

REGULAR CITY COUNCIL STUDY SESSION
TUESDAY, MAY 5, 2015
LOCATION: BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE NORTH, BAINBRIDGE ISLAND, WA 98110

1. 7:00 PM CALL TO ORDER / ROLL CALL
2. 7:05 PM ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
3. 7:10 PM CITY MANAGER'S REPORT
Comprehensive Plan/Navigate Bainbridge Update
4. 7:15 PM STAFF INTENSIVE
 - A. 7:15 PM Proposal for Allocation of Funds for Health, Housing, and Human Services
Documents: [050515 HHHS Funding Allocation.pdf](#)
 - B. 7:35 PM Memorandum of Understanding with Pierce County to Assist with Police Security at the US Open Event
Documents: [050515 Pierce County MOU.pdf](#)
 - C. 7:45 PM Sound to Olympics Trail (STO) Project Phase 2 Capital Improvement Plan (CIP) Amendment
Documents: [050515 Sound To Olympics CIP Amendment.pdf](#)
 - D. 7:55 PM Q1 2015 Financial Reporting
Documents: [050515 Q1 2015 Financial Reporting.pdf](#)
 - E. 8:05 PM Ordinance No. 2015-11, Relating to Q1 2015 Budget Amendments

Documents: [050515 Ordinance No. 2015-11.Pdf](#)

- F. 8:15 PM Ordinance No. 2015-12, 2014 Budget Carryovers into 2015 Budget

Documents: [050515 Ordinance No. 2015-12.Pdf](#)

5. 8:25 PM COUNCIL DISCUSSION

- A. 8:25 PM Off-Leash Dogs at Pritchard Park

Documents: [050515 Off-Leash Dog At Pritchard Park.pdf](#)

- B. 8:35 PM Proposal to Consolidate Harbor Commission and Road Ends Committee

Documents: [050515 Proposal To Consolidate HC And RE.pdf](#)

- C. 8:45 PM Resolution No. 2015-07, Governance Manual Amendments

Documents: [050515 Resolution No. 2015-07.Pdf](#)

- D. 9:05 PM Proclamation Declaring May 10-16, 2015 as National Police Week

Documents: [050515 National Police Week.pdf](#)

- E. 9:10 PM Proclamation Declaring May, 2015 as Building Safety Month

Documents: [050515 Building Safety Proclamation.pdf](#)

6. 9:15 PM COMMITTEE REPORTS

- A. Utility Advisory Committee Notes, April 27, 2015

Documents: [050515 UAC Notes 042715.Pdf](#)

- B. Non-Motorized Transportation Advisory Committee Notes, April 29, 2015

Documents: [050515 NMTAC Notes 042915.Pdf](#)

7. 9:20 PM REVIEW OF UPCOMING COUNCIL MEETING AGENDAS

Documents: [050515 Review Upcoming Council Meeting Agendas.pdf](#)

8. 9:25 PM FOR THE GOOD OF THE ORDER

9. 9:30 PM ADJOURNMENT

Times listed on this agenda are appropriate. Public Comment may be limited to allow time for Council to deliberate.

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 of the day preceding the meeting.

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Proposal for Allocation of Funds for Health, Housing, and Human Services	Date: May 5, 2015
Agenda Item: Staff Intensive	Bill No.: 15-040
Proposed By: Deputy City Manager Morgan Smith	Referral(s):

BUDGET INFORMATION

Department: Executive	Fund:	Munis Contract #
Expenditure Req: none	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☐ Yes ☐ No ☒ N/A	Finance ☐ Yes ☐ No ☒ N/A
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DESCRIPTION/SUMMARY

Action Item:

To continue discussion on a proposed methodology to allocate the City's funding to local organizations to support programs in the areas of housing, health and human services.

Background:

At the City Council Study Session on March 3, 2015 the Council considered a proposal to expand the City's oversight of its annual human services funding, which provides roughly \$420,000 in financial support to 11 nonprofit organizations and to the City's own Housing Trust Fund. The proposal identified three general areas of activity that are not part of current City efforts or oversight:

- identification of goals for the City's funding,
- allocation of recommended funding for individual organizations, and
- evaluation/assessment of funding results.

Key features of the proposal presented in March were:

- A designated portion of funding (initially proposed as 50% of total grants) to be provided to Helpline House.
- The potential for assistance from the Bainbridge Community Foundation (BCF) as a partner to facilitate the City process.
- A move to a less-frequent review process, such as a two-year cycle timed to match the City's biennial budget.

Continued on Page 2

RECOMMENDED ACTION:

To receive City Council feedback on alternatives for management of the human services funding. Based on this feedback, a final proposal will be brought back to City Council for review at a study session, along with a proposed resolution to capture the key elements of the updated allocation process.

DESCRIPTION/SUMMARY (continued)

The City Council direction in March was for Mayor Blair and Councilmember Tollefson to move forward and discuss the proposed changes with community stakeholders, and to further refine details of the proposed process. Subsequent discussion has been held with representatives of the organizations that are currently funded, and also with staff from BCF. This feedback helped to shape and refine the proposed approach in some significant ways.

First, there are a range of options for the scope and nature of assistance that BCF might provide, and these have been discussed in additional detail since March.

Second, the current recipient organizations expressed strong support for a process that included representation from a citizen committee. They also expressed support for a multi-year review process.

Finally, there was a clear consensus that the proposal to designate a portion of funding for Helpline House did not satisfy the City's goal to improve accountability and transparency for its human services funding. Given which, that element of the proposal has been removed and the current approach would award 100% of the City's grant funding through a single, consistent allocation process.

To facilitate the discussion of next steps, please review the attached matrix, which provides an overview of the tasks that have been identified as critical to the annual funding, and some alternative approaches to supporting this work. The goal is to confirm a new process in Q2, which could then be used in Q3 to develop award recommendations for 2016 funding.

OPTIONS FOR HUMAN SERVICES FUNDING PROCESS

DRAFT - 4/27/15

M. Smith

CURRENT	Option A	Option B	Option C	Option D
City Council/ City Staff	City Council/ City Staff	City Council/ H. Svcs Panel/ City Staff	City Council/ BCF/ Committee / City Staff	City Council/ BCF / City Staff

1. Establish City Goals Assess against Comprehensive Plan Review community trends Review impact of prior City support Establish City Council goals		City Council & Addt'l City Staff	TBD?	City Council & BCF	City Council & BCF
2. Develop Funding Framework Establish eligibility requirements? Operating support, program support, both? Partition funding by area (housing, youth, etc.)? Establish max or min funding levels? Establish scoring matrix or other guidelines? Establish guidance for partial awards?		City Council & Addt'l City Staff	TBD?	City Council & BCF	City Council & BCF
3. Administer Allocation process Create/update documents Develop timeline Receive & vet applications Review & assess applications Receive applicant presentations/interviews Develop funding recommendation Document recommendation		Addt'l City Staff	HS Panel & Addt'l City Staff	Committee & Addt'l City Staff	BCF
4. Consider/Adopt funding recommendation	City Council	City Council	City Council	City Council	City Council
5. Contract administration	Current City Staff	Current City Staff	Current City Staff	Current City Staff	Current City Staff
6. Evaluate results, completion of scope		Addt'l City Staff	HS Panel & Addt'l City Staff	BCF	BCF
7. Review results and assess impact of funding		Addt'l City Staff	HS Panel & Addt'l City Staff	BCF	BCF
Estimated COBI staff FTE	0.10	0.60 Addt'l staff = 6 months @ 100%	TBD	0.35 Addt'l staff = 4 months @ 75%	0.10

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Memorandum of Understanding with Pierce County to Assist with Police Security at US Open Event	Date: May 5, 2015
Agenda Item: Staff Intensive	Bill No.: 15-095
Proposed By: Chief Matt Hamner, Police	Referral(s):

BUDGET INFORMATION

Department:	Fund:	Munis Contract #
Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A
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DESCRIPTION/SUMMARY

Action Item:

Consider forwarding the Memorandum of Understanding with Pierce County to Assist with Police Security at US Open Event to the May 12, 2015 consent agenda.

Background:

The Bainbridge Island Police Department has been asked to provide police officers to assist with the US Open held in Pierce County on June 14-22, 2015. The officers will assist in all aspects of security for the event to ensure all participants are safe.

The department would like to send two officers to assist with this event. Pierce County will reimburse overtime costs for the officers.

RECOMMENDED ACTION

Motion:

I move the City Council forward the Memorandum of Understanding with Pierce County to Assist with Police Security at US Open Event to the May 12, 2015 consent agenda.

**AGREEMENT BETWEEN
CITY OF BAINBRIDGE ISLAND
AND PIERCE COUNTY SHERIFF DEPARTMENT**

Whereas; the 2015 U.S. Open will be held in Pierce County Washington from June 15th to June 22nd, 2015; and

Whereas; the U.S. Open requires a dedicated law enforcement presence for the event and the lead Agency for Law Enforcement is the Pierce County Sheriff's Department, hereinafter referred to as PCSD; and

Whereas; the PCSD does not have sufficient resources to provide the necessary law enforcement presence; and

Whereas; the PCSD has requested additional resources from the City of Bainbridge Island hereinafter referred to as "Agency" to assist in providing a sufficient law enforcement presence for the event; and

Whereas; the Agency has agreed to provide resources to the PCSD to assist in the provision of sufficient law enforcement presence for the event;

Now therefore; the PCSD and the Agency agree to the following:

1. The PCSD will be in charge of planning and supervision of all law enforcement staff for the 2015 U.S. Open at Chambers Bay to include staff provided by the Agency.
2. All law enforcement personnel will be integrated into an overall Unified Command system commanded by the PCSD.
3. The event requires 24/7 coverage for many posts designated in the security plan.
4. The Agency will provide an agreed upon amount of personnel. The commitment for the total of the personnel the Agency agrees to provide will be stated in writing to the event Incident Commander, Captain Scott Mielcarek (smielca@co.pierce.wa.us), and that writing shall be deemed incorporated into this agreement once accepted by Captain Mielcarek or his designee. Acceptance shall occur when Captain Mielcarek or his designee notifies the agency in writing.
5. For City and County agencies providing staff, PCSD agrees to pay backfill overtime costs and overtime costs for staff assigned to the event. PCSD will reimburse for actual overtime costs up to a maximum of \$72 per hour.
6. The PCSD may assign the Agency personnel to positions both on the course and to traffic related positions outside of the course. The shift hours may be on day, swing or

graveyard. The Agency staff may be assigned to work 8 or 10 hour days and may begin their assignments on Sunday, June 14th and may continue through Monday June 22nd. The PCSD desires the Agency assign the same officers to the event for the duration of the event.

