington Counties](#)") and for the giving of notice when seeking suppliers for other major purchases (e.g. [RCW 39.80](#)).

4.6 Conflicts of Interest under State Law

As the state Supreme Court has ruled, a Councilmember may not vote on a matter where he or she would be especially benefitted. And, with some exceptions noted below, Washington law forbids a city

official from having a financial interest in a City contract, regardless of whether or not s/he votes on the matter. (KTT, p.9).

Furthermore, the [public campaign laws](#) require public elected officials (in addition to candidates) to make financial disclosures at least annually (through the Washington Public Disclosure Commission (PDC)) so that the public can be informed about potential conflicts. These annual disclosures are in addition to those required by COBI's Ethics Code (see below).

4.6.1 State Code of Ethics

The [RCW](#) 42.23 includes a Code of Ethics for state and local officials that generally prohibits (with some specified exceptions) four types of conduct by a City official:

- (a) using one's City official position to obtain special privileges for oneself or others;
- (b) giving or receiving a gift in connection with a City matter;
- (c) accepting employment or engaging in a business that would require disclosing confidential information gained as a City official; and
- (d) disclosing confidential information gained as a City official, or using such confidential information for personal gain.

Legal advice should be sought on such questions as:

- (a) Is a very small gift, such as a coffee, small enough as to be "de minimus" and therefore not intended to be prohibited?
- (b) Should a gift from an out of town dignitary be handed over from an official to the city as a whole?
- (c) Under what circumstances can an official accept expense-paid travel to a meeting or a fact-finding visit?

4.6.2 Prohibition Against Private Interest in a Public Contract

- (a) The [RCW](#) 42.23 also broadly prohibits the following conflicts of interest regarding a city contract (including, among other things, employment contracts):

"No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein ..."

- (b) This prohibition applies even if the official doesn't vote on or otherwise approve the contract that presents a conflict. (KTT, p. 11-13)

- (c) Unlike the COBI Ethics Code (which applies to both financial interests and other personal interests), this State conflict of interest standard prohibits only financial conflicts.
- (d) There are exceptions to the prohibition, and there is a qualified set of exceptions for certain “remote interests”. (KTT, p. 11-13)

4.6.3 Limitations on Holding Multiple Offices

There are state law prohibitions against an official appointing himself or herself to a second office or employment with the city (“dual office holding”), and there are certain combinations of public office that are considered to be incompatible and therefore not eligible to be held concurrently. (KTT, p. 16-18)

4.6.4 “Appearance of Fairness” Doctrine under State Law

- (a) The Appearance of Fairness doctrine applies only in those instances when a Councilmember is a decision-maker in a “quasi-judicial” matter (e.g. a spot rezoning, or a long-form plat development approval). It doesn’t apply to a Councilmember’s various legislative and policy decision-making. (KTT, p. 19-21)
- (b) As stated in the [RCW 42.36](#), the “appearance of fairness” requires that the Councilmember not engage in “ex parte” communications with a party interested in the outcome of the quasi-judicial matter.
- (c) See Section 9.14 for a further discussion of the Appearance of Fairness Doctrine as applied to quasi-judicial hearings that are conducted by the Council.

4.7 Open Public Meetings under Washington Law

The Open Public Meetings Act is summarized in the KTT, and is also described in greater detail in the MRSC publication, “The Open Public Meetings Act – How it Applies to Washington Cities, Towns, and Counties, Report No. 60 (May 2008).

4.7.1 All Deliberations and Actions Must Be At Noticed Public Meetings

As stated in [RCW 42.30](#) (Open Public Meetings Act or “OPMA”), all meetings of city governing bodies (i.e., where a quorum or more of Council members, or members of some other “governing body” of the City, assemble to discuss or otherwise act on City business) must be open and public.

4.7.2 Applies to Sub-Agencies of the City

The OPMA applies to a “subagency” of the City, which may mean that a City board, commission, or similar entity created by or pursuant to state or local legislation is subject to elements of the OPMA, such as the Planning Commission. [RCW 42.30.020\(2\)](#) states that a “governing body” to which the OPMA applies includes a committee of the Council or other governing body “when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.” The OPMA does not apply to court proceedings, quasi-judicial proceedings (such as Civil Service Commission hearings), or collective

bargaining and related labor relations meetings. It does not apply to purely social meetings where city business is not discussed.

4.7.3 Two Kinds of Meetings: “Regular” and “Special”

A “regular” meeting is one with regular dates, times, and locations set by ordinance, resolution or rule. Any business may be conducted at a regular meeting, but [RCW 35A.12.160](#) states that “every city shall establish a procedure for notifying the public of upcoming hearings and the *preliminary agenda* for the forthcoming Council meeting.”

A “special” meeting is a meeting other than a “regular” meeting, which may be called by the Presiding Officer (e.g. the Council’s Mayor) or a majority of Council members. The notice of a special meeting must be posted at least 24 hours prior to the meeting, and must state the items of business on the agenda. Unless an exception applies, the Council may not add to the agenda of a special meeting without giving 24 hours notice of the added item.

4.7.4 Open to the “Public”

Under [RCW 42.30.050](#), all persons must be permitted to attend a public meeting except unruly persons. Attendance may not be conditioned upon registration or similar requirements. The Act does not prohibit a requirement that persons identify themselves prior to testifying at hearings. In cases of disorderly conduct, disorderly persons may be expelled, and if that is insufficient to restore order, the meeting place may be cleared or relocated. However, non-offending members of the news media may not be excluded.

4.7.5 Executive Sessions

An “executive session” is a **portion of a public meeting** that is conducted on a topic that is permitted by law to be discussed by a governing body or sub-agency in a non-public setting. As further provided by the [RCW 42.30.110](#) in greater detail, an executive session may, in general, be conducted to discuss matters such as the following:

- (a) Real estate acquisition, lease or site selection; or deliberations on the price at which to offer real estate for sale or lease;
- (b) Negotiations on publicly bid contracts;
- (c) Evaluation of complaints or charges brought against a public officer or employee;
- (d) Evaluation of qualifications of an applicant for public employment or to review the performance of a public employee;
- (e) Evaluation of the qualifications of a candidate for appointment to elective office; or
- (f) To discuss with the City’s legal counsel City enforcement actions or litigation or potential litigation.

Council members shall not disclose confidential information learned or confidential documents provided during an executive session unless waived by the full Council.

4.7.6 Unintended Meetings; Electronic Meetings

An unintended meeting may occur in violation of the OPMA if, without the requisite public notice, a quorum or more of a public body or sub-agency meets for an in-person or telephonic discussion, or conducts an interactive discussion of city business through email, social media, or other electronic communication. (See 4.8.2 below for more discussion of email, social media, and other electronic communications).

4.8 Open Government and Public Records

As a result of a statewide ballot in 1972, strong public protections were put in place relating to (1) political campaign disclosure; (2) disclosure of lobbying; (3) disclosure of the financial interests of a candidate or elected official; and (4) openness of public records. The topic of open access to public records is summarized in pages 36-41 of the KTT, and in greater detail in the MRSC electronic publication: “[Public Records Act for Washington Cities, Counties and Special Purpose Districts](http://mrsc.org/)” (available at <http://mrsc.org/>).

4.8.1 Purpose of the Public Disclosure Law

“The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. [The law] ... shall be liberally construed . . . to promote this public policy.” (See, [RCW 42.56.030](#))

It is hereby the policy of the City that elected and other city officials shall do nothing to hinder the City’s obligation to possess, retain and store public records. Under [RCW 42.56.010\(2\)](#), a “public record ... includes 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.” Furthermore, and under [RCW 42.56.010\(3\)](#), a writing means “handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.”

4.8.2 Emails, Text Messages, Social Media, and Other Electronic Records

Under the state law definitions (above), an email, text message, or an entry on a website, blog, twitter, or a social media internet site) is a “writing”, and it is likewise a “public record” if it meets the definition above.

Additional regulations have been adopted which further elaborate on the legal duty of a city to store and archive not only public records of traditional hard-copy kinds but also electronic public records. (See [Chapter 434-662 of the Washington Administrative Code \(WAC\)](#))

In recognition of the legal duty and desire to maintain open and transparent government, and to support the City's duty to accessibly store and archive electronic public records, it is the policy of the City that in the case of each public record, Council members shall conform to the following practices:

(a) Policies on Email Platforms

- (i) Councilmembers not use any private, public, or proprietary email service other than the City's email system for the sending or receiving emails that meet the definition of public record. Council members shall take all reasonable steps to ensure that each email that is a public record sent or received by him or her is sent or received on the City-maintained email system utilizing the individual's email address at bainbridgewa.gov or another email address provided by the City,
- (ii) If a Councilmember receives an email that is a public record at an email address other than an address provided by the City, the Councilmember shall promptly forward that email to the Councilmember's email address at bainbridgewa.gov or another email address provided by the City, and advise the email sender that any and all emails pertaining to City matters are to be sent to the Councilmember at the City-provided email address;

(b) Policies on Text Messages

Council members shall promptly forward any text message that is a public record to the member's email address at bainbridgewa.gov or another email address provided by the City; or in the alternative take a screen shot of the text message and promptly forward the screen shot to the member's email address at bainbridgewa.gov or another email address provided by the City;

(c) Policies on Electronic Communications and Compliance With Open Public Meetings Law

- (i) Any electronic communication sent by a Councilmember that is a public record as defined above shall not be sent or copied to more than two other Councilmembers. Councilmembers shall not engage in any discussion of City business through email, social media, blog comments, or any other electronic forum or medium with more than two other Councilmembers.
- (ii) Any Councilmember who receives an electronic communication that is a public record that has been received by two other Councilmembers shall not forward the communication to any other Councilmember.

(d) Policies on The Use of Personal Accounts and Devices to Conduct City Government

- (i) The City shall provide a personal computer and mobile phone to any Councilmember who desires a City-issued device for use in conducting City government.

- (ii) In the alternative, a Councilmember may use a personal device to conduct City government, provided that the Councilmember complies with all the policies stated in this Manual.
- (iii) Any Councilmember who uses any personal email account or personal electronic device (such as a computer, mobile phone, or tablet) to create or receive information relating to the conduct of City government, or the performance of any function of City government, shall use best efforts to save all such public records in a labeled, designated folder or other location in the account or on the device. The Councilmember shall, upon request of the City Attorney, and in any event prior to leaving office as a Councilmember, transfer all public records from his or her personal account or device to the City. The Councilmember shall not delete any public records from any account or device until all such public records have been transferred to the City. Once the transfer has been completed, and so long as there is no pending request relating to the public records, the Councilmember may delete the transferred records from the account or device.
- (iv) If a Councilmember chooses to use a personal account or device to conduct City government, the Councilmember consents to the City or its agent searching the account or device to locate and copy all public records, subject to reasonable safeguards to protect the privacy of information that is not a public record, if a court finds that a search is necessary.

4.8.3 Duty to Act in the Interests of the City

- No elected person shall use his or her position, or the knowledge gained therefrom, in such a manner that a conflict arises between the interests of the City of Bainbridge Island and his or her personal interests, or the interests of other organizations.
- ***Each elected person has a duty to place the interests of the City of Bainbridge Island foremost*** in any dealings with the City, and has a continuing responsibility to comply with the requirements of this policy.
- If an elected official has a financial interest a proposed transaction with the City; or has a financial interest in any organization involved in the transaction; or has an immediate family member with a financial interest in such transaction; or holds a position of trustee, director, officer or employee of any organization involved in the transaction; then he or she must make full disclosure of such an interest before any discussion or negotiation of such transaction, shall abstain participating in any Council discussion of such matter, and shall abstain from any vote on such matter.

4.9 Duties to Act Consistently with City Policy When Representing City Elsewhere

Both elected City officials and non-elected City officials are frequently called upon to participate in policy bodies and decision-making forums at the county and regional level. It is hereby the policy of the City that, whenever any City official (whether elected or staff) is directly or indirectly representing the City on a policy making or decision-making body at the county or regional level, it shall be the

duty of that individual to act in a manner consistent with the interests of the City, as embodied in City policy, budget, capital facilities plan or other action of Council or directive of the City Manager.

3.11 Role of City Attorney

The City Attorney's ultimate client is the City itself – a municipal corporation. The City Attorney's relationship to the local government is similar in a number of respects to that of an attorney who represents a corporation. In that capacity, the City Attorney provides legal advice to the City Council, the City Manager, the Department Directors, and City staff. (See KTT (footnote 39).)

The City Attorney may represent the City in actions brought by or against the City or against City officials in their official capacity. However, other attorneys may be hired to handle specific cases because of the nature of the case, because the City Attorney has a conflict or other reason he or she cannot become involved, or due to limited resources of the City Attorney's office. In rare cases, the City Attorney may have a conflict and not be in a position to advise both the City Council and the City Manager. (See MRSC "Knowing the Territory.")

In those rare cases where either the City Council or the City Manager perceive such a conflict, the City Attorney should be consulted directly in order for him or her to make a decision about whether it is possible for the City Attorney to adequately represent the City in that situation. If the City Attorney determines that he or she cannot do so, then it is the responsibility of the City Attorney to secure alternate legal assistance.¹

The City Manager cannot prohibit the Council from having access to the City Attorney's advice. For reasons of efficiency or cost effectiveness, the City Manager may decide that certain legal questions should be channeled to the City Attorney through the City Manager, to ensure that questions are clearly worded and communications back to Council are consistent. (See MRSC "Councilmember Handbook" (Dec. 2009; p.12).)

The Council can determine as a policy matter whether the City shall obtain legal advice from an on-staff City Attorney or by reliance on a law firm, but the Council may not direct the appointment of an individual to the position of City Attorney – that being the role of the City Manager. (See MRSC "Code City Handbook" (June 2009; p. 51))

¹ There are two scenarios in which a city council has the implied authority to hire outside counsel. One, if the council hires counsel to represent it, and it prevails on the substantive issue to the benefit of the city, a court may direct the town to pay the reasonable fees and costs of outside counsel. *State v. Volkmer*, 73 Wn. App. 89, 95 (1994) (citing *City of Tukwila v. Todd*, 17 Wn. App. 401, 563 P.2d 223 (1977)). Two, if extraordinary circumstances exist a court may determine that a contract with outside counsel is both appropriate and necessary. *State v. Volkmer*, 73 Wn. App. 89, 95 (1994) (citing *Wiley v. Seattle*, 7 Wn. 576, 579, 35 P. 415 (1894)). Extraordinary circumstances may exist where there is a vacancy in the office of city attorney; or where the city attorney is ill, disqualified, absent, or unavailable; or where the legal official of the corporation refuses to appear and perform the necessary services; or where he has, or represents, adverse interests. *City of Tukwila v. Todd*, 17 Wn. App. 401, 406, 563 P.2d 223 (1977) (citing McQuillin, *The Law of Municipal Corporations* §29.12 at 262-63 (3d ed. 1966)).

4.10 Process for Officials to Question the Legality of City Actions

City officials, including elected officials, may be indemnified by the City (or by insurance purchased by the City) for actions taken by an official within the scope of his or her duties. An official should therefore take care to act within the scope of his or her duties, and not cause City or personal liability by virtue of individual actions taken in the absence of legal advice.

An unfounded assertion by a City official that the City is acting in violation of law can cause undue risk and liability to the City, and may therefore constitute a breach of that official's duty to the City. Therefore, it is hereby the policy of the City that the following steps shall be followed if a City official questions the lawfulness of the conduct (or proposed conduct) of the City, or of any of its officials or staff.

1. Consult the City Attorney and fully describe the facts and issues which raise a question of illegality.
2. If the advice of the City Attorney does not resolve the concern, consult the City Manager.
3. If steps "1" and "2" do not resolve the concern, the official may request an executive session of the full Council, if the matter rises to the level of presenting a risk of litigation.
4. Prior to completing steps "1" through "3", it is a violation of the Official's duty to the City to assert in public the opinion that the City is in violation of law.

4.11 Conduct of Officials with Regard to Litigation Against City

It is hereby the policy of the City that, once an individual or organization has filed a legal proceeding against the City, no City Council member shall engage in discussions or other communications with such individual (or the officers or directors of the organization) about the subject of the lawsuit without first disclosing the intent to do so to the Council, either in public or in executive session. It is also hereby the policy of the City that its conflict of interest rules shall apply to elected officials with regard to individuals or organizations threatening or pursuing a lawsuit against the City.

4.12 Prohibition Against Making Gifts of Public Funds

Article 7, section 1 (Amendment 14) of the Washington State Constitution requires that taxes and other public funds be spent only for public purposes. *See also State ex rel. Collier v. Yelle*, 9 Wn.2d 317, 324-26, 115 P.2d 373 (1941); AGO 1988 No. 21.

Article 11, section 15 further provides as follows:

The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

Article 8, section 7 of the constitution states:

No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation,

except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.

A city may contract with private organizations to provide services to the public if those are services that the city is authorized to provide. The private organization provides the services in question as an agent or contractor for the city. For instance, a city, having authority to provide recreational programs for its residents, may do so by contracting with a youth agency or senior citizens' organization to operate recreational programs for those groups, under appropriate city supervision. The contract should be carefully drawn, however, so that the program or project remains the city's own operation and is not an unlawfully broad delegation of city authority, or grant of city funds, to a private agency. Payments should be made pursuant to vouchers reflecting the satisfactory performance of services, as provided in [Chapter 42.24 of the RCW](#). (KTT p. 22-24).

4.13 Duty to Avoid Interfering with City Manager's Role with Staff

Neither the Council nor any Councilmember shall interfere with the authority of the City Manager to appoint and remove any and all department heads, officers, and employees of the City (except Councilmembers), subject to the provisions of applicable law, rule, or civil service regulation. Nor shall the Council or any Councilmember give orders to any subordinate of the City Manager. (See RCW 35A.13.120).

4.14 Duty to Bargain in Good Faith with Collective Bargaining Representatives

Unions have a significant presence in Washington cities. Most city employees have the right to organize under state law and have joined state-wide unions or formed local associations. The city must negotiate labor contracts with these unions over wages, hours and working conditions.

In particular, most police ... departments are unionized. Except for very small cities, police ... unions have access to interest arbitration when an impasse in bargaining occurs. This can create a unique dynamic in police ... negotiations, given the potential for an outside arbitrator to make decisions regarding wages, benefits and contract language. (Councilmember's Handbook, p.13, available at <http://www.awcnet.org/Portals/0/Documents/publications/CouncilmemberHandbook11.pdf>)

Certain City employees are represented by the International Association of Machinists (IAM) and police officers are represented by the Police Guild.