7. Agency personnel assigned to this event will be expected to stand for multiple hours each day, walk multiple miles each day and may have to run on uneven terrain in all types of weather. The Agency should only provide staff that has the physical capability to handle this strenuous activity for multiple days in a row.
8. Agency personnel assigned to this event are expected to follow the directions of their assigned event supervisor. In some cases the event supervisor may be equal to or lower in rank than the staff they are supervising. The event supervisor may also be from a different agency than the staff they are supervising. If a staff member receives a directive from their assigned event supervisor that he/she believes violates policy of their home agency, the staff member may respectfully bring this issue up to their assigned event supervisor. If the issue cannot be resolved at this level the staff member may bring the issue to the attention of the event Operations Chief. The Operations Chief and/or Incident Commander will work to resolve the issue. The Agency is expected to provide an Agency contact person that can be available for phone contact to assist with any personnel issues for the duration of the event.
9. At the request of the Agency, The PCSD will provide Agency personnel who reside outside of Pierce County with housing and a meal (lunch) per shift. The Agency will provide a list of personnel who reside outside Pierce County. The PCSD will reimburse Agency personnel that are housed by the PCSD for up to two additional meals per day at a rate following the GSA meal rate: Breakfast - \$10, Lunch - \$15, Dinner - \$31.
10. Agency personnel assigned to the championship grounds are expected to wear a two piece (Class B) uniform. Jumpsuits may be worn by K-9 staff only, Hazardous Device Services staff will be expected to wear tan “docker style” or tan “511 style” pants with a PCSD provided shirt.
11. Agency personnel may be required to attend a one day training session prior to the event as deemed by the PCSD. The Agency shall cover the expense for the training with the exception of lodging if necessary which will be provided by the PCSD.
12. If there is an event that requires Agency personnel to provide court testimony, depositions, etc., at a later date. The Agency will be responsible for any and all costs related to this activity.
13. Agency shall comply with the US Open Rules, which are attached to this agreement and titled “Attachment “A”.
14. Overtime expenses allowable are overtime, FICA, retirement and workers compensation. Documentation should include your expenses (names, dates, number of hours and rate). All billings shall be mailed to:

Pierce County Sheriff Department
Attention Business Unit
County-City Building, First Floor

930 Tacoma Avenue
Tacoma, WA 98402

15. PCSD will reimburse the Agency within 30 days of receipt of invoice.
16. Pierce County shall indemnify and hold harmless City of Bainbridge Island and its officers, agents, and employees, from and against any and all claims, actions, suits liability, loss, costs, expenses, and damages of any nature whatsoever, which are caused by or result from a negligent act or omission of the County, its officers, agents, and employees in performing services pursuant to this agreement and which are caused by or result from a negligent act of omission of a City of Bainbridge Island employee while under contract and within the direct scope of their duties for Pierce County.
17. This written agreement represents the entire agreement between the parties and supersedes any prior oral statements, discussions, or understanding between the parties.

End of Agreement. Signature page immediately follows.

PIERCE COUNTY
CONTRACT SIGNATURE PAGE

Contract_____

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of _____, 2015.

CONTRACTOR:

PIERCE COUNTY:

Contractor Signature _____ Date _____

Approved As to Legal Form Only:

Title of Signatory Authorized by Firm Bylaws

Prosecuting Attorney _____ Date _____

Name: _____

Recommended:

Address: _____

Budget and Finance Date

Mailing
Address: _____

Approved:

Contact Name: _____

Department Director (less than \$250,000)	Date
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Phone: _____

Fax: _____

County Executive (over \$250,000)	Date
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Attachment A

The objectives of the Pierce County Sheriff's Department and West Pierce Fire & Rescue are:

- To act as goodwill ambassadors on behalf of the County of Pierce, the City of University Place and the State of Washington. This national golf event will draw many visitors and guests to Chambers Bay and the surrounding area. Please treat these people as you would like to be treated. As always, all personnel are expected to be polite and professional in dealing with the public, and other agencies/people working the event;
- To insure that residents, participants, competitors, and spectators enjoy a safe and orderly week of Championship Golf;
- To prevent lawless acts from occurring during this event;
- To conduct the normal enforcement of laws and ordinances; to protect life and property by being proactive, alert, and professional in our dealings with the public;
- To encourage compliance with laws by our mere presence and professional demeanor, and with a fair but firm enforcement posture;
- To provide a sufficient law enforcement presence that encourages adherence to rules and regulations, and deters violent acts;
- To reinforce our private security partners and the championship volunteers;
- To handle infractions, citations and custodial arrests. Private security personnel and championship volunteers are responsible for addressing spectator conduct that may violate USGA rules, but does not rise to the level of a criminal violation;
- To investigate any crimes that occur within the venue during the golf championship;
- To assist as needed with player and crowd movement on the golf course;
- To assist in providing on-course security as needed;
- To assist with traffic control on the public roadways around Chambers Bay and areas of Pierce County affected by this event as needed.
- To provide emergency medical care to the sick and injured;
- To mitigate the destruction of property caused by fire or hazardous devices;

GENERAL INFORMATION FOR LAW ENFORCEMENT AND FIRE DEPARTMENT PERSONNEL:

All public safety personnel on Chambers Creek properties must display a USGA issued credential **at all times**. All credentials will be issued by PCSD. All credentials must be turned in by all public safety staff at the end of each shift unless approval has been given by the PCSD Incident Commander to retain the credential.

- A. **ONLY on-duty law enforcement officers**, certain **on-duty federal agents** and certain **on-duty military personnel**, will be permitted to carry a firearm onto the golf course. Off-duty law enforcement officers, law enforcement officers not assigned to the event and private citizens **will not** be permitted to enter the event with a firearm. Citizens and staff with a concealed weapons permit **will not** be allowed to enter the event with a weapon. If there is a need for a uniformed law enforcement officer not assigned to the event to enter the championship grounds, the law enforcement officer will need to check in with the Joint Operation Center (JOC) and be escorted by an on duty law enforcement officer assigned to the event.
- B. **ALL** armed plain-clothes law enforcement officers will be issued and required to wear a credential that identifies them as armed law enforcement officers.
- C. Videotaping and photographing your actions by the news media and private citizens is lawful.
- D. All personnel will operate as a cohesive unit under the direction of their supervisor. Do not engage in independent action except in an emergency.
- E. All personnel will follow the directions of their assigned event supervisor. In some cases the event supervisor may be equal to or lower in rank than the staff they are supervising. The event supervisor may also be from a different agency than the staff they are supervising. If a staff member receives a directive from their assigned event supervisor that he/she believes violates policy of their home agency, the staff member may respectfully bring this issue up to their assigned event supervisor. If the issue cannot be resolved at this level the staff member may bring the issue to the attention of the event Operations Chief.
- F. **Fire personnel and Law enforcement officers are NOT permitted to:**
 - 1. Enter the club house, the locker rooms, corporate tents, or player hospitality areas unless in an official capacity.
 - 2. Shop while on-duty.
 - 3. Use cell phones unless necessary for official business. Do not use cell phones within close proximity to actual play. All cell phones and pagers are to be set to vibrate/silent

- mode while carried or stored in any vehicle on Chambers Creek properties. This should be checked at the beginning of each shift and periodically throughout the shift.
4. Allow portable radios to be heard by anyone other than the user. Portable radios are to be set in a manner that does not allow for any audible noise to be emitted. All staff must use an earpiece to hear communications on portable radios.
 5. Use vehicle audible security alarm systems.
 6. Use audible vehicle door lock / unlock devices. Keep vehicles locked but use manual non-audible systems.
 7. Leave public safety vehicles running or idling.
 8. Walk, run, or travel across any putting green on the golf course, except in the event of an emergency.
 9. Seek autographs.
 10. Take pictures of players, caddies or their families, golf activity, or any security operations.
 11. Share any photos taken on Chambers Creek Properties with the news media or on any electronic website whether public or private; including, but not limited to Facebook, Twitter and Instagram. If an agency desires to post a picture to an agency website, the agency will need to submit a written request to the event Incident Commander explaining the request.
 12. Smoke or chew tobacco while on duty. Smoking may be allowed in designated areas on break only.

APPEARANCE & Demeanor:

Law enforcement and fire department staff assigned to the 2015 U.S. Open Championship will be the most visible representatives of the State of Washington and the jurisdictions they represent. The media coverage that is planned will place our every action under continuous worldwide scrutiny. As a result, it is imperative that your individual appearance and that of your vehicle and equipment is maintained at the highest level possible.

Closely related to our appearance is the manner in which we conduct ourselves. During this event, your interactions with a variety of visitors will, in part, determine the general public's perception of how well we are performing our mission. Therefore, we must accommodate our invited guests in the most courteous, respectful, and professional manner. We must also be

aware of our continued responsibility to serve the citizens of the State of Washington and the County of Pierce.

All uniformed law enforcement staff assigned to the championship grounds during day and swing shifts are asked to wear a two piece (Class-B) uniform, no jumpsuits. All uniformed staff are required to have available to them and to wear as needed their uniform jacket, rain pants, and uniform hat. No shorts, multi colored jackets or high visibility jackets may be worn on the championship grounds. The exception is for K-9 handlers who may wear the normal uniform of their assignment.

All WPFR personnel will wear event specific class-B uniforms and department issued jackets and caps if needed.