It is the policy of the City that it shall be the responsibility of the Council to set policy for collective bargaining, and the responsibility of the City Manager to engage in such collective bargaining.

4.15 Immunity and Indemnification of Officials For Individual Actions in Good Faith

An appointed or elected official or member of the governing body of a public agency is immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity, but liability shall remain on the public agency for the tortious conduct of its officials or members of the governing body. (See [RCW 4.24.070\(1\)](#))

It is important to note that an official's immunity applies solely to actions taken in good faith in the course of performing within the scope of the official's duties.

The City is insured through the Washington Cities Insurance Authority (WCIA). WCIA provides broad coverage for damage claims and/or lawsuits brought against the City and its officials. If a damage claim involves a covered claim against a City official, then WCIA will retain legal counsel to defend the City official and will generally pay any resulting judgment or settlement amount. Please note WCIA coverage is only available if the situation is the result of a City official acting within the scope of her or his official duties and (if the matter is) not otherwise excluded from coverage through WCIA's compact with the City (i.e., hazardous waste claims are generally excluded from WCIA coverage).

Additionally, in the event that a damage claim or lawsuit is brought against a City official that is related to the performance or failure to perform his or her official duties and the matter is not covered through WCIA, BIMC 2.68 provides that the City shall provide legal representation to defend the City official and shall indemnify the City official for the payment of the claim (if warranted) or any resulting judgment. The City will not indemnify and defend a City official acting outside the scope of his or her official duties, or if the claim or lawsuit is based upon a dishonest, fraudulent, criminal or malicious act.

Article 5: CITY COUNCIL – THE ELECTED GOVERNING BODY

5.1 Council Meeting - Time and Location

Regular Meetings of the Council in the form of Business Meetings and Study Sessions shall be held on the dates and times as adopted by Council ordinance, unless cancelled or postponed in accordance with applicable State or local procedures. Special meetings may be called by the Mayor or by four Councilmembers.

5.2 Council Meetings – Open to the Public

All meetings of the Council and of any Committees thereof shall be open to the public, except as provided for in [RCW 42.30.110](#) or [RCW 42.30.140](#).

5.3 Mayor – Election – Chair to be Mayor – Duties (“Mayor”)

Biennially at the first meeting of the new Council the members thereof shall choose a chair from among their number. The chair of the Council shall have the title of Mayor and shall preside at meetings of the Council. In addition to the powers conferred upon him or her as Mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the Council. The Mayor shall be recognized as the head of the city for ceremonial purposes. He or she shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order. (See [RCW 35A.13.030](#).)

5.4 Deputy Mayor or Mayor Pro Tempore (“Mayor Pro Tem”)

Biennially at the first meeting of a new Council, or periodically, the members thereof, by majority vote, may designate one of their number as deputy mayor or mayor for such period as the Council may specify, to serve in the absence or temporary disability of the Mayor; or, in lieu thereof, the Council may, as the need may arise, appoint any qualified person to serve as Mayor Pro Tem in the absence or temporary disability of the Mayor. (See [RCW 35A.13.035](#).)

Meetings of the Council shall be presided over by the Mayor, if present, or otherwise by the Deputy Mayor or Mayor Pro Tem if one has been appointed, or (in the absence of both of them) by a member of the Council selected by a majority of the Councilmembers at such meeting. Serving as Presiding Officer of the meeting shall not in any way abridge the right of the Presiding Officer to vote on matters coming before the Council at such meeting.

In the event of the extended excused absence, disability or resignation of a Councilmember, the remaining members by majority vote may appoint a Councilmember pro tempore to serve during the absence or disability.

5.5 Quorum

As provided under State law, at all meetings of the Council, four Councilmembers shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of the adjournment is posted on the exterior Council Chamber doors (pursuant to [RCW 42.30.090](#)).

5.6 Respect and Decorum

It is the duty of the Presiding Officer and Councilmembers to maintain dignity and respect for their offices, City staff, and the public. While the Council is in session, the Councilmembers shall preserve civility, order and decorum. No member of the public shall, by conversation or otherwise, delay, disrupt or interrupt the proceedings of the Council, nor disparage any person while speaking. Councilmembers and the public shall obey the proper orders of the Presiding Officer of the meeting.

5.6.1 Orderly Behavior and Civility in Remarks

Any person disrupting the business of the Council, either while addressing the Council or attending the proceedings, shall be asked to leave, or be removed from the meeting. Continued disruptions may result in a recess, forced removal, or adjournment as described elsewhere in this manual.

5.6.2 Permission Required to Address the Council

Persons other than Councilmembers and Administration shall be permitted to address the Council only upon recognition and introduction by the Presiding Officer of the meeting.

5.7 Telephonic or Video Participation from a Remote Location

Requests by a Councilmember to participate and vote by telephonic or audio-visual connection shall be granted by the Presiding Officer provided technical capability exists and adequate notice is given.

5.8 Attendance; Excused Absences

A Councilmember may forfeit his or her office by failing to attend three consecutive regular meetings without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Mayor, Deputy Mayor, or Mayor Pro Tem prior to the meeting and state the reason for his or her inability to attend the meeting. If the member is unable to contact the Mayor, Deputy Mayor, or Mayor Pro Tem, the member shall contact the City Manager or City Clerk, who shall convey the message to the Presiding Officer. Near the beginning of the Council meeting, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is any objection to excusing the member. If there is any objection, the Presiding Officer shall call for a motion to excuse the member. This motion shall be non-debatable. In such a case, the outcome of the vote shall determine whether the member shall be considered excused. (See [RCW 35A.12.060](#).)

5.9 Filling Council Vacancies

If a vacancy occurs, the Council will follow the procedures provided in [RCW 35A.12.050](#) in order to fill the vacancy with the most qualified person available until an election can be held. The Council will publish a notice of the vacancy, the procedure, and distribute the application form for soliciting candidates. The Council will draw up an application, which contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember.

5.10 Continuity of Government Act

In the event that the executive head of the City is unavailable by reason of enemy attack to exercise the powers and discharge the duties of the office, the provisions of [RCW 42.14.050](#) shall apply. The same policy shall be applied in the case of a natural or man-made disaster.

Article 6: CITIZEN COMMITTEES, BOARDS AND COMMISSIONS

6.1 Approval of Appointees

6.1.1 Citizens on Standing Governing Bodies

All members of standing citizen committees, citizen boards, and citizen commissions which are, or which may hereafter be, required by State law or City ordinance or resolution, shall be appointed by the Mayor with confirmation by the Council.

6.1.2 Citizens on Temporary Governing Bodies

Any citizen members of any other committees – such as Ad Hoc Committees, Citizen Advisory Committees or Steering Committees – shall be appointed and approved in the manner described in Section 3.1 (Types of Governing Bodies, and Advisory or Supporting Groups) of this Manual. With regard to any appointments that would normally be subject to Council approval, the Council may choose to waive confirmation in the instrument creating said committee or group.

6.1.3 Removal

Members of any committee, board, or commission which has been appointed by the Council or the Mayor and confirmed by the Council, may be removed without cause by a majority vote of the Council unless otherwise provided for in the Code, ordinance, or resolution that authorized creation of the committee, board, or commission.

6.2 Establishment and Review of Citizen Governing Bodies That Are Temporary

Council-established governing bodies that are intended to be temporary -- such as Ad Hoc Committees or Citizen Advisory Committees – shall be commissioned for a time certain and provided with a clear task description and term (i.e. a “sunset” provision). Such temporary committees shall be subject to review whenever a new Council is seated following elections, so as to determine whether the committee and its functions continue to be appropriate and necessary.

Other special ad hoc committees and Council liaisons for a particular purpose may be appointed by the Mayor, with confirmation of Council, for a time certain along with a clear task description and "sunset" provision.

Citizen Committees, Commissions, and Boards; liaisons; and citizen advisory or taskforce groups should be given an opportunity to make a recommendation, when appropriate, on proposed ordinances, resolutions, and motions within their area of responsibility or interest, before action is taken by the Council. The appropriate spokesperson may present the recommendation(s) during discussion of that business item on a Council agenda.

To the extent that the City Attorney has determined that a citizen committee, commission, or board is a “governing body” that is subject to the State open meetings laws, no such body shall take votes for final action outside of a noticed open public meeting.

6.3 Relations with Boards, Commissions and Citizen Advisory Groups

Boards, commissions, and citizen advisory bodies of the City shall provide the City with minutes, or a summary report of all meetings. Communications from such boards, commissions, and advisory bodies shall be acknowledged by the Council. Any member of the Council may also bring such communication to the Presiding Officer’s attention under the agenda item “Committee, **Board, and Liaison** Reports.” Should any member of the Council determine that such communication be officially answered by the Council, the Presiding Officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

Article 7: CITY ADMINISTRATION

7.1 City Manager

The City Manager is the chief administrative officer of the City. The City Manager is appointed by and directly accountable to the Council for the execution of the Council’s legislative policy directives, and for the administration and management of City departments. The powers and duties of the City Manager are defined by State law and a variety of City ordinances. Such duties may be expanded or

clarified by job description, resolution, or Council directive (motion). Balanced with the City Manager's accountability to the Council for policy execution is the need for the Council to allow the City Manager freedom to perform those duties and responsibilities in his or her day-to-day management. The City Manager appoints and removes City employees and may delegate such powers to department heads, provided, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager, anything pertaining to appointments and removals of City officers and employees and City affairs. (See RCW 35A.13.)

7.2 Role of the City Manager

The City Manager shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager may recommend for adoption by the Council such measures as he or she may deem necessary or expedient, prepare and submit to the Council such reports or proposals as may be required by the body or as the City Manager deems advisable to submit; keep the Council fully advised as to the business and finances of the City; and when appropriate, shall take part in the Council's discussion on all matters concerning the welfare of the City. In the event that the City Manager is unable to attend a Council meeting, the City Manager shall appoint a key staff member to attend the meeting as the representative of City Administration.

During Council meetings, the Presiding Officer should rely on the City Manager to introduce the administrative participation on agenda items and should offer opportunity for comment or recommendation of the City Manager before final vote on important matters.

7.3 Informal Communications Encouraged

Members of the Council are encouraged to interact informally and casually with City staff for the purpose of gathering information, obtaining progress reports on policies and programs, or providing information to staff relevant to their Council office. Such informal contacts can serve to promote better understanding of specific City functions and problems. However, Councilmembers should be careful, in such interaction, to avoid giving direction or advice to members of City staff, which may conflict with the City Manager's directives. City staff should provide their supervisor with the same information shared with the Councilmember.

7.4 City Manager – Interference by Councilmembers

As provided by [RCW 35A.13.120](#), neither the Council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the City Manager or any of his or her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any committee or member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The provisions of this section do not prohibit the Council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

7.5 Complaints to Councilmembers

When performance complaints are made by citizens about staff actions or non-action directly to an individual Councilmember or in a Council or committee meeting, the Council or Councilmember should then refer the matter directly to the City Manager for review and, if appropriate, action. The

individual Councilmember or the Council may request to be informed by the Administration of the action or response made to the complainant.

7.6 Administrative Complaints - "Best Practice"

Although citizens' direct access to elected officials is to be encouraged to help develop public policy, City Councilmembers should not develop a "personal intervention" pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with the appropriate department or the City Manager, unless an unsatisfactory result has occurred. In that case, refer to Section 7.5 above.

7.7 City Clerk - Minutes - Public Information Access

The City Clerk shall adhere to the requirements of [Washington law](#), and shall be the ex-officio Clerk-of-the-Council. The City Clerk shall keep minutes as required by law, and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk, the City Clerk shall appoint a replacement to act as Clerk-of-the-Council. The Clerk-of-the-Council shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The City Clerk shall make an **audio** recording of the proceedings of all public hearings, regular business meetings, study sessions and workshops, and quasi-judicial proceedings. The Clerk shall keep, and make available, an agenda and date for each recording, which will facilitate location of the recorded proceedings. The **audio** recordings shall be posted publicly on the City website, ideally within 48 hours after the meeting.

7.8 The Three Touch Rule

Decision-makers and citizens at all levels of the City should have adequate time to thoughtfully consider the issues prior to final decisions. The Council and Administration should abide by the "Three Touch Rule" whenever possible (unless an exception applies). The following procedural guidelines are designed to avoid "surprises" to the Council, citizens, and administrative personnel.

Any pending request or proposal for adopting or changing public policy, ordinances, resolutions, or directives that will require a decision of the City Council or Administration should normally "**touch**" (through oral or written communication, or any combination thereof) the decision makers at least **three separate times**. Quasi-judicial matters and any subject discussed in executive sessions are excluded from application of the "Three Touch Rule."

The hands of Decision-makers should not be unnecessarily encumbered. Unexpected circumstances may arise such that observance of the "Three Touch Rule" is impractical. However, when unusual circumstances arise which justify a "first discussion" decision, the persons requesting the expedited decision should also explain the need for expedited timing. The Three Touch Rule excludes staff reports and other general communications not requiring a future Council decision.

7.9 City Staff – Attendance at Meetings

Attendance at meetings by City staff shall be at the discretion of the City Manager. It is the intent of the Council that the City Manager schedule adequate administrative support for the business at hand but also to protect the productive capability of department heads. When sound system or other monitoring capabilities exist, the City Manager may allow personnel to utilize time in their offices or other areas while waiting for the item of business for which appearance before the Council is required.

7.10 Administrative Presentations and Briefings

In order to enhance public understanding of complex issues being presented, City Administration is encouraged to include the use of visual communication tools whenever possible, such as:

- Overhead projection summaries or PowerPoint bullet points;
- Flow charts or box diagrams to illustrate complex organizations, sequences or systems;
- Bullet point or summary handouts for the public and the press, when appropriate;
- Slide projector or video-cam clips to show actual situations or settings;
- Large maps to help pinpoint specific locations or parcels;
- Use of color to highlight important elements;
- White board for illustration; and/or
- Configuring the room/display so as to allow the public to follow and understand issues.

Article 8: PREPARATION FOR COUNCIL MEETINGS

8.1 Council Meeting Agendas

Agenda preparation shall have 3 stages: a **preliminary** stage, a **proposed** stage and a final **Council agenda** stage.

The City Clerk, under the direction of the City Manager, and in consultation with the Mayor, Deputy Mayor, or Mayor Pro Tem, shall arrange a list of proposed matters deemed ready for Council consideration according to the “3 touch” rule (Article 7.8) and shall prepare a “**preliminary agenda**” for the next Council meeting. When the “**preliminary agenda**” has been reviewed by the Mayor or other Presiding Officer, he or she shall have the option of adding (or deleting) any item from such agenda.

When the Mayor executes approval of the preliminary agenda it shall then become the “**proposed agenda.**” Copies of the “proposed agenda” shall be posted on the City website at least 24 hours prior to the Council meeting and shall be subject to the notice provisions stated in the City Code.

Upon convening a Council meeting and before any other business, the Council shall accept or modify the agenda by motion. The agenda shall then be officially the “Council agenda” for that meeting.

Requests for presentations to be scheduled on the formal agenda imply that the presentation is an official business consideration of the City. The Presiding Officer shall have the authority to rule on whether or not a graphic presentation, video, or other audio-visual presentation by non-City personnel is appropriate to be presented at the meeting.

The Presiding Officer, a majority of Councilmembers present, or the City Manager may propose a new item for the agenda at a meeting when extraordinary circumstances require, or for the purpose of information touches, excepting that items for action may not be added to a Special Meeting agenda.

8.2 Consent Agenda

The City Clerk or City Manager, in consultation with the Mayor or other Presiding Officer, may place matters on the consent agenda that:

- have been previously discussed by the Council; or
- based on the information delivered to members of the Council by Administration, can be reviewed by a Councilmember without further explanation;
- are so routine, technical, or "housekeeping" in nature, that passage without discussion is likely; or
- are otherwise deemed in the best interest of the City.

8.3 Study Session Agendas

The City Clerk, under the direction of the City Manager and in consultation with the Mayor, Deputy Mayor, or other Presiding Officer, shall arrange a preliminary study session agenda **worksheet** for the meeting. **Councilmembers may request items to be placed on the agenda by contacting the City Clerk.**

The Study Session worksheet shall, for each item, contain the following elements:

- **Subject:** The project designation or descriptive name for the item. The person requesting the item should use the same title in any subsequent business.
- **Discussion Leader:** The person who will introduce the item and lead the discussion as in 8.3.1 below.
- **Activity:** A brief description and time estimate of the discussion necessary for the Council to speak to the question posed in the "Goal" column.
- **Goal:** The reasonable outcome contemplated, whether a final action, advancement to a future agenda, just a "touch," according to the 3 touch rule, or for general information.

When the "preliminary study session agenda" has been reviewed by the Presiding Officer for the Study Session, he or she shall have the option of deleting any item from such agenda until the next Council meeting when the full Council may vote on whether to re-introduce the item on the agenda or for a subsequent Council meeting. When the Mayor has approved the preliminary study session agenda, it shall then become the "proposed study session agenda." The proposed agenda shall be published on the City website not less than 24 hours prior to the Study Session.

Upon convening the Study Session and before any other business, the Council shall accept or modify the agenda by motion. The agenda shall then officially be the "**Council study session agenda**" for that meeting.

8.4 Study Session Procedure

During a Council Study Session or Workshop, the discussion leader introduced by the Presiding Officer should:

- Introduce the subject and give background information;
- Identify the discussion goal;

- Act as facilitator to keep the discussion focused toward the goal; and
- Alert the Presiding Officer when it is appropriate to call for consensus or a motion.

The Presiding Officer shall retain the option of assuming the function of the discussion leader at any time in order to keep the discussion properly focused. The City Clerk shall keep notes of the discussion subjects with special attention to Council consensus or administrative direction which may need more formal action in a later meeting (i.e. agenda, future budget changes, etc).

8.5 Process for Preparing Legislation or Policies for Adoption

8.5.1 Draft Documents

Prior to consideration or final passage of all Ordinances, Resolutions, or pre-written Motions, draft documents or proposals shall be designated as drafts and shall contain the date of revision and the name of the author. Proposed Ordinances and Resolutions shall be accompanied by a “bullet” summary for possible later publication.

- “Proposed Drafts” shall contain the date, name of the group or individual originating or sponsoring the proposal, prior to the first presentation to the City Council.
- “Council Drafts” shall be documents or proposals which have been presented in open public session and held over by the City Council for further consideration or revision.

8.5.2 Preparation of Ordinances.

The procedures for ordinances are as follows:

(a) Proposing an Ordinance

A Councilmember may, in open session, request of the Presiding Officer that the Council consider enacting an ordinance. The Council then may assign the development of the proposed ordinance to the Administration, an Ad Hoc Committee, an Advisory Committee or the Council for consideration. The committee or Administration shall report its findings to the Council. The City Manager, the City Attorney, or any of the citizen boards, committees, or commissions may propose that Council consider an ordinance or resolution.

(b) Sponsorship Encouraged

When a Councilmember wishes to assume sponsorship or advocacy of an ordinance or resolution, he or she should so announce, make the initial motion, provide an introduction and advocate the measure before the Council.

(c) Two (2) Readings

Although State law requires only one reading in most cases, all City ordinances shall normally have two (2) separate readings at separate Council meetings. At each reading, the title of the ordinance and a simplified summary or title of the ordinance shall be read prior to a vote. Not later than the date of the meeting at which the reading occurs, the

full text of the draft ordinance shall be posted on the City website. A printed copy of the ordinance shall be made available by the City upon request by a member of the public.

(d) Waiver

The provision requiring two (2) separate readings of an ordinance may be waived at any meeting when the Council determines that the ordinance is simple, non-controversial, or administrative in nature or that the interests of the City are best served by one reading.

(e) Motion failure

If a motion to “continue an ordinance to a second reading” fails, the ordinance shall be considered lost, unless a subsequent motion directs its revision and resubmission to second reading.

(f) Repealer.

Any ordinance repealing any portion of the Municipal Code shall also repeal the respective portions of the original ordinance(s). Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions or decisions occurring before such repeal.

8.5.3 Preparation of Resolutions

A resolution may be put to its final passage on the same day on which it was introduced. However, the Council may invoke the two (2) reading procedure, described in Section 8.5.2(c) above, to facilitate public understanding and opportunity to comment on the resolution. The title of each resolution and a simple text summary, if available, shall be read prior to its passage. Not later than the date of the meeting at which the reading occurs, the full text of the draft resolution shall be posted on the City website. A printed copy of a resolution shall be made available upon request by a member of the public.

8.6 Council Packets

Councilmembers shall personally pick up their agenda packets from their individual mailboxes, provided by the City Clerk, unless otherwise arranged by the member or further directed by Council. Councilmembers and affected staff should read the agenda material and ask clarification questions prior to the Council meeting, when possible.

Article 9: RULES OF ORDER FOR COUNCIL MEETINGS

9.1 Parliamentary Procedure

Rules of order not specified by statute, ordinance, or this Manual shall be governed by Robert’s Rules of Order (<http://www.robertsrules.com/>). A simplified summary of some of the most frequently used motions under Robert’s Rules is shown in **Error! Reference source not found.**

9.2 Motions and Discussion

All items of business placed before the Council that require the expenditure of Council or Administration resources or changes in land use shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed negative motion.

9.3 Voting

The votes during all meetings of the Council shall be transacted as follows:

- Unless otherwise provided by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Councilmember, a roll call vote shall be taken and recorded by the City Clerk. The order of the roll call vote shall be determined by the Presiding Officer.
- In case of a tie vote on any proposal, the motion shall be considered lost.
- Every member who was in the Council chamber when the question was put, shall give his or her vote unless the Council, for special reasons, shall excuse the member by motion. If any Councilmember refuses to vote "aye" or "nay" (for example, due to a conflict of interest), the result shall be determined in accordance with Robert's Rules, which generally means that it shall be as if the individual who abstained from voting was not present for the vote.

9.4 Reconsideration

Any action of the Council, (including without limitation a final action on applications for legislative changes in land use status), shall be subject to a motion to reconsider, *except for*:

- any action previously reconsidered,
- motions to adjourn or motions to suspend the rules, or
- a vote electing to office one who is present and does not decline.

A motion for reconsideration can be made only by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next regular Council Business Meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table immediately or at the next regular Council meeting (as determined by the wording of the motion to reconsider) for any action the Council deems advisable. Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter may not be discussed or acted upon unless and until the parties or their attorneys and the persons testifying have been given at least five (5) business days advance notice of such discussion or action.

9.5 Dissents and Protests

Any Councilmember shall have the right to express dissent from or protest, orally or in writing, against any Motion, Resolution, or Ordinance of the Council, and have the reason therefore entered or retained in the minutes.

9.6 Complaints and Suggestions to Council

When citizen complaints or suggestions, not on the agenda, are brought before the Council at a meeting, the Presiding Officer may, if circumstances warrant it, attempt to direct the citizen matter to an appropriate channel for resolution. In such a case, the Presiding Officer shall, in consultation with the City Manager, first determine whether the issue is legislative or administrative in nature and then:

- If legislative, and a complaint is about the language or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Presiding Officer may refer the matter to Administration, or the Council for study and recommendation.
- If administrative, and a complaint regarding administrative staff performance, execution of legislative policy or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for review, if said complaint has not been so reviewed. The Council may direct that the City Manager brief the Council when the City Manager's response is made.

9.7 Prior Permission Required for Certain Elaborate Presentations

No overhead projection, photographs, motion pictures, or video that require the use of flood lights or similar continuous artificial illumination, shall be used by the public at City Council meetings without the prior consent of the Presiding Officer or the City Manager.

9.8 Conduct of Business Meetings

The Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the Council's business more expeditiously. Business Meetings of the Council may generally include many or most of the following agenda elements (which need not occur in the order stated below). Council may, by motion, formally approve a "Sample Order of Business," which, if adopted, shall be appended to accompany the published body of this manual as information. Such "Sample Order of Business" shall serve as a guideline, subject to change by motion of the City Council, in accordance with the procedures described in Article 8.1 and this article.

Examples of Business Meeting agenda elements include:

• Executive Session

The Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Presiding Officer shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session shall be concluded. If the Council wishes to adjourn or take action at the close of a meeting from executive session, that fact will be announced. The announced time limit for executive sessions may be extended by announcement of the Presiding Officer made to those waiting in the nearest public area. No final action may be taken in executive session. (See [RCW 42.30.110](#).) Councilmembers shall not disclose any confidential oral and written information provided during executive sessions or otherwise obtained in the course of their duties in order to protect the best interests of the City. (See [RCW 42.23.070\(4\)](#), Article II(C) of the City's Code of Ethics.)

- **Summary Reports**

Short summary reports may be presented near the end of the meeting. Short summary reports may, for example, be presented by the Presiding Officer, the City Manager, or the chair of an Ad Hoc Committee or Steering Group.

- **Public Comment Period or Public Hearing**

The routine public comment period at a Business Meeting is conducted as described in Section 9.12 below. By contrast, a public hearing is governed by different rules of procedure than a public comment period, and may either be (a) a quasi-judicial review of a land-use matter, or (b) an opportunity for public comments to be heard and recorded on a legislative matter. Special opportunities for public comment apply to a public hearing (see Section 9.13 below), and special rules and procedures apply to a quasi-judicial hearing (see Section 9.14 below).

- **Consent Agenda**

The proper Council motion on the consent agenda is as follows: *"I move adoption of the consent agenda"*. This motion shall have the effect of moving to adopt all items on the consent agenda. Any member of the Council shall have the right to remove ("pull") any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the consent agenda, the Presiding Officer shall inquire if any Councilmember wishes an item to be "pulled" from the consent agenda. If any matter is pulled, the Presiding Officer shall entertain discussion and a motion on any pulled item after the vote on the passage of the unpulled items of the consent agenda.

- **Discussion of Matters for Future Meetings**

The purpose of such a discussion is to offer Council members (an opportunity) to express preferences regarding the setting of the agenda for a future Council meeting, subject to the prerogatives of the agenda-setting process described in Section 8.1.

- **Other Common Agenda Elements**

The agenda of a Business Meeting may also include other elements such as: Unfinished Business; Ordinance Reading; and New Business.

9.9 Conduct of Study Sessions and Workshops

Regular or Special Meetings of the Council, or portions thereof, may be designated as Study Sessions. The definition and the basic rules for Study Sessions are stated in Section 3.4.4 and for a Workshop in Section 3.3.5.

A Study Session may consist of any or all of the following elements:

- (a) **Public Comment Period**

In general, because a Study Session is more informal and more interactive than a Business Meeting, the Presiding Officer may have greater latitude to seek public comment on a particular issue being discussed. Therefore, the Presiding Officer may invite public comment and dialog from time to time during the Study Session. In

general, public comment shall be sought solely or primarily on matters on the Study Session agenda.

(b) Vetting of Agenda Items:

This element of a Study Session involves a vetting and review of agenda items that are expected to appear for Council action on the agenda of the next ensuing Council Business Meeting. This element of the Study Session may include: review of clarity and completeness of issues presented; discussion of the merits of the proposal; and a procedural vote to determine whether the agenda item shall be advanced to an ensuing Business Meeting of the Council.

(c) Study of Emerging Issues

*This element of the Study Session involves emerging issues that are not initially expected to appear for action at the next Council Business Meeting, and it may include: (i) staff or third-party presentations; (ii) Council and Administration study, discussion and analysis; and/or (iii) **interactive** public comments and Council responses to comments.*

(d) First Touch and Second Touch Updates

The agenda may provide time for short updates by the City Manager, staff, Councilmembers, or a member of an Ad Hoc Committee or Steering Group.

(e) Referral to Committee, Steering Group or Further Public Process

At a Study Session, the Council may choose to refer an issue to an Ad Hoc Committee or Steering Group, or schedule a Public Forum, before the issue returns to a future agenda.

9.10 Workshops

The purpose of a Workshop (i.e., a single-topic Study Session) is to allow Councilmembers to do concentrated preliminary work with Administration or the public on a single subject (i.e., budget, complex legislation, or reports, etc.). Workshops shall be in a less formal setting, but shall not discourage public observation. Public comment is not normally allowed at Workshops although the Council may allow, or request, participation in the same manner as other Council Study Sessions.

9.11 Adjournment Due to Emergency or Disruption

In the event of emergency, such as a fire, threatened violence, or inability to maintain order, the Presiding Officer shall declare the meeting adjourned or continued and Councilmembers shall immediately leave the meeting area.

9.12 Procedures for Public Comment at Business Meetings

9.12.1 In General

The City Council desires to allow a maximum opportunity for public comment at various public forums and meetings. However, at a Business Meeting, the business of the City must proceed in an orderly, timely manner, and in that setting, the open Public Comment period is generally limited in overall time on the agenda (e.g. 30 minutes), and is further limited in the amount of time per speaker (3 minutes, or such lesser time determined by the Presiding Officer

if a large number of individuals wish to speak). At any time the Presiding Officer in his or her sole discretion, may set such further limitations as are necessary to progress through the agenda and to prevent disruption of other necessary business.

The City will utilize a sign-in procedure for public comments, but, if time permits, the Presiding Officer may also invite comments from individuals who failed to sign in. The Presiding Officer may require a member of the public to state their name, address, and the subject of their comments.

These rules are intended to promote an orderly system of holding a public meeting, to give persons opportunity to be heard and to create an environment in which no individuals are embarrassed or uncomfortable by exercising their right of free speech.

9.12.2 Subjects – Whether or Not on the Current Agenda

Public comments received during the public comment period may be on any public topic, whether or not on the agenda, but a comment on the subject that is covered by a public hearing at that meeting must be made during the period of the public hearing.

9.12.3 Use of Microphones

Comments shall be made directly into the microphone, as it is necessary for the public record and for the audience to hear all proceedings. No comments shall be made from any other location.

9.12.4 Civility

The Presiding Officer is responsible for maintaining order and civility among those addressing the Council. There will be no demonstrations during, or at the conclusion of, any person's presentation. Any disruptive behavior, as determined by the Presiding Officer, shall be cause for removal from the meeting room.

9.12.5 Council May Overrule the Presiding Officer

Any ruling by the Presiding Officer relative to the conduct of the public comment period may be overruled by a vote of a majority of Councilmembers present.

9.13 Public Hearings – In General

9.13.1 Sign in Procedure

Prior to the start of the public hearing, the Presiding Officer may require that all persons wishing to be heard sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing, persons who have signed in and wish to be heard shall be given an opportunity to be heard.

9.13.2 Time Limits

The Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings, (i.e., proponents, opponents, adjacent owners, vested interests, etc.).

9.13.3 Other Rules

The rules applicable to a Public Comment period under Sections 9.12.3, 9.12.4, and 9.12.5 shall likewise apply to legislative public hearings.

9.14 Council Quasi-Judicial Hearings

Quasi-judicial hearings and actions of the Council are those proceedings which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions or hearings do not include the hearings pertaining to legislative actions adopting, amending, or revising a general governmental policy or ordinance, or a comprehensive, community, or neighborhood plan 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.”

9.14.1 Appearance of Fairness Doctrine Applies to Quasi-Judicial Actions

If a proceeding is quasi-judicial, the “appearance of fairness doctrine” under Washington state law is generally applicable. See [RCW 42.36.010](#) and Section 4.6.4 of this Manual. If a proceeding contains both legislative and adjudicative functions, it is recommended that the appearance of fairness doctrine rules be followed by the Council.

9.14.2 Obligations of Councilmembers in Quasi-Judicial Proceeding

In the event of a quasi-judicial proceeding of the Council, a Council member should immediately disclose any interests that may appear to constitute a conflict of interest. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve a Councilmember’s business associate, or a member of the Councilmember’s immediate family. It could involve *ex parte communications* (that is, communications with one party to the quasi-judicial matter without notice to or argument from the other party). Or it could involve 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 predisposition, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should disclose such fact to the City Attorney.

Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known, or reasonably should have been made known, prior to the issuance of the decision. Upon failure to do so, the Doctrine may not be relied upon to

invalidate the decision. The party seeking to disqualify the Councilmember shall state, with specificity, the basis for disqualification.

In the case of the Council sitting as a quasi-judicial body, the Presiding Officer shall have authority to request a Councilmember to excuse him or herself on the basis of an Appearance of Fairness violation. Further, if two Councilmembers believe that an Appearance of Fairness violation exists, such individuals may move to request a Councilmember to excuse him or herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Councilmembers shall give due regard to the opinion of the City Attorney.

9.14.3 Avoid Ex Parte Communications with Quasi-Judicial Parties

During the pendency of any quasi-judicial proceeding, no Councilmember may engage in *ex parte* communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember: (1) places on the record the substance of such oral or written communications concerning the decision or action; and (2) provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. Under [RCW 42.36.060\(2\)](#), this does not prohibit correspondence between a citizen and his or her elected official, if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding.

Proposed revisions to 2015 Governance Manual

Councilmember Peltier 1.16.18 V2

2.1 Values

2.1.1 City Leaders Listen to the community in a way that to better understand and represents the community's interests and goals.

2.1.4 The City Exemplifies Professionalism in City Management

City leaders exhibit respect for the value and acknowledge professionalism and ethical conduct of by the City Manager and staff.

2.2.4.5 (NEW) City's best interest serves the community's best interests

As an instrument of the community the City of Bainbridge Island's interests are determined by, and subordinate to, the long-term well being of the community as a whole.

2.2.5 Staff Provides Adequate Information for Council Policy-Setting Decision-making

Information provided to Council is sufficient should be reasonably complete and accurate for in order to facilitate informed and effective decisions decision making.

2.2.9 (NEW) Individual Council Member's Email Communications

Email communications to and from individual Council members will only be accessed with their consent or through a public records request with subsequent notification to individual Council members of that request.

2.3 Functioning of City Council

? 2.3.7 Representatives of the City Act in Accordance with City Policies

it is a duty of staff and Council who represent the City to advocate positions that are consistent with City policies, projects and plans.

Notes: When are we considered to be "representatives of the City". How does this potential impact our right to freely express opinions?

? 2.3.12 Fewer Standing Committees

Because staff time and resources are limited, the Council will use Study Sessions of the whole Council rather than numerous standing committees. The Council will consider utilizing a Standing committee only if needed to provide ongoing oversight in a prescribed area, as described in Section 3.1.2 below.

NEW 2.3.13 City Council Staff serve in volunteer positions

Individual Council members may appoint up to two volunteer staff members who will assist and support them in preparing for meetings and in effectively carrying out their other duties as Council members.

2.4 Efficiency and Effectiveness of Council Decision-Making

2.4.2 Provide More Effective Opportunity for Public Interaction

Communication with the public is more interactive in Study Sessions than in Business Meetings. Typically, public comments on any topic relating to City business will be taken at the outset of Business Meetings, whereas in Study Sessions public comments are taken in the course of consideration of each matter under study at the meeting. Each public comment should usually be limited to three minutes. Councilmembers may also receive public comments via email or other written communications.

Notes: Currently Study Sessions are functioning more as Business Meetings. Do we want to change that to be consistent with 2.4.2? The main issue regards how we interact has to do with responding to questions from citizens. Perhaps we just ask for questions at the podium, keeping it short (1minute) and make a list, then have Council discussion.

NEW 2.4.7 The City Council decisions should be based upon complete and accurate information.

As elected officials Council members, and the Council as a whole, have an obligation to understand the information decisions are based upon to the extent reasonably practical.

Note: Would cite STO Phases II & IV as a failure to adequately understand their impact to trees and vegetation along SR305 when approving the projects.

2.5 Functioning of City Manager and Staff

2.5.1 ICMA Standards are Respected

City leaders respect the ICMA standards and model documents (e.g. ICMA Code of Ethics and the City Manager's employment terms/conditions).

Note: Are ICMA standards consistent with the best interests of the community?

2.5.2 Council-Manager Governance Depends on an effective a-Strong City Manager Role working collaboratively with a well informed and assertive City Council

The City Manager prepares the proposed budget; administers code and policy; appoints and removes city employees; serves as the City's chief executive officer. The City Manage defers to, and supports, the City Council in its role as policy and decision maker for the City, recognizing the Council is comprised of the City's only elected officials.

2.5.3 Regular and Understandable Financial Reporting

The City's regular financial reports enable the Council and community to understand the City's financial condition, and ~~are~~ should be in harmony with accounting standards for governmental organizations, applicable law, and municipal best practices, taking into account brevity, cogency, salience, and clarity.

New 2.5.3.5 Complete and Impartial Financial information provided to Council

Financial information provided to Council be presented in a manner intended to inform a not to steer Council decision making.

3.1 Types of Governing Bodies, and Advisory or Supporting Groups

(for reference only) 3.1.10 Nonprofit Service Agency

A nonprofit organization may perform a function for the City as defined by contract with the City or as prescribed by ordinance. An example of such a nonprofit entity designated by ordinance is the Bainbridge Island Arts and Humanities Council (for oversight of the Cultural Element of the Comprehensive Plan).