All plain clothes law enforcement and designated Hazardous Devices Services staff are expected to wear golf course appropriate clothing including, collared shirts, neutral color shoes, neutral color jackets and rain gear. Armed plain clothes law enforcement staff members are expected to wear their handgun on their belt with a badge attached directly next to the handgun. No shoulder holster systems may be worn.

All law enforcement personnel are required at a minimum to carry handcuffs, at least one less than lethal compliance device, and a communication device.

COOPERATION WITH THE NEWS MEDIA:

Representatives of the various news media outlets will be afforded all possible cooperation during the U.S. Open by law enforcement and fire department staff. It is paramount that the media is extended every courtesy when acting in their news gathering capacity. Inquiries from the media during the planning stages of the event should be directed to either PCSD or WPFR. Inquiries from the media regarding any incident during the event should be directed to the Joint Information Center (JIC). All requests for statements or comments are to be directed to the JIC. WPFR and law enforcement personnel are to remain personable when dealing with the news media.

If a law enforcement officer has any questions concerning the validity of a press credential, he or she should contact their supervisor or a pre-designated USGA official to verify the credential.

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Sound to Olympics (STO) Trail Phase 2 Capital Improvement Plan (CIP) Amendment

Date: May 5, 2015

Agenda Item: Staff Intensive

Bill No.: AB 14-096

Proposed By: Public Works Director Barry Loveless

BUDGET INFORMATION

Depart/Fund: 2015 CIP STO Phase 2 @ \$1,450,000 – Federal Transp. Alt. Grant @ \$1,254,000

Expenditure Req: \$85,000.00

Budgeted? ☒ Yes ☐ No

CIP Amend. Req? ☒ Yes ☐ No

REFERRALS/REVIEW

Study Session:

Recommendation:

City Manager ☒ Yes ☐ No ☐ N/A

Legal ☐ Yes ☐ No ☒ N/A

Finance ☒ Yes ☐ No ☐ N/A

DESCRIPTION/SUMMARY

Action Item:

City Council to consider placement of the STO Trail Phase 2 CIP Amendment on the May 12, 2015 City Council consent agenda.

Background:

The STO Trail Phases 2 and 4 projects provide for a separated shared-use pathway along SR305 from Winslow Way to High School Road. This project will complete the “first mile” of the Sound to Olympics Trail and study potential branch connections.

— Continued on Page 2 —

RECOMMENDED ACTION

Motion:

I move that the City Council forward the Sound to Olympics Trail Phase 2 CIP Amendment in the amount of \$85,000.00 with the funds coming from deferring the 2015 Core 40 Spot project and 2015 Sound to Olympics Trail Phase 3 in the CIP, increasing the spending authority for this project, to the May 12, 2015 City Council consent agenda.

DESCRIPTION/SUMMARY - Continued

During design development, additional information was received regarding required improvements to the existing stormwater system in order to handle the additional impervious surface of the Trail. It is estimated that the budget will exceed approved levels by a total of \$85,000 with the funding coming from the General Fund. At this time, staff requests Council guidance on funding sources. Options include:

- o Option 1: Provide new funding for these projects from the General Fund. This would increase City spending by the amount of the new funding, and decrease funds available for future City use.
- o Option 2: Identify funding from other projects to cover the increase.
 - Apply \$50,000 from 2015 Core 40 Spot Project funding to this project, deferring other projects which might have been paid for with this money.
 - Apply \$46,000 from Sound to Olympics Trail, Phase 3 (connection across SR305) to Phase 2 and 4. The City has learned it will not receive grant funding assumed for the Phase 3 CIP, so will not begin this project in 2015. Using the Phase 3 funding in 2015 for the Phase 2 and 4 projects will require that the City add money to the Phase 3 project in the future.
- o Option 3: Cease work on the Sound to Olympics, Phase 2 and 4 projects. This would result in returning \$1.2 million in grant funding to the granting agency, as well as grant funding already received and expended on design. Ceasing work on this project would make approximately \$300,000 in City funding available for other projects.
- o Other options can also be developed.

Option 2 is recommended and included in the motion.

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Q1 2015 Financial Report	Date: May 5, 2015
Agenda Item: Staff Intensive	Bill No.: 15-096
Proposed By: Ellen Schroer, Finance Director	Referral(s):

BUDGET INFORMATION

Department:	Fund:	Munis Contract #
Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

Recommendation		
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☐ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

History:

The Finance Department is providing a report on the City's financial performance in the first quarter of 2015.

RECOMMENDED ACTION

Motion:

No action – information only.



CITY OF BAINBRIDGE ISLAND
FINANCE AND ADMINISTRATIVE
SERVICES DEPARTMENT

MEMORANDUM

TO: City Council
Doug Schulze, City Manager

FROM: Ellen Schroer, Finance Director

DATE: April 30, 2015

RE: First Quarter 2015 Financial Results

This is the first of the quarterly financial reports which the Finance and Administrative Services Department will bring to you this year. The first quarter report includes a comparison of actual results to budgeted amounts, as well as information about changes to the budget that we know about at this time. Some of the changes to the 2015 adopted budget require budget adjustments, which we will present for your consideration at the May 5 Council meeting.

Financial Performance

In the first quarter of 2015, the City's revenue and expenditures are generally performing in accordance with the budgeted plan. Total revenue, including operating transfers, across all City funds for the first quarter is \$5.7 million. Of this total, revenue from outside sources accounts for \$5.5 million, or 17% of the budgeted total. Total expenditures, including capital expenses and operating transfers, are \$5.9 million, or 15% of the budgeted total. Operating expenditures are \$5.4 million, or 24% of the budgeted total. Both revenues and expenditures are on pace for the first quarter of the year.

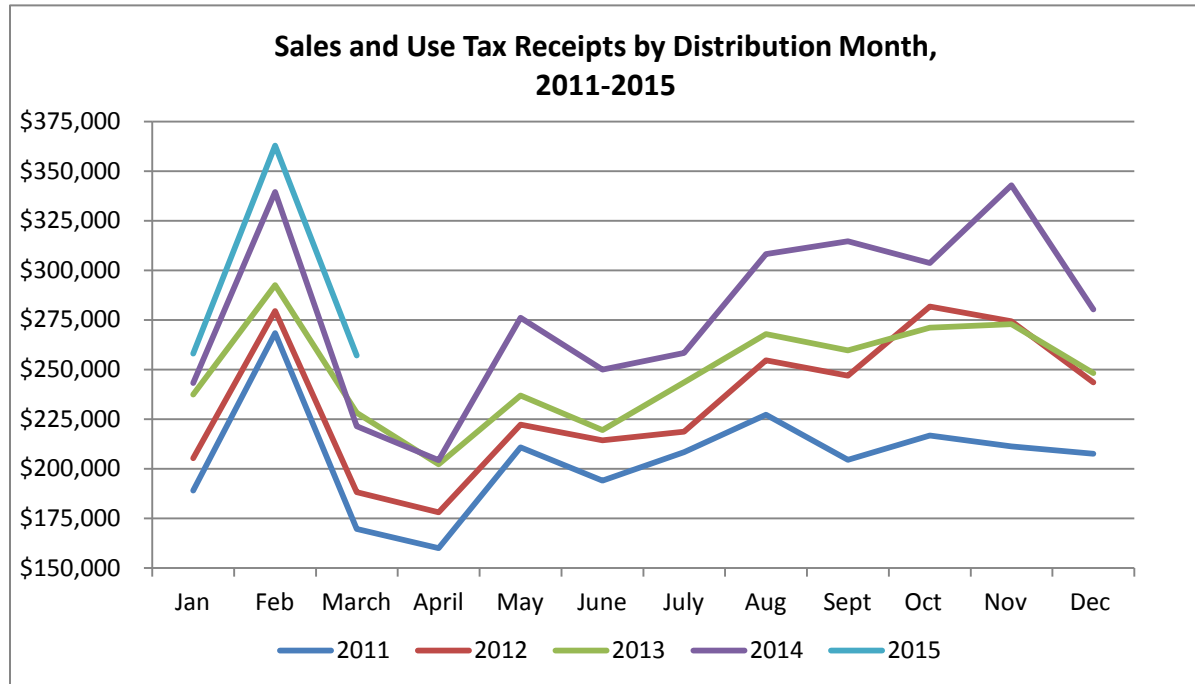
Revenue Overview

Revenues continue to perform in alignment with typical seasonality trends.

General Fund revenue at the end of the first quarter totals \$3.0 million, or 20% of the budgeted total.

- Property tax, the single largest General Fund revenue source, is due in two installments in April and October, with only 7%, or \$466,000, of the annual budget received through the end of March. This is a typical level of revenue from this source for the end of the first quarter of the financial year. For comparison, through March of 2014, the City received \$546,000 in property tax revenue.

- B&O tax is due in the first quarter of the year. Through the end of March, B&O tax revenue was \$438,000, or 98% of the budgeted amount. This compares to \$402,000 from this revenue source at the end of the first quarter of 2014.
- Sales Tax revenue continues to show strong performance. Through the end of March, the City received \$956,000 in Sales Tax. This is 40% of the annual budget, and \$77,000 or 9% higher than the revenue through the same period in 2014. As the chart below shows, sales tax revenue has increased each year since 2011. The single two largest sectors of sales tax revenue are construction and retail trade, accounting for roughly 63% of the total, as has been true for all years shown in the table below.



- Other major sources of General Fund revenue include utility tax on private utilities at \$603,000 or 22% of annual budget, and business licenses at \$149,000, or 78% of annual budget. Business license renewal fees are due in the first quarter, so we do not expect to receive significant additional revenue from this source through the rest of the year.

Other major revenue sources for the tax-supported funds include building and development services fees at \$388,000 or 37% of budget (combined reporting for building permits, plan checking fees, zoning and subdivision fees, and other planning fees). This compares to \$311,000 in building and development services fees collected in the first quarter of 2014, and \$284,000 in the first quarter of 2013.

Revenue from Real Estate Excise Taxes (REET) in the first quarter of 2015 totaled \$351,000 or 21% of budget. We will continue to monitor this revenue source as data becomes available after a correction to the County's distribution formula.

Utility revenues in the first quarter were close to plan for all utilities.

- Water Fund revenue was \$224,000, or 18% of budget, compared to \$220,000 for the same period in 2014. The revenue is on plan for this time of the year, and closely mirrors revenue received in 2014.
- Sewer Fund revenue was \$909,000, or 23% of budget. This compares to \$884,000 for first quarter 2014. Revenues from sewer charges differ by only \$20,000 between the two years. Connection revenue is down at \$33,000 compared to \$55,000 in 2014; assessment revenue is up, in part due to a large payment of a delinquent account.
- Surface and Storm Water Management (SSWM) Fund revenue was \$156,000, or 8% of budget, compared to \$157,000 for the same period in 2014. SSWM charges are collected with property taxes and are therefore received primarily in April and October.

Expenditure Overview

Operating expenditures at the City are relatively smooth throughout the year, particularly for personnel, which at \$13.7 million for all salary and benefit costs, represents about 60% of the citywide \$23.1 million operating budget. There are some large one-time expenses, such as insurance, which are paid in January. Capital expenditures vary with project timing, thus varying month by month. Debt service is also a periodic expense, with the largest payments in June, October and December. Personnel costs for the first quarter totaled \$3.1 million across the City, or 23% of the personnel budget, which is on pace for this reporting period.

There are two items we would like to highlight related to financial performance and planning from the first quarter of 2015.

- Staffing. The City's single largest operating expense is personnel. In 2014, the City engaged a consulting firm to lead a classification and compensation study. The results of this study were incorporated into the recently-signed collective bargaining agreement with the IAM, and cost impacts will first be seen in the mid-year report.
- Contingency spending. Through the first quarter of 2015, Council approved spending of \$200,000 from the contingency reserve, which is funded at \$400,000 annually. Additional spending from this reserve may be appropriated as needed later in the year.

Capital Projects Overview

In the first quarter of the year, staff worked to plan the capital projects for the year. Key projects this year include:

- Waterfront Park Project. This project is in the design phase at the end of the first quarter of 2015. A Council work session to discuss 100% design is scheduled for the end of May.
- City Dock Project. This project is in the design phase at the end of the first quarter of 2015. The City has applied for grant funding from the Washington State Recreation and Conservation Office (RCO).
- The annual roads preservation program in 2015 will focus on asphalt patching islandwide. The project was bid and awarded in March. Additional projects, including chip sealing, will be identified and completed before the end of the year.
- Fletcher Bay Road End. This project is in progress; construction is expected in 2015.

- Public Safety Facility. The siting discussion is ongoing. Further work on this project is expected in 2015.
- Wing Point Way Reconstruction. Design for this project is complete and construction is expected in 2015.
- State Route 305 at Olympic Drive Non-Motorized Improvement Project. Construction for this project is expected in 2015.
- Sound to Olympics Trail, Phase 2 and Phase 4 (from Winslow Way to High School Road). Design work on these projects is continuing.

More information on these and other projects included in the 2015 Capital Improvement Plan will be available in the midyear report, as work on these projects continues.

Fund Balance Overview

The table on the following page shows estimated balances for the City's funds. These are cash balances as of the end of March.

Balances for selected funds as of March 31, 2015 are as follows:

Tax Supported Funds		
General Fund	\$ 13,417,000	Balance sheet information. Includes specially tracked funds, as detailed below. Has not been reduced for estimated accruals.
Streets Fund	\$ 79	
B&DS Fund	\$ 178,000	
Contingency Reserve	\$ 400,000	Reserve set at a total of \$400,000 annually, and built up through the year. For 2015, decision has been made to spend \$200,000 of the \$400,000 total, as will be reflected after Q1 budget adjustments are passed.
	\$ 30,000	Amount put into contingency reserve building towards 2016 funding through first quarter. Remainder of \$400,000 will be moved into this reserve throughout 2015.
Emergency Reserve	\$ 1,020,000	
Waterfront Park/City Dock project set-aside	\$ 1,596,000	Total of \$1.85 million has been reduced for expenses associated with design process.
Road Ends projects set-aside	\$ 146,000	Total of \$150,000 has been reduced for expenses associated with road end improvements
Other specially-tracked funds	\$ 484,000	Includes Public Art, PEG, Public Safety, and Housing funds
Year-end accruals (General Fund, Streets, B&DS)	\$ 836,000	Estimated based on accruals from year-end 2014
General Fund Stability Reserve	\$ 8,905,000	Calculated: General Fund total less policy reserves, specially-tracked funds and estimated accruals.
Utility Funds		
Water Fund	\$ 6,406,000	Has not been reduced for estimated accruals. Current policy reserve is \$255,000.
Sewer Fund	\$ 4,499,000	Has not been reduced for estimated accruals. Current policy reserve is \$496,000.
SSWM Fund	\$ 821,000	Has not been reduced for estimated accruals. Current policy reserve is \$249,000.
Other Specially-Tracked Funds Detail		
Public Art	\$ 133,735	
Public Safety	\$ 77,556	
PEG	\$ 272,259	
Housing	\$ 10	

The following attachments provide information both by fund and by department. I welcome your questions and comments.

Attachments:

- Year to date through March Citywide Budget to Actuals Report
- Year to date through March Revenue Report
- Year to date through March Expenditure Report by Fund and by Department

CITY OF BAINBRIDGE ISLAND
2015 BUDGET TO ACTUAL - CITYWIDE
THROUGH MARCH

	2015 REVISED	2015 ACTUAL	2015 TAX SUPPORTED ACTUAL	2015 UTILITY SUPPORTED ACTUAL
REVENUES				
Taxes	16,833,450	3,174,467	3,174,467	-
Fees & Service Charges	2,124,800	771,674	770,789	885
Intergovernment Revenue	5,503,000	239,442	239,442	-
Fines & Forfeits	123,050	30,146	30,146	-
Charges for Utility Services	6,633,200	1,187,835	819	1,187,016
Miscellaneous	470,000	58,251	12,259	45,992
Assessments	269,000	59,406	3,910	55,496
Investment Revenue	132,000	4,176	3,932	244
TOTAL REVENUES	32,088,500	5,525,397	4,235,765	1,289,633
OTHER SOURCES				
Gain on Sale of Fixed Assets	5,000	4,049	4,049	-
From Other Funds and Sub-Funds	29,316,337	180,031	177,531	2,500
TOTAL RESOURCES	61,409,837	5,709,478	4,417,345	1,292,133
EXPENDITURES				
OPERATING EXPENDITURES				
Salaries	9,833,763	2,266,630	1,809,227	457,403
Benefits	3,901,046	873,428	697,619	175,808
Supplies	813,848	131,387	92,363	39,023
Professional Services	2,403,294	300,810	286,049	14,761
Other Services & Charges	4,548,048	1,469,794	1,260,804	208,990
Intergovernmental Services	1,502,722	387,866	242,398	145,468
Operating Spending Hold	80,000	-	-	-
TOTAL OPERATING EXPENDITURES	23,082,720	5,429,914	4,388,461	1,041,453
NON-OPERATING EXPENDITURES				
Capital Equipment	433,624	75,023	56,131	18,892
Capital Projects	10,457,431	358,130	182,095	176,035
Debt Service	4,300,044	2,938	2,938	-
TOTAL EXPENDITURES	38,273,819	5,866,006	4,629,626	1,236,380
OTHER USES				
To Other Funds and Sub-Funds	7,966,518	180,031	180,031	-
TOTAL USES	46,240,337	6,046,037	4,809,657	1,236,380

CITY OF BAINBRIDGE ISLAND

REVENUES BY FUND

FY 2015 THROUGH MARCH

FUND/ACCOUNT	2015 REVISED BUDGET	2015 YTD COLLECTED	2015 MTD COLLECTED	2015 REMAINING TO COLLECT	2015 % COLL	2014 YTD COLLECTED	2014 % COLL
<u>GENERAL FUND</u>							
Property Taxes	6,953,000	465,595	302,027	6,487,405	6.7 %	545,790	8.0 %
Sales and Use Tax	2,810,000	877,996	257,052	1,932,004	31.2 %	804,334	30.6 %
Sales Tax - Criminal Justice	275,000	77,354	22,513	197,646	28.1 %	73,862	28.4 %
B&O Tax and Penalties	445,800	438,209	4,009	7,591	98.3 %	401,944	96.9 %
Utility Tax on Private Utilities	2,805,000	602,932	184,208	2,202,068	21.5 %	846,178	29.4 %
Utility Tax on City Utilities	387,600	77,378	29,011	310,222	20.0 %	75,753	18.3 %
Leasehold & Other Taxes	11,000	1,999	-	9,001	18.2 %	2,143	26.3 %
TAXES	13,687,400	2,541,463	798,820	11,145,937	18.6%	2,750,004	20.5%
Business License & Penalties	190,500	149,079	9,846	41,421	78.3 %	155,521	88.9 %
Franchise Fees on Cable TV	316,000	92,957	-	223,043	29.4 %	86,894	31.9 %
Franchise Fees on Cable TV - PEG Capital	63,000	18,023	-	44,977	28.6 %	15,943	23.7 %
Animal Licenses	1,500	357	102	1,143	23.8 %	328	16.8 %
Other Licenses & Permits	3,500	984	486	2,517	28.1 %	734	36.0 %
Adult Probation Fees	85,600	16,276	8,113	69,324	19.0 %	8,753	10.9 %
Passport Charges	-	-	-	-	- %	-	- %
Court Fees & Law Enforcement Charges	5,000	1,129	416	3,871	22.6 %	616	8.8 %
All Other Charges	41,600	7,597	2,799	34,003	18.3 %	5,723	14.3 %
Interfund Rent	353,100	84,675	28,225	268,425	24.0 %	91,745	21.1 %
FEES & SERVICE CHARGES	1,059,800	371,077	49,986	688,723	35.0%	366,258	33.9%
Criminal Justice	30,000	8,154	-	21,846	27.2 %	7,861	26.9 %
Liquor Excise	50,000	11,620	-	38,380	23.2 %	15,370	- %
Liquor Profits	125,000	51,186	51,186	73,814	40.9 %	51,558	30.3 %
Intergovernmental Service Revenue	3,000	-	-	3,000	- %	-	- %
Vessel Registration Fees	-	-	-	-	- %	-	- %
Law Enforcement Grants	-	-	-	-	- %	-	- %
Planning and Other Operating Grants	-	-	-	-	- %	-	- %
Motor Vehicle Fuel Tax	14,000	14,680	14,680	(680)	104.9 %	14,313	75.9 %
Other Intergovernmental Revenue	-	-	-	-	- %	-	- %
INTERGOVERNMENT REVENUE	222,000	85,641	65,866	136,359	38.6%	89,103	27.3%