NEW 3.1.11 Non Profits working with the City will practice transparency and maintain open membership

Nonprofit entities working with the City will make their annual budgets available to the City and to the public. They will be open to public membership and have established and clear rules for governance.

3.2 City Officials and Adjudicators

3.2.6 Council Liaison (for reference)

With Council approval, a Councilmember may serve for a calendar year as the Council's Liaison (i.e. representative), to an organization. A Liaison is responsible for facilitating communication, collaboration and coordination with the designated organization, and with regular reporting and accountability to the Council. There are typically Councilmember Liaisons to four types of organizations:

- *A county-wide or regional policy or governing body or intergovernmental organization (such as the Kitsap Regional Coordinating Council)*
- *A community organization (such as an arts, business, or social service organization)*
- *A governing or inter-agency board functioning in the city (such as the Parks Board or the Intergovernmental Working Group – IGWG); and*
- *A citizen board, commission, or committee of the City, whether or not the charter calls for an ex officio Council member (such as the Utility Advisory Committee or Lodging Tax Advisory Committee)*

NEW 3.2.6.5 Liaisons to Regional Boards and Committees represent the City Council consistent with Council direction, policies, and the Comprehensive Plan

Council liaisons to regional boards and committees represent the Council as a whole and have an obligation to keep the City Council apprised of important issues potentially impacting the City and community being discussed by those bodies. Liaisons to those regional bodies will strive to represent Council in a manner reflecting the collective will of Council.

4.8 Open Government and Public Records

4.8.3 Duty to Act in the Interests of the City

As an instrument of the community, “for and by the people”, the “interests of the City” will be consistent with the long-term best interests of the community.

- No elected person shall use his or her position, or the knowledge gained therefrom, in such a manner that a conflict arises between the interests of the City of Bainbridge Island and his or her personal interests, or the interests of other organizations. (do we need to strengthen this?)

4.9 Duties to Act Consistently with City Policy When Representing City Elsewhere

Both elected City officials and non-elected City officials are frequently called upon to participate in policy bodies and decision-making forums at the county and regional level. It is hereby the policy of the City that, whenever any City official (whether elected or staff) is directly or indirectly representing the City on a policy making or decision-making body at the county or regional level, it shall be the duty of that individual to act in a manner consistent with the interests of the City, as embodied in City policy, budget, capital facilities plan or other action of Council or directive of the City Manager.

Note: Request discussion of 4.9



***Manual of City Governance
Policies, Procedures and Guidelines***

Resolution No. 2015-07

Adopted June 23, 2015

A Comprehensive Collection of
Governance Principles, Policies, Procedures,
Standards of Conduct, Meeting Rules
and References to Applicable Law

Introduction

The Bainbridge Island Manual of City Governance gathers standards for Bainbridge Island governance practices into a single document. It is a comprehensive collection of policies, meeting rules, coordination procedures, administrative references, public outreach guidelines and procedures. Included, by reference, are relevant provisions of applicable state and local law. Also included are principles to guide the Council/Manager form of government.

This manual can be a valuable resource for Bainbridge Island, the City's citizens, the City Council and City management as we continue to work together for effective and efficient local government. The City Council and City management should be familiar with the contents of this manual and keep it close at hand.

This manual (as adopted by Resolution) is a legislative act and is intended to remain in force except to the extent that any portion may be subsequently be amended or rescinded by act of Council.

Webmaster's Note: This document contains embedded hyperlinks. To go directly from the Table of Contents to a specific section, roll your cursor over the page number and click.

RESOLUTION NO. 2015-07

**A RESOLUTION OF THE CITY OF BAINBRIDGE ISLAND
ADOPTING A MANUAL OF CITY GOVERNANCE
POLICIES, PROCEDURES AND GUIDELINES
FOR THE COUNCIL-MANAGER FORM OF GOVERNMENT.**

WHEREAS, the City Council desires that city government be transparent and accountable to the public; and

WHEREAS, the City Council seeks to govern in a manner that is responsive to the community, in collaboration with City management, and in a business-like and professional manner; and

WHEREAS, written principles, policies and procedures best assure an atmosphere conducive to principled, accountable and transparent governance,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. There is hereby adopted by reference, "City of Bainbridge Island Manual Of City Governance Policies, Procedures and Guidelines" dated June 23, 2015 which is attached hereto as Exhibit "A".

PASSED by the City Council of the City of Bainbridge Island, Washington at the regular meeting of the City Council on the 23rd day of June, 2015.

APPROVED by the Mayor of the City of Bainbridge Island, Washington on the 23rd day of June, 2015.

Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: April 30, 2015
PASSED BY THE CITY COUNCIL: June 23, 2015
RESOLUTION NUMBER: 2015-07

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Article 1: USE OF THIS MANUAL AND ITS RULES

1.1 Purpose

This manual, and its governance policies and rules of procedure, are designed to provide guidance for the Council and City Administration. They are not to be considered restrictions or expansions of Council authority. These rules have been prepared from review of many statutes, ordinances, court cases and other sources but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.

1.2 Waiver, Amendment, or Suspension of Portions of this Manual

Failure of the Council, acting in an open public meeting, to follow any of these rules shall be considered a Council decision to waive such rule. No notice of such waiver need be given. Amendments of all or any part of these rules may be made by resolution or temporarily suspended by motion until changed, provided there is no conflict with any superior statute.

Article 2: PRINCIPLES

It is hereby the policy of the City to establish the principles stated in this Article 1 as core values of City governance:

2.1 Values

2.1.1 City Leaders Listen to the Community

City leaders listen to the community in a way that represents the community's interests and goals.

2.1.2 Collaboration is Valued

Council and staff should use their best efforts to collaborate in every endeavor, seeking consensus as far as possible.

2.1.3 City Leaders Lead and Reason Together

Council members should, individually and collectively, demonstrate the ability to lead and reason together.

2.1.4 The City Exemplifies Professionalism in City Management

City leaders exhibit respect for the professionalism and ethical conduct of the City Manager and staff.

1.1.5 Sustainability

Leaders strive to achieve sustainable outcomes in City policies and administration, with sustainable bottom lines for the community, environment, and for city finances, and the local economy.

2.2 Relationship between Council, City Manager, Staff, and Public

2.2.1 Council Oversees City Organization But Does Not Interfere With Management

Council establishes budgetary authority for departments and positions, and may determine the duties and compensation of each, but does not interfere with the City Manager's management of City employees.

2.2.2 Council and City Manager Roles and Responsibilities Differentiated

Leaders adhere to the separate and distinct policy and management roles of Council and City Manager. Administrative policy and complaints are handled by the City Manager and Department Heads; legislative policy is established by Council.

2.2.3 Performance-Driven Management

Council reviews the City Manager's performance annually. The City Manager is responsible for performance reviews of subordinates.

2.2.4 City Attorney Is Legal Counsel to the City and Its Officials Collectively

The City Attorney is hired by the City Manager and represents the City and in that capacity provides legal advice to the Council, City Manager, and staff to the extent their interests coincide with the City's.

2.2.5 Staff Provides Adequate Information for Council Policy-Setting

Information is sufficient for effective decisions.

2.2.6 Council Will Not Request Unnecessary Information

In recognition of the limitations of staff time and resources, the Council will not request unnecessary information.

Commented [MT1]: This is far too subjective. Would suggest removing.

2.2.7 Public Documents Ensure Open And Transparent Government

The Council and Administration will adhere to laws on public access to documents.

2.2.8 Communications to the Public are Essential

The City Manager shall be responsible for the City communications function, but controversial communications shall be promptly copied to Council.

2.3 Functioning of City Council

2.3.1 Importance of Open Public Meetings

The City shall comply with the Open Public Meetings Act under Washington law.

2.3.2 There is a Council-Selected Mayor

The Council-selected Mayor presides at Business Meetings of the Council.

2.3.3 The Mayor Also Embodies Other Leadership Roles

The Mayor serves as: the City's ceremonial head; the main liaison for the Council with the City Manager; a team leader; a goal-setter; an organizer who helps stabilize Council relationships; a champion of the City.

2.3.4 Citizen Volunteers Play an Important Role

For citizen advisory committees, boards, and commissions, the Mayor shares the role of seeking and interviewing volunteers, and appoints citizens to these committees, boards, and commissions subject to Council confirmation.

2.3.5 The Role of Deputy Mayor is Rotated

Council members take turns serving as Deputy Mayor, presiding at meetings, and coordinating with City Manager when Mayor is unavailable or absent.

2.3.6 Service on Regional Bodies is Shared Among Council Members

Council selects individual Council liaison roles based on the desire, qualifications, and skills of interested Council members.

2.3.7 Representatives of City Act in Accordance with City Policies

It is a duty of staff and Council who represent the City to advocate positions that are consistent with City policies, projects, and plans.

2.3.8 Councilors Serve in Liaison Roles to Community Organizations

Council approves liaison duties to community organizations for arts, human services, business community, tourism organizations, etc., based on desire and qualifications.

2.3.9 Councilmembers Have Opportunity to be Leaders and Innovators

One or more Council members may "sponsor" an ordinance or resolution.

2.3.10 Council is Mindful of Limited Resources

Council expense reimbursement is limited to budget and requires receipts. There are other limits on types and amounts of reimbursements.

2.3.11 Council Authorizes Certain Grant Applications Before Submittal

If a grant would require material matching dollars or impact policy, the Administration will seek Council approval prior to applying. The administration will bring grant opportunities it becomes aware of to the full Council. The Council may also initiate the process of pursuing a grant.

2.3.12 ~~Fewer Standing Committees~~

~~Because staff time and resources are limited, the Council will use Study Sessions of the whole Council rather than numerous Standing Committees.~~ The Council will consider utilizing a Standing Committee ~~only~~ if needed to provide ongoing oversight in a prescribed area, as described in Section 3.1.2 below.

Commented [MT2]: I'd like to review this section and propose additional language.

2.4 Efficiency and Effectiveness of Council Decision-Making

2.4.1 Council Makes Effective Use of Time

Council differentiates among four types of public meetings: (1) goal-setting retreats (sometimes called “advances”); (2) Study Sessions; (3) Business Meetings; (4) single-issue workshops; (5) public communications meetings and forums.

2.4.2 Provide More Effective Opportunity for Public Interaction

Communication with public is more interactive in Study Sessions than in Business Meetings. Typically, public comments on any topic relating to City business will be taken at the outset of Business Meetings, whereas in Study Sessions public comments are taken in the course of consideration of each matter under study at the meeting. Each public comment should usually be limited to three minutes. Councilmembers may also receive public comments via email or other written communications.

2.4.3 Council’s Business Meetings Will Be Efficient and Businesslike

The information exchange, review, deliberation and vetting of issues during the prior Study Session enables Council business meetings to be expeditious.

2.4.4 Effective Decision Making Requires Finality

Rules shall limit the prerogative to reconsider a Council decision; effective decision making results in finality and “moving on”.

2.4.5 Council Dialog Calls For “Sticking to the Point”

The Presiding Officer’s role, especially at the business meeting, is to keep Council business focused and expeditious.

2.4.6 Council Meeting Agendas Are Set by a Team

Agendas for Council meetings are generally developed and refined by the Council and Administration at Study Sessions, and are then arranged by the City Manager and City Clerk in consultation with the Mayor, Deputy Mayor, or both, who provide final approval prior to being publicly posted. Items for draft meeting agendas are submitted to the City Clerk, Mayor, and City Manager, and after team review are finalized by the Mayor, Deputy Mayor, or both, for public notice and distribution.

2.5 Functioning of City Manager and Staff

2.5.1 ICMA Standards are Respected

City leaders respect the ICMA standards and model documents (e.g. ICMA Code of Ethics and the City Manager’s employment terms/conditions).

2.5.2 Council-Manager Governance Depends on a Strong City Manager Role

The City Manager prepares the proposed budget with guidance and priorities set by the City Council; administers code and policy; appoints and removes city employees; serves as the City’s chief executive officer.

2.5.3 Regular and Understandable Financial Reporting

The City’s regular financial reports enable the Council and community to understand the City’s financial condition, and are in harmony with accounting standards for

governmental organizations, applicable law, and municipal best practices, taking into account brevity, cogency, salience, and clarity.

2.5.4 Council and Administration are Mindful of Risk Management

There will be periodic reviews of risk management with WCIA (Washington Cities Insurance Authority). The Council empowers the City Manager with a dollar authority level to settle minor claims.

2.5.5 Public Information is Enhanced by Audio, Video, Website & Notes

*There is a full audio recording on the city website for each Council **and committee** meeting. Video and local radio may be used for Business Meetings and bi-weekly Study Sessions. Minutes of meetings are concise and are approved and posted online in as timely a manner as possible.*

Commented [MT3]: Would suggest that all committee meetings be recorded and put on website

Article 3: DEFINED TERMS AND BASIC RULES

3.1 Types of Governing Bodies, and Advisory or Supporting Groups

3.1.1 City Council (or “Council”)

The Council consists of 7 officials, each elected to four-year terms. The terms are staggered with 3 or 4 terms expiring at the end of even-numbered years. Individual Council members do not have governing power as individuals, but only when meeting as a Council, when a quorum (4 or more) is present. A special-purpose meeting of the Council when a quorum is present is sometimes referred to as a meeting of the Committee of the Whole.

3.1.2 Council Standing Committee

A Council Standing Committee consists of Councilmembers (not more than three, approved by the full Council for a calendar-year term), with staff support appointed by the City Manager. The Council may, but is not required to, establish one or more Standing Committees. A Standing Committee is a body with no established expiration date, and which has jurisdiction over a Council-prescribed ongoing policy area, such as finance. The purpose of a standing committee is to perform oversight functions in the prescribed area, and to develop and recommend actions in that area to the Council.

Commented [MT4]: I'd like to propose that we create Finance as a permanent standing committee

3.1.3 Council Ad Hoc Committee

An Ad Hoc Committee is a temporary committee established by Council to investigate and advise Council on a specific policy or issue for future Council action, or to develop a legislative or policy proposal for Council on a particular topic. The Council determines the purpose of an Ad Hoc Committee at the time of establishing it. The Council may appoint up to three Councilmembers to an Ad Hoc Committee, and, if applicable, one or more citizens or subject matter experts who are not city employees. Furthermore, each Ad Hoc Committee shall include the City Manager (or his or her designee) and any City staff that the City Manager chooses to assign to the Committee. An Ad Hoc Committee shall be dissolved upon completion of the Council-assigned task.

3.1.4 Citizen Board, Citizen Committee, or Citizen Commission

As defined by ordinance or resolution, a citizen board, committee, or commission is generally a standing (rather than temporary) body with prescribed authority to perform a recurring advisory or decision-making role on behalf of the City as a municipal corporation. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B. Procedures and rules that apply to such bodies are described in ~~Article 6: Article 5:~~ Citizen Committees, Boards And Commissions.

3.1.5 Citizen Advisory Committee

A Citizen Advisory Committee consists of a group of citizens, established and appointed by the Council or by the City Manager, which is tasked with the responsibility of advising the appointing body or Manager regarding some activity or pending decision of City government. Such a committee is normally formed on an ad hoc temporary basis to advise either the Council or City Manager (or a Council standing or ad hoc committee) on a particular topic relating to city legislation, policy, or practices, or the means to carry out a proposed project or city activity. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B.

3.1.6 Steering Group

The City Manager or the Council may establish a Steering Group to perform a temporary ad hoc task or project prescribed by the Council or the City Manager – such as organizing one or more forms of citizen engagement on a public issue, or providing direction and oversight for the implementation of a City project or program.

3.1.7 Small Task Group

The Council may, from time to time, create, and appoint members to a small task group for the purpose of examining issues and making recommendations important to the City but not requiring the more formalized process of a larger task force, which may require a steering committee. The small task group may consist of one or more Councilmembers, one or more citizens or experts familiar with the issue or project, and the City Manager (or designee). In all cases, the instrument appointing a task force shall set forth a clear task assignment and provide for dissolution of the group upon completion of the task.

3.1.8 Multi-Agency or Regional Task Group

When a major regional effort involves key agencies outside of City government but vital to a project's coordination, the Council may create by motion, legislative directive, or intergovernmental agreement, an appropriately named multi-agency or regional task group (and may create a Steering Group to guide the task group effort). Membership shall consist of one to three Councilmembers and may include the City Manager (or designee), typically one representative from each partner agency, and, if applicable, representation from any private consultant or non-profit agency with a key interest or resource vital to the issue or project.

3.1.9 Scalable Public Process Planning System

For public issues of high interest or high impact or those that require a lengthy public process, a Public Process Steering Group may be formed. For issues that are less controversial, have less far-reaching impacts, or are suited to a shorter process, an Ad Hoc Committee or Task Force may be more appropriate. The purpose of the

committee, task force, or steering group is to strategize and facilitate appropriate public process for a particular community subject or issue. See Exhibit C for more details on the use of this Scalable Public Process Planning System.

A Public Process Steering Group typically consists of one to three Councilmembers, the City Manager (or designee), and the City's Communications Coordinator. The Councilmember(s) shall be appointed by the Mayor and confirmed by Council. The City Manager shall appoint additional staff as needed to provide technical support, and may appoint one or more citizens to provide community input. Representatives of outside agencies may also be included where appropriate. These appointments shall identify the task(s) of the Steering Group. The group shall be dissolved when the task is completed. A similar approach may be taken in assembling an Ad Hoc Committee or Task Force, except that the group make-up may be smaller and simpler, and it may have one or just a few meetings, or even "meet" by email.

The committee, task force, or steering group shall serve as a collection point for information and activity pertaining to the task or issue assigned and shall advise on the design for public processes. Public process activities may incorporate a range of tools such as press releases, newspaper columns, Q & A's, fact sheets, presentations to community organizations, focus groups, neighborhood meetings, ward meetings, and public forums, as described in the City's public participation guidelines. The Council Liaison will inform the Council of the group's activity at Council meetings (when appropriate).

3.1.10 Nonprofit Service Agency

A nonprofit organization may perform a function for the City as defined by contract with the City or as prescribed by ordinance. An example of such a nonprofit entity designated by ordinance is the Bainbridge Island Arts and Humanities Council (for oversight of the Cultural Element of the Comprehensive Plan).

3.2 City Officials and Adjudicators

3.2.1 Mayor

See the definition and duties stated in Section 5.3.

3.2.2 Deputy Mayor

See the definition and duties stated in Section 5.4.