CITY OF BAINBRIDGE ISLAND

REVENUES BY FUND

FY 2015 THROUGH MARCH

FUND/ACCOUNT	2015 REVISED BUDGET	2015 YTD COLLECTED	2015 MTD COLLECTED	2015 REMAINING TO COLLECT	2015 % COLL	2014 YTD COLLECTED	2014 % COLL
Traffic Fines	45,050	9,537	4,449	35,513	21.2 %	5,169	8.0 %
Drug Related Confiscations	-	-	-	-	- %	-	- %
Parking Fines	62,000	16,662	6,212	45,338	26.9 %	10,273	16.7 %
D.U.I. Penalties	1,000	630	356	370	63.0 %	147	7.2 %
Other Traffic Misdemeanors	2,000	682	326	1,318	34.1 %	201	9.9 %
Non-Traffic Misdemeanors	4,000	177	77	3,823	4.4 %	32	6.4 %
Court Recoupments	3,000	551	431	2,449	18.4 %	362	7.1 %
All Other Fines & Forfeits	6,000	1,907	1,268	4,093	31.8 %	601	30.0 %
FINES & FORFEITS	123,050	30,146	13,119	92,904	24.5%	16,785	12.1%
Facilities Rental	34,000	3,495	1,762	30,505	10.3 %	6,236	19.0 %
Dock Use Charges	34,000	5,449	2,496	28,551	16.0 %	9,194	35.1 %
Private Donations/Sales of PDRs/FAR Purchases	-	-	-	-	- %	2,219	87.0 %
All Other Miscellaneous	9,000	3,315	792	5,685	36.8 %	6,874	69.8 %
Insurance Recoveries	-	-	-	-	- %	-	- %
MISCELLANEOUS	77,000	12,259	5,050	64,741	15.9%	24,523	34.3%
Interest	40,000	3,910	2,425	36,090	9.8 %	1,474	10.7 %
INVESTMENT REVENUE	40,000	3,910	2,425	36,090	9.8%	1,474	10.7%
Proceeds of Capital Lease	-	-	-	-	- %	-	- %
LOANS/SALE OF BONDS	-	-	-	-	- %	-	0.0%
Gain on Sale of Fixed Assets	5,000	4,049	4,049	951	81.0 %	-	- %
OTHER EXTERNAL SOURCES	5,000	4,049	4,049	951	81.0%	-	0.0%
TOTAL GENERAL FUND	15,214,250	3,048,546	939,315	12,165,704	20.0%	3,248,147	21.6%
	15,214,250	3,048,546	939,315	12,165,704	20.0 %	3,248,147	21.6 %

CITY OF BAINBRIDGE ISLAND

REVENUES BY FUND

FY 2015 THROUGH MARCH

FUND/ACCOUNT	2015 REVISED BUDGET	2015 YTD COLLECTED	2015 MTD COLLECTED	2015 REMAINING TO COLLECT	2015 % COLL	2014 YTD COLLECTED	2014 % COLL
<u>STREETS FUND</u>							
Commercial Parking Lot Tax	700,000	194,902	-	505,098	27.8 %	178,971	31.4 %
M.V. Fuel Tax - Streets & Arterials	480,000	113,507	36,913	366,493	23.6 %	114,330	15.7 %
Right of Way Permits	25,000	11,150	2,150	13,850	44.6 %	14,350	53.5 %
Parking - Taxable & Fees	-	-	-	-	- %	-	- %
Parking Monthly	-	-	-	-	- %	-	- %
Interest on Investments-Streets	-	-	-	-	- %	-	- %
Other Revenues-Streets	603,000	1,246	116	601,755	0.2 %	466,587	107.5 %
TOTAL STREETS FUND	1,808,000	320,805	39,178	1,487,195	17.7 %	774,238	44.0 %
<u>BUILDING & DEVELOPMENT SERVICES</u>							
Building Permits & Inspections	400,000	131,915	88,132	268,085	33.0 %	164,946	48.5 %
Planning Review of Building Permits	60,000	26,899	12,281	33,101	44.8 %	17,635	29.4 %
Fire Inspections & Reviews	-	66	66	(66)	- %	437	20.2 %
Engineering Fees	-	819	297	(819)	- %	300	326.8 %
Zoning & Subdivision	120,000	44,362	7,017	75,638	37.0 %	8,903	7.4 %
Plan Checking Fees	300,000	152,508	85,288	147,492	50.8 %	60,575	26.3 %
Other Planning & Development Fees	160,000	31,568	3,840	128,432	19.7 %	58,182	45.6 %
Interest on Investments & Other Rev - B&Ds	-	-	-	-	- %	5	- %
TOTAL BUILDING & DEVELOPMENT SERVICES	1,040,000	388,136	196,922	651,864	37.3 %	310,983	35.3 %

CITY OF BAINBRIDGE ISLAND

REVENUES BY FUND

FY 2015 THROUGH MARCH

FUND/ACCOUNT	2015 REVISED BUDGET	2015 YTD COLLECTED	2015 MTD COLLECTED	2015 REMAINING TO COLLECT	2015 % COLL	2014 YTD COLLECTED	2014 % COLL
<u>SPECIAL REVENUE FUNDS</u>							
REAL ESTATE EXCISE TAX FUND							
Real Estate Excise Tax	1,700,000	350,723	188,872	1,349,277	20.6 %	116,072	9.1 %
Interest on Investments-Real Estate Excise	-	-	-	-	- %	-	- %
	1,700,000	350,723	188,872	1,349,277	20.6%	116,072	9.1%
CIVIC IMPROVEMENT FUND							
Hotel/Motel Tax	135,000	46,935	7,706	88,065	34.8 %	34,883	31.7 %
Interest on Investments & Other Rev - Hotel/Mot	-	-	-	-	- %	-	- %
	135,000	46,935	7,706	88,065	34.8%	34,883	31.7%
AFFORDABLE HOUSING FUND							
Private Donations-Affordable Housing	-	-	-	-	- %	-	- %
Fees in Lieu/Other	-	-	-	-	- %	-	- %
Interest on Investments & Other Rev - Affordabl	-	-	-	-	- %	-	- %
	-	-	-	-	0.0%	0	0.0%
FAR-PUBLIC AMENITIES							
Zoning & Subdivision	-	-	-	-	- %	-	- %
Interest on Investments & Other Rev - FAR	-	-	-	-	- %	-	- %
	-	-	-	-	0.0%	0	0.0%
FAR-FARMLAND/AGRICULTURE							
Zoning & Subdivision	-	-	-	-	- %	-	- %
Interest on Investments & Other Rev - FAR	-	-	-	-	- %	-	- %
	-	-	-	-	0.0%	0	0.0%
TOTAL SPECIAL REVENUE FUNDS	1,835,000	397,658	196,578	1,437,342	21.7 %	150,955	10.9 %

CITY OF BAINBRIDGE ISLAND

REVENUES BY FUND

FY 2015 THROUGH MARCH

FUND/ACCOUNT	2015 REVISED BUDGET	2015 YTD COLLECTED	2015 MTD COLLECTED	2015 REMAINING TO COLLECT	2015 % COLL	2014 YTD COLLECTED	2014 % COLL
<u>BOND FUNDS</u>							
GO BOND FUND							
Property Taxes - BOND LEVY	611,050	40,443	26,154	570,607	6.6 %	48,616	8.0 %
GO Bond Fund	-	-	-	-	- %	-	- %
	611,050	40,443	26,154	570,607	6.6%	48,616	8.0%
LID BOND FUND							
LID Assessments	30,000	3,932	4,213	26,068	13.1 %	4,879	9.4 %
LID Special Assessments	40,000	-	-	40,000	- %	-	- %
LID Bond Fund	-	-	-	-	- %	-	- %
	70,000	3,932	4,213	66,068	5.6%	4,879	9.4%
TOTAL BOND FUNDS	681,050	44,375	30,367	636,675	6.5 %	53,495	8.2 %
<u>CAPITAL & LID CONSTRUCTION FUNDS</u>							
CAPITAL CONSTRUCTION FUND							
Intergovernmental Service Revenue	-	-	-	-	- %	-	- %
WA State & Local Grants & Donations	4,198,000	-	-	4,198,000	- %	-	- %
US Government Grants	-	40,295	2,356	(40,295)	- %	190,311	16.4 %
Private and Developer Donations	-	-	-	-	- %	-	- %
Capital Construction Fund	-	-	-	-	- %	-	- %
	4,198,000	40,295	2,356	4,157,705	1.0%	190,311	8.4%
LID CAPITAL CONSTRUCTION FUND							
LID Construction	-	-	-	-	- %	-	- %
	-	-	-	-	0.0%	0	0.0%
TOTAL CAPITAL & LID CONSTRUCTION FUNDS	4,198,000	40,295	2,356	4,157,705	1.0 %	190,311	8.4 %
TOTAL TAX SUPPORTED FUNDS	24,776,300	4,239,814	1,404,715	20,536,486	17.11 %	4,728,129	21.48 %

CITY OF BAINBRIDGE ISLAND

REVENUES BY FUND

FY 2015 THROUGH MARCH

FUND/ACCOUNT	2015 REVISED BUDGET	2015 YTD COLLECTED	2015 MTD COLLECTED	2015 REMAINING TO COLLECT	2015 % COLL	2014 YTD COLLECTED	2014 % COLL
<u>UTILITY SUPPORTED FUNDS</u>							
WATER OPERATING FUND							
Water Charges	1,092,200	211,455	64,988	880,745	19.4 %	208,163	21.5 %
U.L.I.D. Assessments	-	-	-	-	- %	-	- %
Connections & All Others	138,000	12,826	10,148	125,174	9.3 %	11,292	30.4 %
Interest on Investments-Utility	28,000	-	-	28,000	- %	-	- %
	1,258,200	224,281	75,136	1,033,919	17.8%	219,455	21.5%
SEWER OPERATING FUND							
Sewer Charges	3,516,000	820,260	248,933	2,695,740	23.3 %	800,979	22.9 %
U.L.I.D. Assessments	245,000	55,740	30,749	189,260	22.8 %	27,665	8.7 %
Connections & All Others	255,000	33,166	19,234	221,834	13.0 %	55,186	27.6 %
Interest on Investments-Utility	13,000	-	-	13,000	- %	-	- %
	4,029,000	909,166	298,916	3,119,834	22.6%	883,830	22.0%
STORM & SURFACE WATER FUND							
Storm Water Management Charges	2,025,000	156,186	109,462	1,868,814	7.7 %	156,616	7.5 %
U.L.I.D. Assessments	-	-	-	-	- %	-	- %
Connections & All Others	-	-	-	-	- %	-	- %
Interest on Investments-Utility	5,000	-	-	5,000	- %	-	- %
	2,030,000	156,186	109,462	1,873,814	7.7%	156,616	6.4%
TOTAL UTILITY SUPPORTED FUNDS	7,317,200	1,289,633	483,514	6,027,567	17.6 %	1,259,901	16.9 %
<u>8ALL OTHER FUNDS</u>							
TOTAL 8ALL OTHER FUNDS	-	-	-	-	- %	-	- %
TOTAL REVENUE - ALL FUNDS	32,093,500	5,529,447	1,888,229	26,564,053	17.2%	5,988,030	20.3%

CITY OF BAINBRIDGE ISLAND

SUMMARY - GENERAL FUND (001) FY 2015 THROUGH MARCH

Page 1 of 1

	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. BALANCE	2015 % USED	2014 YTD EXPENDED	2014 %
Salaries	5,498,769	1,284,797	436,108	-	4,213,972	1,149,549	22.2 %
Benefits	2,183,464	495,045	182,419	-	1,688,419	426,881	19.8 %
SALARIES & BENEFITS	7,682,233	1,779,842	618,527	-	5,902,391	1,576,431	21.5 %
SUPPLIES							
Supplies	371,954	74,140	13,147	139	297,676	55,390	16.5 %
Computer Equipment & Software	59,500	5,648	4,263	-	53,852	18,322	29.7 %
TOTAL SUPPLIES	431,454	79,788	17,410	139	351,527	73,712	18.5 %
Professional Services	1,088,021	194,190	99,541	116,991	776,840	534,897	66.0 %
Community Services	443,262	24,565	19,393	-	418,697	342,754	84.2 %
Communication	97,079	22,379	15,284	5,836	68,864	22,127	22.9 %
Travel	28,205	2,476	1,634	-	25,729	3,119	22.1 %
Training	112,191	15,215	3,403	-	96,976	38,841	31.3 %
Advertising	23,750	1,380	262	-	22,370	2,060	15.1 %
Operating Leases	139,692	47,173	17,562	89	92,430	47,347	37.1 %
Insurance	278,580	283,749	330	-	(5,169)	302,191	88.0 %
Utilities	214,066	26,237	12,590	-	187,829	43,878	24.9 %
Repair & Maintenance	432,115	119,918	39,767	35,097	277,099	106,444	22.6 %
All Other Miscellaneous	162,507	549,680	4,646	88	(387,261)	26,061	10.9 %
Operating Strategic Planning	80,000	-	-	-	80,000	-	- %
TOTAL SERVICES & CHARGES	3,099,467	1,286,961	214,410	158,101	1,654,405	1,469,721	51.0 %
Intergovernmental-Professional Services	559,616	195,522	10,889	58,978	305,116	318,957	59.9 %
Intergovernmental-Taxes and Assessments	28,200	21,802	-	-	6,398	17,814	64.4 %
Interfund - Taxes and Assessments	112,200	25,000	8,333	-	87,200	25,000	25.0 %
TOTAL INTERGOVERNMENTAL & INTERFUND	700,016	242,324	19,223	58,978	398,714	361,771	54.8 %
TOTAL OPERATING EXPENDITURES	11,913,170	3,388,915	869,570	217,218	8,307,037	3,481,634	30.9 %
NON-OPERATING EXPENDITURES							
Capital Equipment	250,000	35,651	17,618	146,958	67,391	4,019	1.0 %
Capital Projects	241,322	15,446	15,358	35,117	190,758	13,823	6.7 %
Debt Service	118,000	2,938	2,831	111,324	3,738	148,800	82.9 %
Operating Transfers	6,666,518	24,331	-	-	6,642,187	134,400	2.3 %
TOTAL NON-OPERATING EXPENDITURES	7,275,840	78,367	35,807	293,399	6,904,074	301,042	4.5 %
TOTAL: EXPENDITURES	19,189,010	3,467,282	905,377	510,616	15,211,111	3,782,676	21.1 %

CITY OF BAINBRIDGE ISLAND

SUMMARY - BUILDING & DEVELOPMENT SERVICES FUND (407) FY 2015 THROUGH MARCH

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	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. BALANCE	2015 AVAILABLE BALANCE	2015 % USED	2014 YTD EXPENDED	2014 % USED
Salaries	1,222,905	289,995	99,566	-	932,910	23.71	291,592	23.6 %
Benefits	452,896	102,182	34,421	-	350,714	22.56	105,444	20.6 %
SALARIES & BENEFITS	1,675,801	392,178	133,987	-	1,283,623	23.40	397,036	22.7 %
SUPPLIES								
Supplies	8,200	1,502	665	-	6,698	18.31	2,183	18.4 %
TOTAL SUPPLIES	8,200	1,502	665	-	6,698	18.31	2,183	18.4 %
Professional Services	73,000	37,754	18,427	15,000	20,246	72.27	53,593	69.6 %
Communication	11,555	378	159	-	11,177	3.27	416	10.1 %
Travel	-	-	-	-	-	-	-	- %
Training	-	2,574	624	-	(2,574)	-	2,261	184.7 %
Advertising	11,350	1,275	775	-	10,075	11.23	1,750	16.7 %
Operating Leases	127,513	29,542	10,462	-	97,971	23.17	32,485	22.4 %
Insurance	57,200	45,890	-	-	11,310	80.23	61,899	86.7 %
Repair & Maintenance	4,000	901	901	-	3,099	22.52	-	- %
All Other Miscellaneous	55,036	463	-	-	54,573	0.84	462	1.4 %
TOTAL SERVICES & CHARGES	339,654	118,777	31,348	15,000	205,878	39.39	152,865	42.0 %
Intergovernmental-Professional Services	4,200	74	74	-	4,126	1.76	-	- %
TOTAL INTERGOVERNMENTAL & INTERFUND	4,200	74	74	-	4,126	1.76	-	- %
TOTAL OPERATING EXPENDITURES	2,027,855	512,530	166,075	15,000	1,500,325	26.01	552,085	25.9 %
NON-OPERATING EXPENDITURES								
TOTAL NON-OPERATING EXPENDITURES	-	-	-	-	-	-	-	- %
TOTAL: EXPENDITURES	2,027,855	512,530	166,075	15,000	1,500,325	26.01	552,085	25.9 %

CITY OF BAINBRIDGE ISLAND

SUMMARY - STREETS FUND (101)
FY 2015 THROUGH MARCH

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	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. BALANCE	2015 AVAILABLE BALANCE	2015 % USED	2014 YTD EXPENDED	2014 % USED
Salaries	1,038,770	234,434	83,230	-	804,336	22.57	241,462	23.1 %
Benefits	438,735	100,392	34,259	-	338,343	22.88	95,498	22.9 %
SALARIES & BENEFITS	1,477,505	334,826	117,489	-	1,142,679	22.66	336,960	23.1 %
SUPPLIES								
Supplies	140,895	11,074	6,000	-	129,821	7.86	15,764	39.5 %
TOTAL SUPPLIES	140,895	11,074	6,000	-	129,821	7.86	15,764	39.5 %
Professional Services	160,868	28,976	16,141	105,479	26,413	83.58	50,260	28.2 %
Communication	1,500	109	32	-	1,391	7.27	113	3.1 %
Travel	-	40	(12)	-	(40)	-	-	- %
Training	5,091	474	202	-	4,617	9.31	1,280	31.5 %
Advertising	456	539	288	-	(83)	118.27	-	- %
Operating Leases	109,490	20,672	6,923	-	88,818	18.88	25,354	25.3 %
Insurance	66,000	59,716	-	-	6,284	90.48	72,367	86.0 %
Utilities	67,500	11,932	6,552	-	55,568	17.68	16,982	29.8 %
Repair & Maintenance	1,628,047	18,094	358	218,727	1,391,226	14.55	9,362	4.7 %
All Other Miscellaneous	2,283	-	-	-	2,283	-	31	1.3 %
TOTAL SERVICES & CHARGES	2,041,234	140,551	30,483	324,207	1,576,476	22.77	175,750	27.9 %
Intergovernmental-Professional Services	1,200	-	-	-	1,200	-	-	- %
Intergovernmental-Taxes and Assessments	1,800	-	-	-	1,800	-	-	- %
TOTAL INTERGOVERNMENTAL & INTERFUND	3,000	-	-	-	3,000	-	-	- %
TOTAL OPERATING EXPENDITURES	3,662,634	486,451	153,973	324,207	2,851,976	22.13	528,474	24.8 %
NON-OPERATING EXPENDITURES								
Capital Equipment	115,480	20,480	-	-	95,000	17.73	-	- %
Capital Projects	-	-	-	-	-	-	72,435	7.8 %
TOTAL NON-OPERATING EXPENDITURES	115,480	20,480	-	-	95,000	17.73	72,435	7.2 %
TOTAL: EXPENDITURES	3,778,113	506,931	153,973	324,207	2,946,976	22.00	600,909	19.1 %