3.2.3 Presiding Officer

The term Presiding Officer means the Councilmember who is to chair, or is in fact chairing, a Council meeting. Unless otherwise stated in the meeting agenda, the Presiding Officer shall be the Mayor unless the Mayor is absent, in which case the Presiding Officer shall be the Deputy Mayor (or, in the absence of both, the Councilmember who is elected by the quorum to preside at the meeting).

3.2.4 City Manager

See the definition and duties stated Article 7: City Administration.

3.2.5 Appointive Officers

The City's Appointive Officers consist of the City Manager and those persons (who may or may not be City employees) who occupy any of the appointive offices stated in Section 2.08.030 of the COBI Code.

3.2.6 Council Liaison

With Council approval, a Councilmember may serve for a calendar year as the Council's Liaison (i.e. representative), to an organization. A Liaison is responsible for facilitating communication, collaboration and coordination with the designated organization, and with regular reporting and accountability to the Council. There are typically Councilmember Liaisons to four types of organizations:

- A county-wide or regional policy or governing body or intergovernmental organization (such as the Kitsap Regional Coordinating Council)*
- A community organization (such as an arts, business, or social service organization)*
- A governing or inter-agency board functioning in the city (such as the Parks Board or the Intergovernmental Working Group – IGWG); and*
- A citizen board, commission, or committee of the City, whether or not the charter calls for an ex officio Council member (such as the Utility Advisory Committee or Lodging Tax Advisory Committee)*

3.2.7 Hearing Examiner

The City regulates and adjudicates land use matters using a Hearing Examiner system set forth in BIMC 2.14.030. The Hearing Examiner is appointed by the City Manager and confirmed by Council. Under BIMC 2.14.030, the Hearing Examiner is "responsible for conducting hearings on and adjudicating quasi-judicial cases involving a variety of complex land use and regulatory compliance issues, and other issues which the city council may designate to the hearing examiner by ordinance or resolution." The Hearing Examiner has the authority to adopt rules and procedures for proceedings before the Hearing Examiner. Additionally, many of the procedures for hearing various matters and appeals before the Hearing Examiner are found in BIMC 2.16.

3.3 Types of Meetings of Council

3.3.1 Regular Meeting

A Regular Meeting of the Council is a meeting convened on a regular series of dates (and at a time) stated in City ordinance. At a Regular Meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve additions or deletions to the agenda at the meeting.

3.3.2 Special Meeting

A special meeting is a Council meeting called at a date or time other than the time prescribed by ordinance for a Regular Meeting. At a special meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve deletions or additional items for discussion (but not additional action items) to the agenda at the meeting.

3.3.3 Business Meeting

A business meeting is a regular or special meeting of the Council that is primarily for the purpose of voting on the City's business, generally in the form of motions, resolutions or ordinances. A business meeting typically includes a public comment period for a limited period of time stated in advance on the agenda, during which a member of the public may address the Council on any matter of public concern (whether or not on the agenda).

3.3.4 Study Session

A study session is a regular or special meeting of the Council that is generally held in a more informal manner or setting than a business meeting, and where the purposes may be, for example, (i) to study, deliberate, or review one or more topics or emerging issues for potential action at a future date, (ii) to vet the status of matters that are intended to be presented on the agenda of an ensuing business meeting unless exceptional circumstances apply, (iii) to engage in public comment or dialog, or (iv) to participate in presentations with City staff or other subject matter experts. In general, final votes are not taken at a study session, but there are commonly procedural votes on the disposition of various matters. Any regular or special Council meeting may be adjourned to a Study Session.

3.3.5 Workshop

A study session on a single topic or subject is sometimes referred to as a workshop.

3.3.6 Public Hearing on Ordinance

A formal public hearing may be required by statute or City ordinance as a portion of the prescribed public process for the Council's adoption of the City budget, the City's Capital Facilities Plan, and certain other legislative actions. In such a case, a public hearing is conducted according to certain formal public hearing rules prescribed by law. The public hearing typically occurs during a publicly noticed portion of a regular or special meeting of Council, where the time of the hearing has been stated in the prior public notice.

3.3.7 Public Hearing on Quasi-Judicial matter

Certain Council reviews and actions that are akin to a judicial decision affecting a particular party or a particular set of one or more properties require that the Council conduct a formal public hearing of a "quasi-judicial" kind. Such a hearing is typically conducted by Council during a prescribed portion of a regular or special meeting, and is performed in such a manner as to establish a clear record of proceedings, facts presented, and the decision process according to judicial standards. A detailed discussion of quasi-judicial hearings can be found in Section 9.14.

3.3.8 Retreat

A retreat (sometimes referred to as an "advance") is generally a Special Meeting called for the purpose of very informal discussion dealing with goals, objectives, and guidelines for future activity of the organization. At a retreat, the Council may, for example, develop goals and objectives for its own organization for the year, consider priorities for the Council work plan, or set goals for the City Manager which may be elements of an annual performance evaluation in accordance with the employment agreement. Although a detailed listing of the City's activity plan for a coming year may

result from informal consensus, formal adoption should be made in a regular Council meeting by motion or resolution.

3.4 Types of Public Participation in Government

3.4.1 Public Comment Period at Business Meetings

At Council Business Meetings, the agenda shall generally include a period of time known as the Public Comment Period. Within that time period, any member of the public may be recognized by the Presiding Officer and may address the full Council on any public issue – whether or not on the agenda. Unless Council determines otherwise, the Public Comment Period at a Business Meeting is reserved for comments by the public rather than responses from Council or Administration. For further guidelines, see Sections 5.6 (Respect and Decorum) and 9.12 (Procedures for Public Comment at Business Meetings).

3.4.2 Interactive Dialog with the Public at Study Sessions

At Council Study Sessions, the Presiding Officer shall determine the manner in which public comments and dialog are to be invited, depending on the nature of the Study Session and the amount of time available. In general, the Presiding Officer may allow more flexibility in accommodating comments and dialog on agenda matters under discussion than is generally allowed at a Business Meeting, and the Presiding Officer may allow responses and interactive dialog with Councilmembers, the Administration, and other presenters.

3.4.3 Other Meetings with the Public Outside of City Hall

The Council may organize other meetings with the public in various forums outside of City Hall – in various settings such as public forums, neighborhood meetings, presentations to community organizations, ward meetings, town halls, and so on. In such settings, the meeting shall ideally include one or more Council members and one or more members of the Administration.

3.4.4 Public Forum

*When major public policy development warrants, and after adequate preparation of issues and alternatives, a steering group (see Sections 3.1.6 to 3.1.9) may conduct **larger citizen forums** to help develop a public consensus on the issues. The general procedure would be to provide basic information, to explore alternatives and options and to receive verbal and written public comments. The Steering Group shall summarize the conclusions and recommendations of such **forums** for presentation to the City Council prior to the customary City Council deliberations (i.e., agenda actions, public hearings, etc.) which could normally result in final action. The procedures are further illustrated in Exhibit A-4 (1) attached.*

3.4.5 Neighborhood or Ward Meetings

Neighborhood or ward meetings may be scheduled as part of a larger public process as designed by an Ad Hoc Committee, Steering Group, or Task Force (see Sections 3.1.6 to 3.1.9), however, any member of the Council may convene a citizens' neighborhood meeting or series of meetings for the purpose of providing a general forum on City matters. Such meetings shall, when convened, provide information pertaining to specific issues as well as an opportunity for citizens to ask questions or express views

on any subject. The Councilmember may request that the City Manager or his or her designee attend these meetings to answer questions on administrative matters. Because such meetings typically involve three or fewer Council members and are therefore not official Council meetings, Councilmembers who attend shall report issues or conclusions to the Council as such meetings occur. At any such meeting, a Councilmember should avoid discussion or comments that pertain to current or potential lawsuits or other quasi-judicial proceedings that might later come before the Council. Councilmembers should exercise care to avoid claiming to speak for the City or Council on any issue on which the Councilmember is not expressly authorized to speak for the Council.

3.4.6 Additional Avenues for Public Participation

Public process activities may also incorporate a range of tools such as press releases, newspaper columns, fact sheets, Q&A's, etc. as described in the City's documents and guidelines pertaining to public participation in various projects and processes.

3.4.7 Committees and Other Citizen Participation Opportunities

For descriptions of other potential participation opportunities for citizens relating to City governance, see Sections 3.1.3 to 3.1.9.

3.5 Types of Governing Actions

3.5.1 Motion

An adopted motion is a form of action taken by the Council to direct that a specific course of action be taken or executed on behalf of the municipality. A motion is similar to a resolution, but is generally much shorter and worded in a more informal manner than a resolution. A motion, once approved and entered into the record, is the administrative equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing State or Federal statutes, City ordinances, or resolutions.

3.5.2 Resolution

An adopted resolution is an administrative act which is less formal than an ordinance and is a statement of legislative policy or direction concerning matters of special or temporary character. Council action shall be taken by resolution when required by law or in those instances where an expression of legislative policy that is more lengthy or more meticulously worded than a motion is desired. While resolutions are often just a statement of policy, a resolution may have the force of law (e.g., a resolution setting permit fees, or a resolution declaring certain City property to be surplus).

3.5.3 Ordinance

An enacted Ordinance is a local law (legislative act) prescribing general rules of conduct. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. An ordinance is a legislative act within its sphere as much as an act of the State Legislature. The general guiding principle is that actions relating to subjects of a permanent and general character are usually regarded as legislative and should be addressed through an ordinance, and those providing for subjects of a temporary and special character are regarded as

administrative and should be addressed through a resolution. (See Durocher v. King County, 80 Wn.2d 139, 153, 492P2d 547 (1972)).

3.5.4 Comprehensive Plan Amendment

Such an amendment is a legislative act in which the Council amends all or part of the Comprehensive Plan after the Planning Commission has deliberated, held public hearings and made recommendation(s) to the Council. The Council likewise holds a public hearing before passage.

3.5.5 Budget Adoption or Amendment

Legislative acts adopting or amending the budget document for the City on an annual or biennial basis. Although the budget is a maximum spending plan, it must be managed by the City Manager to operate within actual revenue received for each fund.

3.5.6 Capital Facilities Plan (CFP) Adoption or Amendment

The CFP is a 6-year plan which is a companion to the budgeting process and which establishes priorities for construction or replacement of capital facilities of the City.

3.5.7 Quasi-Judicial Ruling

Such a ruling is similar to a “judicial act” taken by an agency or authority that is not constituted as a “court” of law. A quasi-judicial ruling is an administrative ruling made by the Council, Hearing Examiner, or Planning Commission where the process and facts to be heard and judged are prescribed by regulatory laws or ordinances and as such, and are appealable to a higher authority or court of law.

3.5.8 Best Practices

Best Practices, as used in this manual, means methods of conducting certain activities of local government which have become widely accepted standards for a given local government activity. Best practices are often imported as a result of professional networking or from another similar agency that discovered a way to “do it better”.

Article 4: STANDARDS OF CONDUCT

4.1 Sources and References

In this Article, the following references are frequently cited as sources of law or explanations of applicable law and standards of conduct:

- “KTT”: Association of Washington Cities (AWC) and Municipal Research & Services Center of Washington (MRSC): [“Knowing the Territory: Basic Legal Guidelines for Washington City, County and Special Purpose District Officials”](#) (Nov. 2009)
- “CMH”: AWC and MRSC: [“Councilmember’s Handbook”](#) (Dec. 2009)
- “RCW”: [Revised Code of Washington](#)

- “COBI Code” (or “BIMC”): [Codified Ordinances of the City of Bainbridge Island](#) (or Bainbridge Island Municipal Code)

4.2 Standards of Conduct for Officials under Washington Law

A summary of various Washington state statutes and case law that impose duties and standards of conduct on a city’s elected and non-elected officials is found in the AWC/MRSC handbook called “[Knowing the Territory](#)” (referred to herein as “KTT”). For a summary of ethical standards of conduct under City ordinance, see, for example, Section 4.9 and the sections which follow it.

4.3 Oath of Office

A Council member, when sworn into office by the City’s Municipal Court Judge, swears that “I will...”:

- comply with the constitution and laws of the United States and the State of Washington, and
- ...to the best of my judgment, skill, and ability, truly, faithfully, diligently, and impartially perform the duties of the office ... as such duties are prescribed by law.”

The City Manager, Department Heads and certain other City employees in key positions are likewise considered city officials and, when hired or promoted to officer status, are likewise sworn in with a similar oath that calls for compliance with those constitutions and laws.

4.4 Public Trust and Fiduciary Duty

“Courts have held public office to be synonymous with public trust and that a public officer’s relationship with the public is that of a fiduciary.” KTT (pp 6-7). Public trust is a guiding concept in state statutes relating to avoidance of conflict of interest in contracting ([RCW 42.23](#)), and in the Open Public Meetings Act ([RCW 42.30](#)).

The people themselves, in a 1972 ballot initiative relating to public campaign law, declared trust to be the public policy of the State of Washington, [stating in part](#): “That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings” and “That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interests.”

4.5 Stewardship of Public Funds

The state law imposes the highest of duties on public officials who are custodians of public funds, such as treasurers. (KTT, p. 7). By analogy, there are provisions of law that impose other high standards for public funds on City officials generally, such as: (i) the State Constitution’s prohibition against making gifts to an individual or a for-profit or nonprofit corporation or association (KTT p. 22-24); (ii) the state law prohibitions against using public facilities or property for political campaign purposes ([RCW 42.17.130](#)); and state law requirements for bidding of public works projects ([RCW 35.22.620](#)) (MRSC, “[Bidding Book for Washington Counties](#)”) and for the giving of notice when seeking suppliers for other major purchases (e.g. [RCW 39.80](#)).

4.6 Conflicts of Interest under State Law

As the state Supreme Court has ruled, a Councilmember may not vote on a matter where he or she would be especially benefitted. And, with some exceptions noted below, Washington law forbids a city official from having a financial interest in a City contract, regardless of whether or not s/he votes on the matter. (KTT, p.9).

Furthermore, the [public campaign laws](#) require public elected officials (in addition to candidates) to make financial disclosures at least annually (through the Washington Public Disclosure Commission (PDC)) so that the public can be informed about potential conflicts. These annual disclosures are in addition to those required by COBI's Ethics Code (see below).

4.6.1 State Code of Ethics

The [RCW](#) 42.23 includes a Code of Ethics for state and local officials that generally prohibits (with some specified exceptions) four types of conduct by a City official:

- (a) using one's City official position to obtain special privileges for oneself or others;
- (b) giving or receiving a gift in connection with a City matter;
- (c) accepting employment or engaging in a business that would require disclosing confidential information gained as a City official; and
- (d) disclosing confidential information gained as a City official, or using such confidential information for personal gain.

Legal advice should be sought on such questions as:

- (a) Is a very small gift, such as a coffee, small enough as to be "de minimus" and therefore not intended to be prohibited?
- (b) Should a gift from an out of town dignitary be handed over from an official to the city as a whole?
- (c) Under what circumstances can an official accept expense-paid travel to a meeting or a fact-finding visit?

4.6.2 Prohibition Against Private Interest in a Public Contract

- (a) The [RCW](#) 42.23 also broadly prohibits the following conflicts of interest regarding a city contract (including, among other things, employment contracts):

"No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein ..."

- (b) This prohibition applies even if the official doesn't vote on or otherwise approve the contract that presents a conflict. (KTT, p. 11-13)

- (c) Unlike the COBI Ethics Code (which applies to both financial interests and other personal interests), this State conflict of interest standard prohibits only financial conflicts.
- (d) There are exceptions to the prohibition, and there is a qualified set of exceptions for certain “remote interests”. (KTT, p. 11-13)

4.6.3 Limitations on Holding Multiple Offices

There are state law prohibitions against an official appointing himself or herself to a second office or employment with the city (“dual office holding”), and there are certain combinations of public office that are considered to be incompatible and therefore not eligible to be held concurrently. (KTT, p. 16-18)

4.6.4 “Appearance of Fairness” Doctrine under State Law

- (a) The Appearance of Fairness doctrine applies only in those instances when a Councilmember is a decision-maker in a “quasi-judicial” matter (e.g. a spot rezoning, or a long-form plat development approval). It doesn’t apply to a Councilmember’s various legislative and policy decision-making. (KTT, p. 19-21)
- (b) As stated in the [RCW 42.36](#), the “appearance of fairness” requires that the Councilmember not engage in “ex parte” communications with a party interested in the outcome of the quasi-judicial matter.
- (c) See Section [9.148.14](#) for a further discussion of the Appearance of Fairness Doctrine as applied to quasi-judicial hearings that are conducted by the Council.

4.7 Open Public Meetings under Washington Law

The Open Public Meetings Act is summarized in the KTT, and is also described in greater detail in the MRSC publication, “The Open Public Meetings Act – How it Applies to Washington Cities, Towns, and Counties, Report No. 60 (May 2008).

4.7.1 All Deliberations and Actions Must Be At Noticed Public Meetings

As stated in [RCW 42.30](#) (Open Public Meetings Act or “OPMA”), all meetings of city governing bodies (i.e., where a quorum or more of Council members, or members of some other “governing body” of the City, assemble to discuss or otherwise act on City business) must be open and public.

4.7.2 Applies to Sub-Agencies of the City

The OPMA applies to a “subagency” of the City, which may mean that a City board, commission, or similar entity created by or pursuant to state or local legislation is subject to elements of the OPMA, such as the Planning Commission. [RCW 42.30.020\(2\)](#) states that a “governing body” to which the OPMA applies includes a committee of the Council or other governing body “when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.” The OPMA does not apply to court proceedings, quasi-judicial proceedings (such as Civil Service Commission hearings), or collective

bargaining and related labor relations meetings. It does not apply to purely social meetings where city business is not discussed.

4.7.3 Two Kinds of Meetings: “Regular” and “Special”

A “regular” meeting is one with regular dates, times, and locations set by ordinance, resolution or rule. Any business may be conducted at a regular meeting, but [RCW 35A.12.160](#) states that “every city shall establish a procedure for notifying the public of upcoming hearings and the *preliminary agenda* for the forthcoming Council meeting.”

A “special” meeting is a meeting other than a “regular” meeting, which may be called by the Presiding Officer (e.g. the Council’s Mayor) or a majority of Council members. The notice of a special meeting must be posted at least 24 hours prior to the meeting, and must state the items of business on the agenda. Unless an exception applies, the Council may not add to the agenda of a special meeting without giving 24 hours notice of the added item.

4.7.4 Open to the “Public”

Under [RCW 42.30.050](#), all persons must be permitted to attend a public meeting except unruly persons. Attendance may not be conditioned upon registration or similar requirements. The Act does not prohibit a requirement that persons identify themselves prior to testifying at hearings. In cases of disorderly conduct, disorderly persons may be expelled, and if that is insufficient to restore order, the meeting place may be cleared or relocated. However, non-offending members of the news media may not be excluded.