CITY OF BAINBRIDGE ISLAND
SUMMARY - WATER UTILITY FUND (401)
FY 2015 THROUGH MARCH

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	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. ENCUMB.	2015 AVAILABLE BALANCE	2015 % USED	2014 YTD EXPENDED	2014 % USED
Salaries	412,217	85,689	31,503	-	326,528	20.79	89,299	21.8 %
Benefits	162,005	33,189	12,154	-	128,816	20.49	33,005	18.3 %
SALARIES & BENEFITS	574,222	118,878	43,657	-	455,344	20.70	122,304	20.7 %
SUPPLIES								
Supplies	52,572	5,537	4,822	-	47,035	10.53	9,772	23.0 %
Computer Equipment & Software	700	-	-	-	700	-	-	- %
TOTAL SUPPLIES	53,272	5,537	4,822	-	47,735	10.39	9,772	23.0 %
Professional Services	143,871	5,798	1,137	46,780	91,293	36.55	109,432	57.9 %
Community Services	10,000	-	-	-	10,000	-	-	- %
Communication	17,336	3,801	2,221	-	13,535	21.93	3,231	15.6 %
Travel	100	-	-	-	100	-	-	- %
Training	5,091	381	14	-	4,710	7.49	253	6.2 %
Operating Leases	30,112	7,600	2,543	-	22,512	25.24	7,494	13.0 %
Insurance	18,000	19,685	-	-	(1,685)	109.36	19,564	83.2 %
Utilities	88,300	13,362	6,836	-	74,938	15.13	20,065	26.9 %
Repair & Maintenance	35,070	575	562	-	34,495	1.64	1,308	3.7 %
All Other Miscellaneous	8,961	5,227	-	-	3,734	58.33	4,818	53.8 %
TOTAL SERVICES & CHARGES	356,841	56,430	13,313	46,780	253,631	28.92	166,164	39.0 %
Intergovernmental-Professional Services	5,300	-	-	-	5,300	-	-	- %
Intergovernmental-Taxes and Assessments	74,648	1,307	151	-	73,341	1.75	1,664	3.1 %
Interfund - Taxes and Assessments	75,492	13,457	4,508	-	62,035	17.83	13,317	26.4 %
TOTAL INTERGOVERNMENTAL & INTERFUND	155,440	14,764	4,659	-	140,676	9.50	14,981	13.7 %
TOTAL OPERATING EXPENDITURES	1,139,775	195,608	66,450	46,780	897,386	21.27	313,221	26.8 %
NON-OPERATING EXPENDITURES								
Capital Equipment	10,000	-	-	-	10,000	-	-	- %
Capital Projects	916,906	17,552	17,552	10,846	888,508	3.10	9,333	9.4 %
TOTAL NON-OPERATING EXPENDITURES	926,906	17,552	17,552	10,846	898,508	3.06	9,333	4.4 %
TOTAL: EXPENDITURES	2,066,681	213,161	84,002	57,626	1,795,894	13.10	322,555	23.3 %

CITY OF BAINBRIDGE ISLAND
SUMMARY - SEWER UTILITY FUND (402)
FY 2015 THROUGH MARCH

	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. BALANCE	2015 % USED	2014 YTD EXPENDED	2014 %
Salaries	846,499	198,365	68,721	-	23.43	176,048	24.3 %
Benefits	332,875	75,508	24,418	-	22.68	67,166	21.5 %
SALARIES & BENEFITS	1,179,374	273,872	93,139	-	23.22	243,214	23.5 %
SUPPLIES							
Supplies	107,833	24,405	8,169	-	22.63	18,000	26.1 %
Computer Equipment & Software	700	-	-	-	-	-	- %
TOTAL SUPPLIES	108,533	24,405	8,169	-	22.49	18,000	26.1 %
Professional Services	41,409	4,127	1,734	2,282	15.48	156,386	68.3 %
Communication	24,200	5,706	3,568	-	23.58	5,478	17.7 %
Travel	100	-	-	-	-	-	- %
Training	5,091	57	10	-	1.13	-	- %
Operating Leases	57,220	15,929	11,355	-	27.84	15,029	17.7 %
Insurance	33,460	38,020	-	-	113.63	35,914	84.7 %
Utilities	205,616	31,496	21,823	69,644	49.19	52,049	24.5 %
Repair & Maintenance	73,665	4,954	1,565	6,650	15.75	37,757	49.2 %
All Other Miscellaneous	9,590	3,488	-	-	36.37	4,048	25.4 %
TOTAL SERVICES & CHARGES	450,350	103,778	40,055	78,577	40.49	306,661	43.9 %
Intergovernmental-Professional Services	164,130	52,737	13,197	-	32.13	156,960	103.9 %
Intergovernmental-Taxes and Assessments	63,246	13,110	3,876	-	20.73	13,450	20.4 %
Interfund - Taxes and Assessments	227,040	54,550	17,935	-	24.03	53,039	25.3 %
TOTAL INTERGOVERNMENTAL & INTERFUND	454,416	120,397	35,008	-	26.49	223,449	52.3 %
TOTAL OPERATING EXPENDITURES	2,192,673	522,452	176,371	78,577	27.41	791,323	35.5 %
NON-OPERATING EXPENDITURES							
Capital Equipment	10,000	-	-	-	-	-	- %
Capital Projects	1,257,447	131,457	123,733	208,014	27.00	411,044	8.3 %
Debt Service	1,383,738	-	-	-	-	-	- %
TOTAL NON-OPERATING EXPENDITURES	2,651,185	131,457	123,733	208,014	12.80	411,044	6.3 %
TOTAL: EXPENDITURES	4,843,857	653,910	300,104	286,591	19.42	1,202,367	13.7 %

CITY OF BAINBRIDGE ISLAND
SUMMARY - SSWM UTILITY FUND (403)
FY 2015 THROUGH MARCH

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	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. BALANCE	2015 AVAILABLE BALANCE	2015 % USED	2014 YTD EXPENDED	2014 % USED
Salaries	814,603	173,350	55,752	-	641,253	21.28	186,490	23.4 %
Benefits	331,071	67,112	21,615	-	263,959	20.27	72,255	24.8 %
SALARIES & BENEFITS	1,145,674	240,461	77,367	-	905,213	20.99	258,744	23.7 %
SUPPLIES								
Supplies	70,894	9,082	4,802	-	61,812	12.81	18,832	27.1 %
Computer Equipment & Software	600	-	-	-	600	-	130	6.1 %
TOTAL SUPPLIES	71,494	9,082	4,802	-	62,412	12.70	18,962	26.5 %
Professional Services	128,703	4,835	1,590	74,813	49,055	61.89	184,003	96.3 %
Communication	1,001	114	51	-	887	11.40	118	20.1 %
Travel	-	16	16	-	(16)	-	-	- %
Training	4,591	266	194	259	4,066	11.44	1,903	95.2 %
Operating Leases	71,869	16,249	5,434	-	55,620	22.61	18,521	23.8 %
Insurance	35,430	32,692	-	-	2,738	92.27	38,737	100.0 %
Utilities	138,607	862	141	85,610	52,135	62.39	130,196	103.1 %
Repair & Maintenance	16,500	763	22	-	15,737	4.62	271	1.6 %
All Other Miscellaneous	32,935	7,745	-	-	25,190	23.52	664	2.1 %
TOTAL SERVICES & CHARGES	429,636	63,543	7,447	160,682	205,411	52.19	374,414	77.0 %
Intergovernmental-Professional Services	33,400	73	73	2,326	31,001	7.18	-	- %
Intergovernmental-Taxes and Assessments	30,450	863	540	-	29,587	2.83	882	2.9 %
Interfund - Taxes and Assessments	121,800	9,371	6,568	-	112,429	7.69	9,397	6.7 %
TOTAL INTERGOVERNMENTAL & INTERFUND	185,650	10,307	7,180	2,326	173,017	6.81	10,279	5.0 %
TOTAL OPERATING EXPENDITURES	1,832,454	323,393	96,797	163,009	1,346,052	26.54	662,400	35.8 %
NON-OPERATING EXPENDITURES								
Capital Equipment	48,145	18,892	-	-	29,253	39.24	-	- %
Capital Projects	319,077	27,025	2,538	113,732	178,320	44.11	378,038	46.1 %
Debt Service	53,448	-	-	-	53,448	-	-	- %
TOTAL NON-OPERATING EXPENDITURES	420,670	45,917	2,538	113,732	261,020	37.95	378,038	39.3 %
TOTAL: EXPENDITURES	2,253,123	369,310	99,334	276,740	1,607,073	28.67	1,040,438	37.0 %