4.7.5 Executive Sessions

An “executive session” is a portion of a public meeting that is conducted on a topic that is permitted by law to be discussed by a governing body or sub-agency in a non-public setting. As further provided by the [RCW 42.30.110](#) in greater detail, an executive session may, in general, be conducted to discuss matters such as the following:

- (a) Real estate acquisition, lease or site selection; or deliberations on the price at which to offer real estate for sale or lease;
- (b) Negotiations on publicly bid contracts;
- (c) Evaluation of complaints or charges brought against a public officer or employee;
- (d) Evaluation of qualifications of an applicant for public employment or to review the performance of a public employee;
- (e) Evaluation of the qualifications of a candidate for appointment to elective office; or
- (f) To discuss with the City’s legal counsel City enforcement actions or litigation or potential litigation.

Council members shall not disclose confidential information learned or confidential documents provided during an executive session unless waived by the full Council.

4.7.6 Unintended Meetings; Electronic Meetings

An unintended meeting may occur in violation of the OPMA if, without the requisite public notice, a quorum or more of a public body or sub-agency meets for an in-person or telephonic discussion, or conducts an interactive discussion of city business through email, social media, or other electronic communication. (See 4.8.2 below for more discussion of email, social media, and other electronic communications).

4.8 Open Government and Public Records

As a result of a statewide ballot in 1972, strong public protections were put in place relating to (1) political campaign disclosure; (2) disclosure of lobbying; (3) disclosure of the financial interests of a candidate or elected official; and (4) openness of public records. The topic of open access to public records is summarized in pages 36-41 of the KTT, and in greater detail in the MRSC electronic publication: [“Public Records Act for Washington Cities, Counties and Special Purpose Districts”](http://mrsc.org/) (available at <http://mrsc.org/>).

4.8.1 Purpose of the Public Disclosure Law

“The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. [The law] ... shall be liberally construed . . . to promote this public policy.” (See, [RCW 42.56.030](#))

It is hereby the policy of the City that elected and other city officials shall do nothing to hinder the City’s obligation to possess, retain and store public records. Under [RCW 42.56.010\(2\)](#), a “public record ... includes 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.” Furthermore, and under [RCW 42.56.010\(3\)](#), a writing means “handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.”

4.8.2 Emails, Text Messages, Social Media, and Other Electronic Records

Under the state law definitions (above), an email, text message, or an entry on a website, blog, twitter, or a social media internet site) is a “writing”, and it is likewise a “public record” if it meets the definition above.

Additional regulations have been adopted which further elaborate on the legal duty of a city to store and archive not only public records of traditional hard-copy kinds but also electronic public records. (See [Chapter 434-662 of the Washington Administrative Code \(WAC\)](#))

In recognition of the legal duty and desire to maintain open and transparent government, and to support the City's duty to accessibly store and archive electronic public records, it is the policy of the City that in the case of each public record, Council members shall conform to the following practices:

(a) Policies on Email Platforms

- (i) Councilmembers not use any private, public, or proprietary email service other than the City's email system for the sending or receiving emails that meet the definition of public record. Council members shall take all reasonable steps to ensure that each email that is a public record sent or received by him or her is sent or received on the City-maintained email system utilizing the individual's email address at bainbridgewa.gov or another email address provided by the City,
- (ii) If a Councilmember receives an email that is a public record at an email address other than an address provided by the City, the Councilmember shall promptly forward that email to the Councilmember's email address at bainbridgewa.gov or another email address provided by the City, and advise the email sender that any and all emails pertaining to City matters are to be sent to the Councilmember at the City-provided email address;

(iii) Policies on Social Media

- i. The City of Bainbridge Island recognizes the importance and necessity of Councilmembers to communicate with residents via social media in order to promote transparency and multi-channel communication
- ii. Councilmembers shall consult with the City Attorney and IT Director to ensure compliance with WA State laws before opening a Government Profile social media account
- (ii)iii. Councilmembers shall avoid engaging in social media forums on any business pertaining to the City and keep all social media engagement confined to their individual Government profile page or channel

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(b) Policies on Text Messages

Council members shall promptly forward any text message that is a public record to the member's email address at bainbridgewa.gov or another email address provided by the City; or in the alternative take a screen shot of the text message and promptly forward the screen shot to the member's email address at bainbridgewa.gov or another email address provided by the City;

(c) Policies on Electronic Communications and Compliance With Open Public Meetings Law

- (i) Any electronic communication sent by a Councilmember that is a public record as defined above shall not be sent or copied to more than two other Councilmembers. Councilmembers shall not engage in any discussion of City

business through email, social media, blog comments, or any other electronic forum or medium with more than two other Councilmembers.

- (ii) Any Councilmember who receives an electronic communication that is a public record that has been received by two other Councilmembers shall not forward the communication to any other Councilmember.

(d) Policies on The Use of Personal Accounts and Devices to Conduct City Government

- (i) The City shall provide a personal computer and mobile phone to any Councilmember who desires a City-issued device for use in conducting City government.
- (ii) In the alternative, a Councilmember may use a personal device to conduct City government, provided that the Councilmember complies with all the policies stated in this Manual.
- (iii) Any Councilmember who uses any personal email account or personal electronic device (such as a computer, mobile phone, or tablet) to create or receive information relating to the conduct of City government, or the performance of any function of City government, shall use best efforts to save all such public records in a labeled, designated folder or other location in the account or on the device. The Councilmember shall, upon request of the City Attorney, and in any event prior to leaving office as a Councilmember, transfer all public records from his or her personal account or device to the City. The Councilmember shall not delete any public records from any account or device until all such public records have been transferred to the City. Once the transfer has been completed, and so long as there is no pending request relating to the public records, the Councilmember may delete the transferred records from the account or device.
- (iv) If a Councilmember chooses to use a personal account or device to conduct City government, the Councilmember consents to the City or its agent searching the account or device to locate and copy all public records, subject to reasonable safeguards to protect the privacy of information that is not a public record, if a court finds that a search is necessary.

4.8.3 Duty to Act in the Interests of the City

- No elected person shall use his or her position, or the knowledge gained therefrom, in such a manner that a conflict arises between the interests of the City of Bainbridge Island and his or her personal interests, or the interests of other organizations.
- *Each elected person has a duty to place the interests of the City of Bainbridge Island foremost* in any dealings with the City, and has a continuing responsibility to comply with the requirements of this policy.

Commented [MS6]: [Comment from 2015] This is confusing, inaccurate, and unnecessary. The Ethics Program as approved by resolution of the Council should stand on its own and need not be summarized here.

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- If an elected official has a financial interest a proposed transaction with the City; or has a financial interest in any organization involved in the transaction; or has an immediate family member with a financial interest in such transaction; or holds a position of trustee, director, officer or employee of any organization involved in the transaction; then he or she must make full disclosure of such an interest before any discussion or negotiation of such transaction, shall abstain participating in any Council discussion of such matter, and shall abstain from any vote on such matter.

4.9 Duties to Act Consistently with City Policy When Representing City Elsewhere

Both elected City officials and non-elected City officials are frequently called upon to participate in policy bodies and decision-making forums at the county and regional level. It is hereby the policy of the City that, whenever any City official (whether elected or staff) is directly or indirectly representing the City on a policy making or decision-making body at the county or regional level, it shall be the duty of that individual to act in a manner consistent with the interests of the City, as embodied in City policy, budget, capital facilities plan or other action of Council or directive of the City Manager.

3.11 Role of City Attorney

The City Attorney's ultimate client is the City itself – a municipal corporation. The City Attorney's relationship to the local government is similar in a number of respects to that of an attorney who represents a corporation. In that capacity, the City Attorney provides legal advice to the City Council, the City Manager, the Department Directors, and City staff. (See KTT (footnote 39).)

The City Attorney may represent the City in actions brought by or against the City or against City officials in their official capacity. However, other attorneys may be hired to handle specific cases because of the nature of the case, because the City Attorney has a conflict or other reason he or she cannot become involved, or due to limited resources of the City Attorney's office. In rare cases, the City Attorney may have a conflict and not be in a position to advise both the City Council and the City Manager. (See MRSC "Knowing the Territory.")

In those rare cases where either the City Council or the City Manager perceive such a conflict, the City Attorney should be consulted directly in order for him or her to make a decision about whether it is possible for the City Attorney to adequately represent the City in that situation. If the City Attorney determines that he or she cannot do so, then it is the responsibility of the City Attorney to secure alternate legal assistance.¹

¹ There are two scenarios in which a city council has the implied authority to hire outside counsel. One, if the council hires counsel to represent it, and it prevails on the substantive issue to the benefit of the city, a court may direct the town to pay the reasonable fees and costs of outside counsel. *State v. Volkmer*, 73 Wn. App. 89, 95 (1994) (citing *City of Tukwila v. Todd*, 17 Wn. App. 401, 563 P.2d 223 (1977)). Two, if extraordinary circumstances exist a court may determine that a contract with outside counsel is both appropriate and necessary. *State v. Volkmer*, 73 Wn. App. 89, 95 (1994) (citing *Wiley v. Seattle*, 7 Wn. 576, 579, 35 P. 415 (1894)). Extraordinary circumstances may exist where there is a vacancy in the office of city attorney; or where the city attorney is ill, disqualified, absent, or unavailable; or where the legal official of the corporation refuses to appear and perform the necessary services; or where he has, or represents, adverse interests. *City of Tukwila v. Todd*, 17 Wn. App. 401, 406, 563 P.2d 223 (1977) (citing McQuillin, *The Law of Municipal Corporations* §29.12 at 262-63 (3d ed. 1966)).

The City Manager cannot prohibit the Council from having access to the City Attorney's advice. For reasons of efficiency or cost effectiveness, the City Manager may decide that certain legal questions should be channeled to the City Attorney through the City Manager, to ensure that questions are clearly worded and communications back to Council are consistent. (See MRSC "Councilmember Handbook" (Dec. 2009; p.12).)

The Council can determine as a policy matter whether the City shall obtain legal advice from an on-staff City Attorney or by reliance on a law firm, but the Council may not direct the appointment of an individual to the position of City Attorney – that being the role of the City Manager. (See MRSC "Code City Handbook" (June 2009; p. 51))

4.10 Process for Officials to Question the Legality of City Actions

City officials, including elected officials, may be indemnified by the City (or by insurance purchased by the City) for actions taken by an official within the scope of his or her duties. An official should therefore take care to act within the scope of his or her duties, and not cause City or personal liability by virtue of individual actions taken in the absence of legal advice.

An unfounded assertion by a City official that the City is acting in violation of law can cause undue risk and liability to the City, and may therefore constitute a breach of that official's duty to the City. Therefore, it is hereby the policy of the City that the following steps shall be followed if a City official questions the lawfulness of the conduct (or proposed conduct) of the City, or of any of its officials or staff.

1. Consult the City Attorney and fully describe the facts and issues which raise a question of illegality.
2. If the advice of the City Attorney does not resolve the concern, consult the City Manager.
3. If steps "1" and "2" do not resolve the concern, the official may request an executive session of the full Council, if the matter rises to the level of presenting a risk of litigation.
4. Prior to completing steps "1" through "3", it is a violation of the Official's duty to the City to assert in public the opinion that the City is in violation of law.

4.11 Conduct of Officials with Regard to Litigation Against City

It is hereby the policy of the City that, once an individual or organization has filed a legal proceeding against the City, no City Council member shall engage in discussions or other communications with such individual (or the officers or directors of the organization) about the subject of the lawsuit without first disclosing the intent to do so to the Council, either in public or in executive session. It is also hereby the policy of the City that its conflict of interest rules shall apply to elected officials with regard to individuals or organizations threatening or pursuing a lawsuit against the City.

4.12 Prohibition Against Making Gifts of Public Funds

Article 7, section 1 (Amendment 14) of the Washington State Constitution requires that taxes and other public funds be spent only for public purposes. *See also State ex rel. Collier v. Yelle*, 9 Wn.2d 317, 324-26, 115 P.2d 373 (1941); AGO 1988 No. 21.

Article 11, section 15 further provides as follows:

The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

Article 8, section 7 of the constitution states:

No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.

A city may contract with private organizations to provide services to the public if those are services that the city is authorized to provide. The private organization provides the services in question as an agent or contractor for the city. For instance, a city, having authority to provide recreational programs for its residents, may do so by contracting with a youth agency or senior citizens' organization to operate recreational programs for those groups, under appropriate city supervision. The contract should be carefully drawn, however, so that the program or project remains the city's own operation and is not an unlawfully broad delegation of city authority, or grant of city funds, to a private agency. Payments should be made pursuant to vouchers reflecting the satisfactory performance of services, as provided in [Chapter 42.24 of the RCW](#). (KTT p. 22-24).

4.13 Duty to Avoid Interfering with City Manager's Role with Staff

Neither the Council nor any Councilmember shall interfere with the authority of the City Manager to appoint and remove any and all department heads, officers, and employees of the City (except Councilmembers), subject to the provisions of applicable law, rule, or civil service regulation. Nor shall the Council or any Councilmember give orders to any subordinate of the City Manager. (See RCW 35A.13.120).

4.14 Duty to Bargain in Good Faith with Collective Bargaining Representatives

Unions have a significant presence in Washington cities. Most city employees have the right to organize under state law and have joined state-wide unions or formed local associations. The city must negotiate labor contracts with these unions over wages, hours and working conditions.

In particular, most police ... departments are unionized. Except for very small cities, police ... unions have access to interest arbitration when an impasse in bargaining occurs. This can create a unique dynamic in police ... negotiations, given the potential for an outside arbitrator to make decisions regarding wages, benefits and contract language. (Councilmember's Handbook, p.13, available at <http://www.awcnet.org/Portals/0/Documents/publications/CouncilmemberHandbook11.pdf>)

Certain City employees are represented by the International Association of Machinists (IAM) and police officers are represented by the Police Guild.

It is the policy of the City that it shall be the responsibility of the Council to set policy for collective bargaining, and the responsibility of the City Manager to engage in such collective bargaining.

4.15 Immunity and Indemnification of Officials For Individual Actions in Good Faith

An appointed or elected official or member of the governing body of a public agency is immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity, but liability shall remain on the public agency for the tortious conduct of its officials or members of the governing body. (See [RCW 4.24.070\(1\)](#))

It is important to note that an official's immunity applies solely to actions taken in good faith in the course of performing within the scope of the official's duties.

The City is insured through the Washington Cities Insurance Authority (WCIA). WCIA provides broad coverage for damage claims and/or lawsuits brought against the City and its officials. If a damage claim involves a covered claim against a City official, then WCIA will retain legal counsel to defend the City official and will generally pay any resulting judgment or settlement amount. Please note WCIA coverage is only available if the situation is the result of a City official acting within the scope of her or his official duties and (if the matter is) not otherwise excluded from coverage through WCIA's compact with the City (i.e., hazardous waste claims are generally excluded from WCIA coverage).

Additionally, in the event that a damage claim or lawsuit is brought against a City official that is related to the performance or failure to perform his or her official duties and the matter is not covered through WCIA, BIMC 2.68 provides that the City shall provide legal representation to defend the City official and shall indemnify the City official for the payment of the claim (if warranted) or any resulting judgment. The City will not indemnify and defend a City official acting outside the scope of his or her official duties, or if the claim or lawsuit is based upon a dishonest, fraudulent, criminal or malicious act.

Article 5: CITY COUNCIL – THE ELECTED GOVERNING BODY

5.1 Council Meeting - Time and Location

Regular Meetings of the Council in the form of Business Meetings and Study Sessions shall be held on the dates and times as adopted by Council ordinance, unless cancelled or postponed in accordance with applicable State or local procedures. Special meetings may be called by the Mayor or by four Councilmembers.

5.2 Council Meetings – Open to the Public

All meetings of the Council and of any Committees thereof shall be open to the public, except as provided for in [RCW 42.30.110](#) or [RCW 42.30.140](#).

5.3 Mayor – Election – Chair to be Mayor – Duties (“Mayor”)

Biennially at the first meeting of the new Council the members thereof shall choose a chair from among their number. The chair of the Council shall have the title of Mayor and shall preside at meetings of the Council. In addition to the powers conferred upon him or her as Mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the Council. The Mayor shall be recognized as the head of the city for ceremonial purposes. He or she shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order. (See [RCW 35A.13.030](#).)

5.4 Deputy Mayor or Mayor Pro Tempore (“Mayor Pro Tem”)

Biennially at the first meeting of a new Council, or periodically, the members thereof, by majority vote, may designate one of their number as deputy mayor or mayor for such period as the Council may specify, to serve in the absence or temporary disability of the Mayor; or, in lieu thereof, the Council may, as the need may arise, appoint any qualified person to serve as Mayor Pro Tem in the absence or temporary disability of the Mayor. (See [RCW 35A.13.035](#).)

Meetings of the Council shall be presided over by the Mayor, if present, or otherwise by the Deputy Mayor or Mayor Pro Tem if one has been appointed, or (in the absence of both of them) by a member of the Council selected by a majority of the Councilmembers at such meeting. Serving as Presiding Officer of the meeting shall not in any way abridge the right of the Presiding Officer to vote on matters coming before the Council at such meeting.

In the event of the extended excused absence, disability or resignation of a Councilmember, the remaining members by majority vote may appoint a Councilmember pro tempore to serve during the absence or disability.

5.5 Quorum

As provided under State law, at all meetings of the Council, four Councilmembers shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of the adjournment is posted on the exterior Council Chamber doors (pursuant to [RCW 42.30.090](#)).

5.6 Respect and Decorum

It is the duty of the Presiding Officer and Councilmembers to maintain dignity and respect for their offices, City staff, and the public. While the Council is in session, the Councilmembers shall preserve civility, order and decorum. No member of the public shall, by conversation or otherwise, delay, disrupt or interrupt the proceedings of the Council, nor disparage any person while speaking. Councilmembers and the public shall obey the proper orders of the Presiding Officer of the meeting.

5.6.1 Orderly Behavior and Civility in Remarks

Any person disrupting the business of the Council, either while addressing the Council or attending the proceedings, shall be asked to leave, or be removed from the meeting. Continued disruptions may result in a recess, forced removal, or adjournment as described elsewhere in this manual.

5.6.2 Permission Required to Address the Council

Persons other than Councilmembers and Administration shall be permitted to address the Council only upon recognition and introduction by the Presiding Officer of the meeting.

5.7 Telephonic or Video Participation from a Remote Location

Requests by a Councilmember to participate and vote by telephonic or audio-visual connection shall be granted by the Presiding Officer and coordinated with the City Clerk and more than 48 hours notice is given. ~~provided technical capability exists and adequate notice is given.~~

5.8 Attendance; Excused Absences

A Councilmember may forfeit his or her office by failing to attend three consecutive regular meetings without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Mayor, Deputy Mayor, or Mayor Pro Tem prior to the meeting and state the reason for his or her inability to attend the meeting. If the member is unable to contact the Mayor, Deputy Mayor, or Mayor Pro Tem, the member shall contact the City Manager or City Clerk, who shall convey the message to the Presiding Officer. Near the beginning of the Council meeting, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is any objection to excusing the member. If there is any objection, the Presiding Officer shall call for a motion to excuse the member. This motion shall be non-debatable. In such a case, the outcome of the vote shall determine whether the member shall be considered excused. (See RCW 35A.12.060.)

5.9 Filling Council Vacancies

If a vacancy occurs, the Council will follow the procedures provided in RCW 35A.12.050 in order to fill the vacancy with the most qualified person available until an election can be held. The Council will publish a notice of the vacancy, the procedure, and distribute the application form for soliciting candidates. The Council will draw up an application, which contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember.

5.10 Continuity of Government Act

In the event that the executive head of the City is unavailable by reason of enemy attack to exercise the powers and discharge the duties of the office, the provisions of RCW 42.14.050 shall apply. The same policy shall be applied in the case of a natural or man-made disaster.

Article 6: CITIZEN COMMITTEES, BOARDS AND COMMISSIONS

6.1 Approval of Appointees

6.1.1 Citizens on Standing Governing Bodies

All members of standing citizen committees, citizen boards, and citizen commissions which are, or which may hereafter be, required by State law or City ordinance or resolution, shall be appointed by the Mayor with confirmation by the Council.

6.1.2 Citizens on Temporary Governing Bodies

Any citizen members of any other committees – such as Ad Hoc Committees, Citizen Advisory Committees or Steering Committees – shall be appointed and approved in the manner described in Section ~~3.12.4~~ (Types of Governing Bodies, and Advisory or Supporting Groups) of this Manual. With regard to any appointments that would normally be subject to Council approval, the Council may choose to waive confirmation in the instrument creating said committee or group.

6.1.3 Removal

Members of any committee, board, or commission which has been appointed by the Council or the Mayor and confirmed by the Council, may be removed without cause by a majority vote of the Council unless otherwise provided for in the Code, ordinance, or resolution that authorized creation of the committee, board, or commission.

6.2 Establishment and Review of Citizen Governing Bodies That Are Temporary

Council-established governing bodies that are intended to be temporary -- such as Ad Hoc Committees or Citizen Advisory Committees – shall be commissioned for a time certain and provided with a clear task description and term (i.e. a “sunset” provision). Such temporary committees shall be subject to review whenever a new Council is seated following elections, so as to determine whether the committee and its functions continue to be appropriate and necessary.

Other special ad hoc committees and Council liaisons for a particular purpose may be appointed by the Mayor, with confirmation of Council, for a time certain along with a clear task description and "sunset" provision.

Citizen Committees, Commissions, and Boards; liaisons; and citizen advisory or taskforce groups should be given an opportunity to make a recommendation, when appropriate, on proposed ordinances, resolutions, and motions within their area of responsibility or interest, before action is taken by the Council. The appropriate spokesperson may present the recommendation(s) during discussion of that business item on a Council agenda.

To the extent that the City Attorney has determined that a citizen committee, commission, or board is a “governing body” that is subject to the State open meetings laws, no such body shall take votes for final action outside of a noticed open public meeting.

6.3 Relations with Boards, Commissions and Citizen Advisory Groups

Boards, commissions, and citizen advisory bodies of the City shall provide the City with minutes, or a summary report of all meetings. Communications from such boards, commissions, and advisory bodies shall be acknowledged by the Council. Any member of the Council may also bring such communication to the Presiding Officer's attention under the agenda item "Committee, Board, and Liaison Reports." Should any member of the Council determine that such communication be officially answered by the Council, the Presiding Officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

Article 7: CITY ADMINISTRATION

7.1 City Manager

The City Manager is the chief administrative officer of the City. The City Manager is appointed by and directly accountable to the Council for the execution of the Council's legislative policy directives, and for the administration and management of City departments. The powers and duties of the City Manager are defined by State law and a variety of City ordinances. Such duties may be expanded or clarified by job description, resolution, or Council directive (motion). Balanced with the City Manager's accountability to the Council for policy execution is the need for the Council to allow the City Manager freedom to perform those duties and responsibilities in his or her day-to-day management. The City Manager appoints and removes City employees and may delegate such powers to department heads, provided, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager, anything pertaining to appointments and removals of City officers and employees and City affairs. (See RCW 35A.13.)

7.2 Role of the City Manager

The City Manager shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager may recommend for adoption by the Council such measures as he or she may deem necessary or expedient, prepare and submit to the Council such reports or proposals as may be required by the body or as the City Manager deems advisable to submit; keep the Council fully advised as to the business and finances of the City; and when appropriate, shall take part in the Council's discussion on all matters concerning the welfare of the City. In the event that the City Manager is unable to attend a Council meeting, the City Manager shall appoint a key staff member to attend the meeting as the representative of City Administration.

During Council meetings, the Presiding Officer should rely on the City Manager to introduce the administrative participation on agenda items and should offer opportunity for comment or recommendation of the City Manager before final vote on important matters.

7.3 Informal Communications Encouraged

Members of the Council are encouraged to interact informally and casually with City staff for the purpose of gathering information, obtaining progress reports on policies and programs, or providing information to staff relevant to their Council office. Such informal contacts can serve to promote better understanding of specific City functions and problems. However, Councilmembers should be

Careful, in such interaction, to avoid giving direction or advice to members of City staff, which may conflict with the City Manager's directives. City staff should provide their supervisor with the same information shared with the Councilmember.

7.4 City Manager – Interference by Councilmembers

As provided by [RCW 35A.13.120](#), neither the Council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the City Manager or any of his or her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any committee or member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The provisions of this section do not prohibit the Council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

7.5 Complaints to Councilmembers

When performance complaints are made by citizens about staff actions or non-action directly to an individual Councilmember or in a Council or committee meeting, the Council or Councilmember should then refer the matter directly to the City Manager for review and, if appropriate, action. The individual Councilmember or the Council may request to be informed by the Administration of the action or response made to the complainant.

7.6 Administrative Complaints - "Best Practice"

Although citizens' direct access to elected officials is to be encouraged to help develop public policy, City Councilmembers should not develop a "personal intervention" pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with the appropriate department or the City Manager, unless an unsatisfactory result has occurred. In that case, refer to Section ~~7.56-5~~ above.

7.7 City Clerk - Minutes - Public Information Access

The City Clerk shall adhere to the requirements of [Washington law](#), and shall be the ex-officio Clerk-of-the-Council. The City Clerk shall keep minutes as required by law, and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk, the City Clerk shall appoint a replacement to act as Clerk-of-the-Council. The Clerk-of-the-Council shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The City Clerk shall make an audio recording of the proceedings of all public hearings, regular business meetings, study sessions and workshops, and quasi-judicial proceedings. The Clerk shall keep, and make available, an agenda and date for each recording, which will facilitate location of the recorded proceedings. The audio recordings shall be posted publicly on the City website, ideally within 48 hours after the meeting.

7.8 The Three Touch Rule

Decision-makers and citizens at all levels of the City should have adequate time to thoughtfully consider the issues prior to final decisions. The Council and Administration should abide by the "Three Touch Rule" whenever possible (unless an exception applies). The following procedural guidelines are designed to avoid "surprises" to the Council, citizens, and administrative personnel.

Any pending request or proposal for adopting or changing public policy, ordinances, resolutions, or directives that will require a decision of the City Council or Administration should normally “*touch*” (through oral or written communication, or any combination thereof) the decision makers at least *three separate times*. Quasi-judicial matters and any subject discussed in executive sessions are excluded from application of the “Three Touch Rule.”

The hands of Decision-makers should not be unnecessarily encumbered. Unexpected circumstances may arise such that observance of the “Three Touch Rule” is impractical. However, when unusual circumstances arise which justify a “first discussion” decision, the persons requesting the expedited decision should also explain the need for expedited timing. The Three Touch Rule excludes staff reports and other general communications not requiring a future Council decision.

7.9 City Staff – Attendance at Meetings

Attendance at meetings by City staff shall be at the discretion of the City Manager. It is the intent of the Council that the City Manager schedule adequate administrative support for the business at hand but also to protect the productive capability of department heads. When sound system or other monitoring capabilities exist, the City Manager may allow personnel to utilize time in their offices or other areas while waiting for the item of business for which appearance before the Council is required.

7.10 Administrative Presentations and Briefings

In order to enhance public understanding of complex issues being presented, City Administration is encouraged to include the use of visual communication tools whenever possible, such as:

- Overhead projection summaries or PowerPoint bullet points;
- Flow charts or box diagrams to illustrate complex organizations, sequences or systems;
- Bullet point or summary handouts for the public and the press, when appropriate;
- Slide projector or video-cam clips to show actual situations or settings;
- Large maps to help pinpoint specific locations or parcels;
- Use of color to highlight important elements;
- White board for illustration; and/or
- Configuring the room/display so as to allow the public to follow and understand issues.

Article 8: PREPARATION FOR COUNCIL MEETINGS

8.1 Council Meeting Agendas

Agenda preparation shall have 3 stages: a **preliminary** stage, a **proposed** stage and a final **Council agenda** stage.

The City Clerk, under the direction of the City Manager, and in consultation with the Mayor, Deputy Mayor, or Mayor Pro Tem, shall arrange a list of proposed matters deemed ready for Council consideration according to the “3 touch” rule (Article 7.8) and shall prepare a “**preliminary agenda**”

for the next Council meeting. When the “**preliminary agenda**” has been reviewed by the Mayor or other Presiding Officer, he or she shall have the option of adding (or deleting) any item from such agenda.

When the Mayor executes approval of the preliminary agenda it shall then become the “**proposed agenda**.” Copies of the “proposed agenda” shall be posted on the City website at least 24 hours prior to the Council meeting and shall be subject to the notice provisions stated in the City Code.

Upon convening a Council meeting and before any other business, the Council shall accept or modify the agenda by motion. The agenda shall then be officially the “Council agenda” for that meeting.

Requests for presentations to be scheduled on the formal agenda imply that the presentation is an official business consideration of the City. The Presiding Officer shall have the authority to rule on whether or not a graphic presentation, video, or other audio-visual presentation by non-City personnel is appropriate to be presented at the meeting.

The Presiding Officer, a majority of Councilmembers present, or the City Manager may propose a new item for the agenda at a meeting when extraordinary circumstances require, or for the purpose of information touches, excepting that items for action may not be added to a Special Meeting agenda.

8.2 Consent Agenda

The City Clerk or City Manager, in consultation with the Mayor or other Presiding Officer, may place matters on the consent agenda that:

- have been previously discussed by the Council; or
- based on the information delivered to members of the Council by Administration, can be reviewed by a Councilmember without further explanation;
- are so routine, technical, or "housekeeping" in nature, that passage without discussion is likely; or
- are otherwise deemed in the best interest of the City.

8.3 Study Session Agendas

The City Clerk, under the direction of the City Manager and in consultation with the Mayor, Deputy Mayor, or other Presiding Officer, shall arrange a preliminary study session agenda worksheet for the meeting. Councilmembers may request items to be placed on the agenda by contacting the City Clerk.

The Study Session worksheet shall, for each item, contain the following elements:

- **Subject:** The project designation or descriptive name for the item. The person requesting the item should use the same title in any subsequent business.
- **Discussion Leader:** The person who will introduce the item and lead the discussion as in 8.3.1 below.
- **Activity:** A brief description and time estimate of the discussion necessary for the Council to speak to the question posed in the “Goal” column.

- Goal: The reasonable outcome contemplated, whether a final action, advancement to a future agenda, just a “touch,” according to the 3 touch rule, or for general information.

When the “**preliminary study session agenda**” has been reviewed by the Presiding Officer for the Study Session, he or she shall have the option of deleting any item from such agenda until the next Council meeting when the full Council may vote on whether to re-introduce the item on the agenda or for a subsequent Council meeting. When the Mayor has approved the preliminary study session agenda, it shall then become the “proposed study session agenda.” The proposed agenda shall be published on the City website not less than 24 hours prior to the Study Session.

Upon convening the Study Session and before any other business, the Council shall accept or modify the agenda by motion. The agenda shall then officially be the “**Council study session agenda**” for that meeting.

8.4 Study Session Procedure

During a Council Study Session or Workshop, the discussion leader introduced by the Presiding Officer should:

- Introduce the subject and give background information;
- Identify the discussion goal;
- Act as facilitator to keep the discussion focused toward the goal; and
- Alert the Presiding Officer when it is appropriate to call for consensus or a motion.

The Presiding Officer shall retain the option of assuming the function of the discussion leader at any time in order to keep the discussion properly focused. The City Clerk shall keep notes of the discussion subjects with special attention to Council consensus or administrative direction which may need more formal action in a later meeting (i.e. agenda, future budget changes, etc).

8.5 Process for Preparing Legislation or Policies for Adoption

8.5.1 Draft Documents

Prior to consideration or final passage of all Ordinances, Resolutions, or pre-written Motions, draft documents or proposals shall be designated as drafts and shall contain the date of revision and the name of the author. Proposed Ordinances and Resolutions shall be accompanied by a “bullet” summary for possible later publication.

- “Proposed Drafts” shall contain the date, name of the group or individual originating or sponsoring the proposal, prior to the first presentation to the City Council.
- “Council Drafts” shall be documents or proposals which have been presented in open public session and held over by the City Council for further consideration or revision.

8.5.2 Preparation of Ordinances.

The procedures for ordinances are as follows:

(a) Proposing an Ordinance

A Councilmember may, in open session, request of the Presiding Officer that the Council consider enacting an ordinance. The Council then may assign the development of the proposed ordinance to the Administration, an Ad Hoc Committee, an Advisory Committee or the Council for consideration. The committee or Administration shall report its findings to the Council. The City Manager, the City Attorney, or any of the citizen boards, committees, or commissions may propose that Council consider an ordinance or resolution.

(b) Sponsorship Encouraged

When a Councilmember wishes to assume sponsorship or advocacy of an ordinance or resolution, he or she should so announce, make the initial motion, provide an introduction and advocate the measure before the Council.

(c) Two (2) Readings

Although State law requires only one reading in most cases, all City ordinances shall normally have two (2) separate readings at separate Council meetings. At each reading, the title of the ordinance and a simplified summary or title of the ordinance shall be read prior to a vote. Not later than the date of the meeting at which the reading occurs, the full text of the draft ordinance shall be posted on the City website. A printed copy of the ordinance shall be made available by the City upon request by a member of the public.

(d) Waiver

The provision requiring two (2) separate readings of an ordinance may be waived at any meeting when the Council determines that the ordinance is simple, non-controversial, or administrative in nature or that the interests of the City are best served by one reading.

(e) Motion failure

If a motion to “continue an ordinance to a second reading” fails, the ordinance shall be considered lost, unless a subsequent motion directs its revision and resubmission to second reading.

(f) Repealer.

Any ordinance repealing any portion of the Municipal Code shall also repeal the respective portions of the original ordinance(s). Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions or decisions occurring before such repeal.

8.5.3 Preparation of Resolutions

A resolution may be put to its final passage on the same day on which it was introduced. However, the Council may invoke the two (2) reading procedure, described in Section 8.5.2(c) above, to facilitate public understanding and opportunity to comment on the resolution. The title of each resolution and a simple text summary, if available, shall be read prior to its

passage. Not later than the date of the meeting at which the reading occurs, the full text of the draft resolution shall be posted on the City website. A printed copy of a resolution shall be made available upon request by a member of the public.

8.6 Council Packets

Councilmembers shall personally pick up their agenda packets from their individual mailboxes, provided by the City Clerk, unless otherwise arranged by the member or further directed by Council. Councilmembers and affected staff should read the agenda material and ask clarification questions prior to the Council meeting, when possible.

Commented [MT8]: Should this also state that council packets should be provided electronically etc..

Article 9: RULES OF ORDER FOR COUNCIL MEETINGS

9.1 Parliamentary Procedure

Rules of order not specified by statute, ordinance, or this Manual shall be governed by Robert's Rules of Order (<http://www.robertsrules.com/>). A simplified summary of some of the most frequently used motions under Robert's Rules is shown in [Error! Reference source not found.](#) [Exhibit A: Simplified Summary of Parliamentary Procedure.](#)

9.2 Motions and Discussion

All items of business placed before the Council that require the expenditure of Council or Administration resources or changes in land use shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed negative motion.

9.3 Voting

The votes during all meetings of the Council shall be transacted as follows:

- Unless otherwise provided by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Councilmember, a roll call vote shall be taken and recorded by the City Clerk. The order of the roll call vote shall be determined by the Presiding Officer.
- In case of a tie vote on any proposal, the motion shall be considered lost.
- Every member who was in the Council chamber when the question was put, shall give his or her vote unless the Council, for special reasons, shall excuse the member by motion. If any Councilmember refuses to vote "aye" or "nay" (for example, due to a conflict of interest), the result shall be determined in accordance with Robert's Rules, which generally means that it shall be as if the individual who abstained from voting was not present for the vote.

9.4 Reconsideration

Any action of the Council, (including without limitation a final action on applications for legislative changes in land use status), shall be subject to a motion to reconsider, *except for*:

- any action previously reconsidered,
- motions to adjourn or motions to suspend the rules, or
- a vote electing to office one who is present and does not decline.

A motion for reconsideration can be made only by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next regular Council Business Meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table immediately or at the next regular Council meeting (as determined by the wording of the motion to reconsider) for any action the Council deems advisable. Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter may not be discussed or acted upon unless and until the parties or their attorneys and the persons testifying have been given at least five (5) business days advance notice of such discussion or action.

9.5 Dissents and Protests

Any Councilmember shall have the right to express dissent from or protest, orally or in writing, against any Motion, Resolution, or Ordinance of the Council, and have the reason therefore entered or retained in the minutes.

9.6 Complaints and Suggestions to Council

When citizen complaints or suggestions, not on the agenda, are brought before the Council at a meeting, the Presiding Officer may, if circumstances warrant it, attempt to direct the citizen matter to an appropriate channel for resolution. In such a case, the Presiding Officer shall, in consultation with the City Manager, first determine whether the issue is legislative or administrative in nature and then:

- If legislative, and a complaint is about the language or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Presiding Officer may refer the matter to Administration, or the Council for study and recommendation.
- If administrative, and a complaint regarding administrative staff performance, execution of legislative policy or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for review, if said complaint has not been so reviewed. The Council may direct that the City Manager brief the Council when the City Manager's response is made.

9.7 Prior Permission Required for Certain Elaborate Presentations

No overhead projection, photographs, motion pictures, or video that require the use of flood lights or similar continuous artificial illumination, shall be used by the public at City Council meetings without the prior consent of the Presiding Officer or the City Manager.

9.8 Conduct of Business Meetings

The Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the Council's business more expeditiously. Business Meetings of the Council may generally include many or most of the following agenda elements (which need not occur in the order stated below). Council may, by motion, formally approve a "Sample Order of Business," which, if adopted, shall be appended

to accompany the published body of this manual as information. Such “Sample Order of Business” shall serve as a guideline, subject to change by motion of the City Council, in accordance with the procedures described in Article 8.1 and this article.

Examples of Business Meeting agenda elements include:

- **Executive Session**

The Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Presiding Officer shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session shall be concluded. If the Council wishes to adjourn or take action at the close of a meeting from executive session, that fact will be announced. The announced time limit for executive sessions may be extended by announcement of the Presiding Officer made to those waiting in the nearest public area. No final action may be taken in executive session. (See [RCW 42.30.110](#).) Councilmembers shall not disclose any confidential oral and written information provided during executive sessions or otherwise obtained in the course of their duties in order to protect the best interests of the City. (See [RCW 42.23.070\(4\)](#), Article II(C) of the City’s Code of Ethics.)

- **Summary Reports**

Short summary reports may be presented near the end of the meeting. Short summary reports may, for example, be presented by the Presiding Officer, the City Manager, or the chair of an Ad Hoc Committee or Steering Group.

- **Public Comment Period or Public Hearing**

The routine public comment period at a Business Meeting is conducted as described in Section 9.12 below. By contrast, a public hearing is governed by different rules of procedure than a public comment period, and may either be (a) a quasi-judicial review of a land-use matter, or (b) an opportunity for public comments to be heard and recorded on a legislative matter. Special opportunities for public comment apply to a public hearing (see Section 9.13 below), and special rules and procedures apply to a quasi-judicial hearing (see Section 9.14 below).

- **Consent Agenda**

The proper Council motion on the consent agenda is as follows: *“I move adoption of the consent agenda”*. This motion shall have the effect of moving to adopt all items on the consent agenda. Any member of the Council shall have the right to remove (“pull”) any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the consent agenda, the Presiding Officer shall inquire if any Councilmember wishes an item to be “pulled” from the consent agenda. If any matter is pulled, the Presiding Officer shall entertain discussion and a motion on any pulled item after the vote on the passage of the unpulled items of the consent agenda.

- **Discussion of Matters for Future Meetings**

The purpose of such a discussion is to offer Council members (an opportunity) to express preferences regarding the setting of the agenda for a future Council meeting, subject to the prerogatives of the agenda-setting process described in Section 8.1.

- **Other Common Agenda Elements**

The agenda of a Business Meeting may also include other elements such as: Unfinished Business; Ordinance Reading; and New Business.

9.9 Conduct of Study Sessions and Workshops

Regular or Special Meetings of the Council, or portions thereof, may be designated as Study Sessions. The definition and the basic rules for Study Sessions are stated in Section 3.4.4 and for a Workshop in Section 3.3.5.

A Study Session may consist of any or all of the following elements:

(a) Public Comment Period

In general, because a Study Session is more informal and more interactive than a Business Meeting, the Presiding Officer may have greater latitude to seek public comment on a particular issue being discussed. Therefore, the Presiding Officer may invite public comment and dialog from time to time during the Study Session. In general, public comment shall be sought solely or primarily on matters on the Study Session agenda.

(b) Vetting of Agenda Items:

This element of a Study Session involves a vetting and review of agenda items that are expected to appear for Council action on the agenda of the next ensuing Council Business Meeting. This element of the Study Session may include: review of clarity and completeness of issues presented; discussion of the merits of the proposal; and a procedural vote to determine whether the agenda item shall be advanced to an ensuing Business Meeting of the Council.

(c) Study of Emerging Issues

This element of the Study Session involves emerging issues that are not initially expected to appear for action at the next Council Business Meeting, and it may include: (i) staff or third-party presentations; (ii) Council and Administration study, discussion and analysis; and/or (iii) interactive public comments and Council responses to comments.

(d) First Touch and Second Touch Updates

The agenda may provide time for short updates by the City Manager, staff, Councilmembers, or a member of an Ad Hoc Committee or Steering Group.

(e) Referral to Committee, Steering Group or Further Public Process

At a Study Session, the Council may choose to refer an issue to an Ad Hoc Committee or Steering Group, or schedule a Public Forum, before the issue returns to a future agenda.

9.10 Workshops

The purpose of a Workshop (i.e., a single-topic Study Session) is to allow Councilmembers to do concentrated preliminary work with Administration or the public on a single subject (i.e., budget, complex legislation, or reports, etc.). Workshops shall be in a less formal setting, but shall not discourage public observation. Public comment is not normally allowed at Workshops although the Council may allow, or request, participation in the same manner as other Council Study Sessions.

9.11 Adjournment Due to Emergency or Disruption

In the event of emergency, such as a fire, threatened violence, or inability to maintain order, the Presiding Officer shall declare the meeting adjourned or continued and Councilmembers shall immediately leave the meeting area.

9.12 Procedures for Public Comment at Business Meetings

9.12.1 In General

The City Council desires to allow a maximum opportunity for public comment at various public forums and meetings. However, at a Business Meeting, the business of the City must proceed in an orderly, timely manner, and in that setting, the open Public Comment period is generally limited in overall time on the agenda (e.g. 30 minutes), and is further limited in the amount of time per speaker (3 minutes, or such lesser time determined by the Presiding Officer if a large number of individuals wish to speak). At any time the Presiding Officer in his or her sole discretion, may set such further limitations as are necessary to progress through the agenda and to prevent disruption of other necessary business.

The City will utilize a sign-in procedure for public comments, but, if time permits, the Presiding Officer may also invite comments from individuals who failed to sign in. The Presiding Officer may require a member of the public to state their name, address, and the subject of their comments.

These rules are intended to promote an orderly system of holding a public meeting, to give persons opportunity to be heard and to create an environment in which no individuals are embarrassed or uncomfortable by exercising their right of free speech.

9.12.2 Subjects – Whether or Not on the Current Agenda

Public comments received during the public comment period may be on any public topic, whether or not on the agenda, but a comment on the subject that is covered by a public hearing at that meeting must be made during the period of the public hearing.

9.12.3 Use of Microphones

Comments shall be made directly into the microphone, as it is necessary for the public record and for the audience to hear all proceedings. No comments shall be made from any other location.

9.12.4 Civility

The Presiding Officer is responsible for maintaining order and civility among those addressing the Council. There will be no demonstrations during, or at the conclusion of, any person's presentation. Any disruptive behavior, as determined by the Presiding Officer, shall be cause for removal from the meeting room.

9.12.5 Council May Overrule the Presiding Officer

Any ruling by the Presiding Officer relative to the conduct of the public comment period may be overruled by a vote of a majority of Councilmembers present.

9.13 Public Hearings – In General

9.13.1 Sign in Procedure

Prior to the start of the public hearing, the Presiding Officer may require that all persons wishing to be heard sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing, persons who have signed in and wish to be heard shall be given an opportunity to be heard.

9.13.2 Time Limits

The Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings, (i.e., proponents, opponents, adjacent owners, vested interests, etc.).

9.13.3 Other Rules

The rules applicable to a Public Comment period under Sections 9.12.3, 9.12.4, and 9.12.5 shall likewise apply to legislative public hearings.

9.14 Council Quasi-Judicial Hearings

Quasi-judicial hearings and actions of the Council are those proceedings which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions or hearings do not include the hearings pertaining to legislative actions adopting, amending, or revising a general governmental policy or ordinance, or a comprehensive, community, or neighborhood plan 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."

9.14.1 Appearance of Fairness Doctrine Applies to Quasi-Judicial Actions

If a proceeding is quasi-judicial, the "appearance of fairness doctrine" under Washington state law is generally applicable. See [RCW 42.36.010](#) and Section 4.6.4 of this Manual. If a proceeding contains both legislative and adjudicative functions, it is recommended that the appearance of fairness doctrine rules be followed by the Council.

9.14.2 Obligations of Councilmembers in Quasi-Judicial Proceeding

In the event of a quasi-judicial proceeding of the Council, a Council member should immediately disclose any interests that may appear to constitute a conflict of interest. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve a Councilmember's business associate, or a member of the Councilmember's immediate family. It could involve *ex parte communications* (that is, communications with one party to the quasi-judicial matter without notice to or argument from the other party). Or it could involve 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 predisposition, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should disclose such fact to the City Attorney.

Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known, or reasonably should have been made known, prior to the issuance of the decision. Upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Councilmember shall state, with specificity, the basis for disqualification.

In the case of the Council sitting as a quasi-judicial body, the Presiding Officer shall have authority to request a Councilmember to excuse him or herself on the basis of an Appearance of Fairness violation. Further, if two Councilmembers believe that an Appearance of Fairness violation exists, such individuals may move to request a Councilmember to excuse him or herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Councilmembers shall give due regard to the opinion of the City Attorney.

9.14.3 Avoid Ex Parte Communications with Quasi-Judicial Parties

During the pendency of any quasi-judicial proceeding, no Councilmember may engage in *ex parte* communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember: (1) places on the record the substance of such oral or written communications concerning the decision or action; and (2) provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. Under [RCW 42.36.060\(2\)](#), this does not prohibit correspondence between a citizen and his or her elected official, if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding.

City of Bainbridge Island

City Council Agenda Bill



PROCESS INFORMATION

Subject: 8:45 PM Puget Sound Regional Council (PSRC) 2040 Transportation Plan, AB 18-012 - Councilmember Peltier (Pg. 262)	Date: 1/16/2018
Agenda Item: COUNCIL DISCUSSION	Bill No.: 18-012
Proposed By: Councilmember Peltier	Referrals(s):

BUDGET INFORMATION

Department: Executive	Fund:	
Expenditure Req:	Budgeted?	Budget Amend. Req?

REFERRALS/REVIEW

:	Recommendation:	
City Manager:	Legal: Yes	Finance:

DESCRIPTION/BACKGROUND

The City Council will discuss the Puget Sound Regional Council (PSRC) 2040 Transportation Plan.

RECOMMENDED ACTION/MOTION

Discussion only.

City of Bainbridge Island

City Council Agenda Bill



PROCESS INFORMATION

Subject: 8:50 PM Discussion of Intergovernmental Work Group Agenda, AB 18-013 - Councilmember Peltier (Pg. 263)	Date: 1/16/2018
Agenda Item: COUNCIL DISCUSSION	Bill No.: 18-013
Proposed By: Councilmember Peltier	Referrals(s):

BUDGET INFORMATION

Department: Executive	Fund:	
Expenditure Req:	Budgeted?	Budget Amend. Req?

REFERRALS/REVIEW

:	Recommendation:	
City Manager:	Legal:	Finance:

DESCRIPTION/BACKGROUND

Council will discuss agenda items for the January 22, 2018 Intergovernmental Work Group meeting.

RECOMMENDED ACTION/MOTION

Discussion only.

ATTACHMENTS:

Description	Type
□ Resolution No. 2004-06	Backup Material

RESOLUTION NO. 2004-06

A JOINT RESOLUTION of the City of Bainbridge Island, Bainbridge Island School District #303, Bainbridge Island Fire District #2, and Bainbridge Island Park & Recreation District, (Washington) seeking to promote and strengthen coordination in public funding and financing requests between Bainbridge Island Taxing Districts.

WHEREAS, the delivery of public services and facilities on Bainbridge Island, is provided for the most part by four independently elected boards and councils with taxing authority; and

WHEREAS, each taxing authority has the capacity to adopt or propose property tax amounts and to borrow funds independent of each other; and

WHEREAS, the funding needs and plans of one agency can significantly impact the financial and political options of the other agencies; and

WHEREAS, it is in the interest of the public and the taxing authorities to coordinate public funding and financing needs; and

WHEREAS, it is in the interest of the public that local taxing authorities coordinate planning to incorporate reciprocal use facilities and equipment acquisition where appropriate; and

WHEREAS, it is in the interest of the public that periodic reports of planning and coordination by local taxing authorities be issued, and the reports incorporate future property tax forecasts.

NOW THEREFORE BE IT RESOLVED that the City of Bainbridge Island, the Bainbridge Island School District, the Bainbridge Island Fire District and the Bainbridge Island Park and Recreation District ("taxing authorities") do hereby agree to seek to coordinate public funding and financing requests in such manner that the following objectives are pursued:

- A. All capital facilities and major equipment acquisitions will be planned in accordance with existing levels of service, identified needs, and projected population gains, unless specific changes in levels of service, identified needs, or external funding support are clearly identified;
- B. The capital facilities, equipment, operations and maintenance property tax requests will be planned to minimize extreme tax payment variations from year to year;
- C. Taxing authorities (agencies) will consider the usable life of the facilities and equipment, as well as interest costs and other factors, when determining the term of debt in order to spread the financial responsibility for facility and equipment equitably between current and future taxpayers;
- D. So that Island voters can have a sense of what their proposed total tax contributions are likely to be even though property tax levy elections may be held separately:
 - 1) Taxing authorities will prepare financial planning information that can be published in January as a document that, by design and intent, permits Island voters to have a comprehensive view of recent past, current, and projected property tax forecasts;

- 2) Taxing authorities will collaborate in, and share the costs associated with, the development and distribution of a document formatted to ensure maximum clarity for Island voters; provided, however, that each taxing authority will maintain final right of approval over any part or portion of this document that addresses the respective agency's financial planning information.

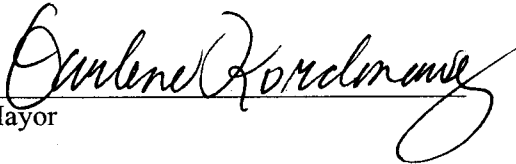
- E. Where appropriate and permissible under the law, taxing authorities will seek reciprocal use of facilities and equipment to maximize efficient use of property tax revenues, understanding that each agency must give first priority to their respective public service responsibilities and fiduciary duties.

AND BE IT FURTHER RESOLVED that the taxing authorities will develop a consolidated six year financial plan summary that clearly depicts projected property tax levy rates and levy amounts for Bainbridge Island taxpayers.

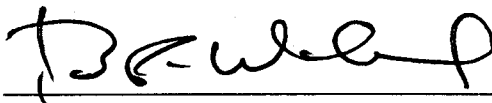
AND BE IT FURTHER RESOLVED that the taxing authorities will coordinate capital funding requests by submitting required, contemporary and approved financial information to the City's process established to annually review its Comprehensive Plan Capital Facilities Element.

AND BE IT FURTHER RESOLVED that the Park District's Commissioners reserve the right to ultimately determine, and they shall be final decision-makers as to, the Park District's good faith compliance with the above terms, consistent with their public trust and fiduciary responsibilities to properly and lawfully manage the Park District's resources, achieve the intents of its Comprehensive Plan and comply with the statutory obligations of RCW 36.69.130 (Powers); 36.69.160 (Budget); and, 36.69.190 (Expenditures).

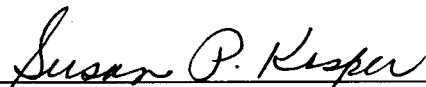
CITY OF BAINBRIDGE ISLAND


Mayor

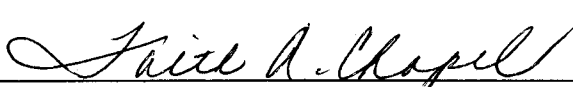
BAINBRIDGE ISLAND SCHOOL DISTRICT NO. 303


School Board President

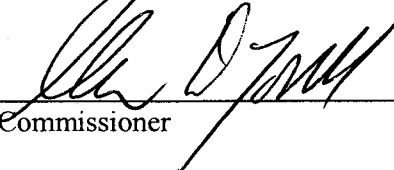
ATTEST/AUTHENTICATE:


City Clerk

ATTEST/AUTHENTICATE:


Superintendent, Secretary to the Board

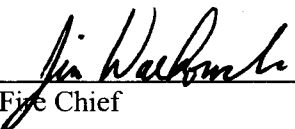
**BAINBRIDGE ISLAND FIRE DISTRICT
DISTRICT NO. 2**


Commissioner

**BAINBRIDGE ISLAND PARK & RECREATION
DISTRICT**


Chair of the Board

ATTEST/AUTHENTICATE:


Fire Chief

ATTEST/AUTHENTICATE:


Secretary of the Board

City of Bainbridge Island

City Council Agenda Bill



PROCESS INFORMATION

Subject: 9:00 PM Review of Communications Coordinator Priorities, AB 18-014 - Mayor Medina (Pg. 266)	Date: 1/16/2018
Agenda Item: COUNCIL DISCUSSION	Bill No.: 18-014
Proposed By: Doug Schulze, City Manager	Referrals(s):

BUDGET INFORMATION

Department: Executive	Fund: N/A	
Expenditure Req:	Budgeted? Yes	Budget Amend. Req? No

REFERRALS/REVIEW

:	Recommendation:	
City Manager: Yes	Legal:	Finance:

DESCRIPTION/BACKGROUND

Based on feedback previously received from the City Council about the focus of City communications, I want to obtain input from the Council about the Communications Manager position that will soon be vacant. Plans are to fill the position as soon as possible so, it is important to receive input before the search process begins. It should be noted that the position title will be changed from Communications Manager to Communications Coordinator.

The Communications Coordinator is a key position in the City, and is tasked with leading both outreach to the community and internal communication initiatives. In 2018, the top priorities will be to coordinate:

- Reconfiguration of City website, and regular review and production of content Citywide social media activity
- Community outreach for City projects/issues
- Content for weekly City Manager's report
- Citywide volunteer program
- Planning for City events and public involvement activities

In addition, the position will be expected to assess opportunities for City participation in community events, and act as Public Information Officer (PIO), working with the Police Department's PIO as needed. The Coordinator will also develop a citywide communications plan, to be used as a reference for City departments and other stakeholders.

RECOMMENDED ACTION/MOTION

Provide input for City Manager consideration