CITY OF BAINBRIDGE ISLAND
SUMMARY - ALL DEPARTMENTS/FUNDS
FY 2015 THROUGH MARCH

CITY COUNCIL	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. BALANCE	2015 AVAILABLE BALANCE	2015 % USED	2014 YTD EXPENDED	2014 % USED
Salaries	87,000	21,250	7,250	-	65,750	24.43	22,300	25.6 %
Benefits	7,000	1,652	564	-	5,348	23.60	1,733	22.0 %
SALARIES & BENEFITS	94,000	22,902	7,814	-	71,098	24.36	24,033	25.3 %
SUPPLIES								
Supplies	1,100	42	-	-	1,058	3.80	188	10.9 %
Computer Equipment & Software	-	-	-	-	-	-	-	- %
TOTAL SUPPLIES	1,100	42	-	-	1,058	3.80	188	10.9 %
Professional Services	16,000	-	-	-	16,000	-	-	- %
Communication	-	-	-	-	-	-	-	- %
Travel	500	-	-	-	500	-	-	- %
Training	500	75	-	-	425	15.00	-	- %
Advertising	3,000	279	120	-	2,721	9.29	517	25.3 %
Operating Leases	-	-	-	-	-	-	-	- %
Repair & Maintenance	-	-	-	-	-	-	-	- %
All Other Miscellaneous	800	-	-	-	800	-	-	- %
Contingency	-	-	-	-	-	-	-	- %
Operating Strategic Planning	-	-	-	-	-	-	-	- %
TOTAL SERVICES & CHARGES	20,800	354	120	-	20,446	1.70	517	9.2 %
Intergovernmental-Professional Services	-	-	-	-	-	-	-	- %
TOTAL OPERATING EXPENDITURES	115,900	23,297	7,934	-	92,603	20.10	24,738	24.2 %
NON-OPERATING EXPENDITURES								
Capital Equipment	-	-	-	-	-	-	-	- %
TOTAL NON-OPERATING EXPENDITURES	-	-	-	-	-	-	-	- %
TOTAL: CITY COUNCIL	115,900	23,297	7,934	-	92,603	20.1	24,738	24.2

CITY OF BAINBRIDGE ISLAND
SUMMARY - ALL DEPARTMENTS/FUNDS
FY 2015 THROUGH MARCH

	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. BALANCE	2015 AVAILABLE BALANCE	2015 % USED	2014 YTD EXPENDED	2014 % USED
MUNICIPAL COURT								
Salaries	376,500	88,888	30,504	-	287,612	23.61	90,381	22.7 %
Benefits	130,600	27,110	9,212	-	103,490	20.76	28,090	24.8 %
SALARIES & BENEFITS	507,100	115,998	39,716	-	391,102	22.87	118,471	23.2 %
SUPPLIES								
Supplies	5,300	1,881	969	-	3,419	35.50	1,573	41.9 %
Computer Equipment & Software	-	-	-	-	-	-	-	- %
TOTAL SUPPLIES	5,300	1,881	969	-	3,419	35.50	1,573	41.9 %
Professional Services	10,500	649	67	-	9,851	6.18	741	6.1 %
Communication	-	-	-	-	-	-	-	- %
Travel	2,000	307	230	-	1,693	15.35	542	35.4 %
Training	2,000	113	-	-	1,887	5.67	962	188.6 %
Advertising	-	-	-	-	-	-	-	- %
Operating Leases	15,000	886	134	-	14,114	5.90	2,734	14.9 %
Utilities	-	-	-	-	-	-	-	- %
Repair & Maintenance	1,000	98	45	-	902	9.76	56	4.6 %
All Other Miscellaneous	3,500	213	-	-	3,287	6.08	48	1.6 %
TOTAL SERVICES & CHARGES	34,000	2,265	477	-	31,735	6.66	5,083	13.7 %
Intergovernmental-Professional Services	1,000	-	-	-	1,000	-	-	- %
TOTAL INTERGOVERNMENTAL & INTERFUND	1,000	-	-	-	1,000	-	-	- %
TOTAL OPERATING EXPENDITURES	547,400	120,145	41,161	-	427,255	21.95	125,127	22.6 %
NON-OPERATING EXPENDITURES								
Capital Equipment	-	-	-	-	-	-	-	- %
Capital Projects	-	-	-	-	-	-	-	- %
TOTAL NON-OPERATING EXPENDITURES	-	-	-	-	-	-	-	- %
TOTAL: MUNICIPAL COURT	547,400	120,145	41,161	-	427,255	21.9	125,127	22.6

CITY OF BAINBRIDGE ISLAND
SUMMARY - ALL DEPARTMENTS/FUNDS
FY 2015 THROUGH MARCH

	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. ENCUMB.	2015 AVAILABLE BALANCE	2015 % USED	2014 YTD EXPENDED	2014 % USED
EXECUTIVE								
Salaries	987,228	230,978	76,210	-	756,250	23.40	153,659	17.6 %
Benefits	370,064	79,450	26,228	-	290,614	21.47	59,449	25.5 %
SALARIES & BENEFITS	1,357,292	310,428	102,438	-	1,046,864	22.87	213,108	19.2 %
SUPPLIES								
Supplies	45,400	3,744	1,121	-	41,656	8.25	5,560	75.5 %
Computer Equipment & Software	-	-	-	-	-	-	-	- %
TOTAL SUPPLIES	45,400	3,744	1,121	-	41,656	8.25	5,560	75.5 %
Professional Services	584,500	146,311	59,590	-	438,189	25.03	318,848	48.0 %
Community Services	514,422	16,808	16,808	-	497,614	3.27	320,534	84.7 %
Communication	1,600	349	26	-	1,251	21.84	210	34.3 %
Travel	8,500	136	66	-	8,364	1.60	1,331	31.1 %
Training	28,500	5,134	-	-	23,366	18.01	28,590	61.0 %
Advertising	16,000	370	103	-	15,630	2.31	395	6.1 %
Operating Leases	21,200	15,319	228	-	5,881	72.26	15,471	241.1 %
Insurance	-	75	75	-	(75)	-	95	- %
Utilities	-	-	-	-	-	-	-	- %
Repair & Maintenance	3,000	206	72	-	2,794	6.86	146	4.6 %
All Other Miscellaneous	159,500	496,425	574	-	(336,925)	311.24	2,516	1.2 %
Operating Strategic Planning	-	-	-	-	-	-	-	- %
TOTAL SERVICES & CHARGES	1,337,222	681,133	77,541	-	656,089	50.94	688,136	52.0 %
Intergovernmental-Professional Services	2,000	214	214	-	1,786	10.70	854	- %
TOTAL INTERGOVERNMENTAL & INTERFUND	2,000	214	214	-	1,786	10.70	854	- %
TOTAL OPERATING EXPENDITURES	2,741,914	995,519	181,315	-	1,746,395	36.31	907,658	37.2 %
NON-OPERATING EXPENDITURES								
Capital Equipment	-	-	-	-	-	-	-	- %
Capital Projects	-	-	-	-	-	-	107	- %
Debt Service	-	-	-	-	-	-	-	- %
TOTAL NON-OPERATING EXPENDITURES	-	-	-	-	-	-	107	- %
TOTAL: EXECUTIVE	2,741,914	995,519	181,315	-	1,746,395	36.3	907,765	37.2

CITY OF BAINBRIDGE ISLAND
SUMMARY - ALL DEPARTMENTS/FUNDS
FY 2015 THROUGH MARCH

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	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. BALANCE	2015 AVAILABLE BALANCE	2015 % USED	2014 YTD EXPENDED	2014 % USED
FINANCE & ADMINISTRATIVE SERVICES								
Salaries	1,073,184	260,021	85,789	-	813,163	24.23	285,066	26.9 %
Benefits	416,806	92,425	30,557	-	324,381	22.17	95,731	24.5 %
SALARIES & BENEFITS	1,489,990	352,446	116,345	-	1,137,544	23.65	380,797	26.3 %
SUPPLIES								
Supplies	22,300	4,096	1,130	-	18,204	18.37	1,973	8.5 %
Computer Equipment & Software	52,500	5,648	4,263	-	46,852	10.76	18,142	34.1 %
TOTAL SUPPLIES	74,800	9,745	5,393	-	65,055	13.03	20,114	26.3 %
Professional Services	61,600	7,272	1,526	422	53,906	12.49	52,532	142.8 %
Community Services	-	-	-	-	-	-	-	- %
Communication	-	500	500	-	(500)	-	-	- %
Travel	5,600	182	25	-	5,418	3.25	178	1.4 %
Training	14,000	30	30	-	13,970	0.22	249	2.0 %
Advertising	1,000	-	-	-	1,000	-	-	- %
Operating Leases	41,500	9,752	5,414	-	31,748	23.50	13,434	34.6 %
Insurance	-	30	30	-	(30)	-	45	190.7 %
Utilities	-	-	-	-	-	-	-	- %
Repair & Maintenance	187,000	83,909	28,104	-	103,091	44.87	58,207	31.2 %
All Other Miscellaneous	3,500	231	-	-	3,269	6.60	685	6.8 %
Operating Strategic Planning	-	-	-	-	-	-	-	- %
TOTAL SERVICES & CHARGES	314,200	101,907	35,629	422	211,872	32.57	125,330	41.5 %
Intergovernmental-Professional Services	-	-	-	-	-	-	-	- %
Intergovernmental-Taxes and Assessments	-	-	-	-	-	-	-	- %
Interfund - Taxes and Assessments	-	-	-	-	-	-	-	- %
TOTAL OPERATING EXPENDITURES	1,878,990	464,097	157,367	422	1,414,471	24.72	526,241	28.8 %
NON-OPERATING EXPENDITURES								
Capital Equipment	10,000	-	-	-	10,000	-	-	- %
Capital Projects	-	-	-	-	-	-	5,120	9.0 %
Debt Service	-	-	-	-	-	-	-	- %
Other Non-Operating Expenditures	-	-	-	-	-	-	-	- %
Operating Transfers	7,966,518	180,031	119,300	-	7,786,487	2.26	134,400	1.8 %
TOTAL NON-OPERATING EXPENDITURES	7,976,518	180,031	119,300	-	7,796,487	2.26	139,520	1.8 %
TOTAL: FINANCE & ADMINISTRATIVE SERVI	9,855,508	644,128	276,667	422	9,210,958	6.5	665,761	7.0

CITY OF BAINBRIDGE ISLAND

SUMMARY - ALL DEPARTMENTS/FUNDS FY 2015 THROUGH MARCH

	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. BALANCE	2015 AVAILAB. BALANCE	2015 % USED	2014 YTD EXPENDED	2014 % USED
PUBLIC SAFETY								
Salaries	2,452,975	565,271	195,452	-	1,887,704	23.04	543,551	23.3 %
Benefits	857,591	211,703	78,487	-	645,888	24.69	201,152	22.7 %
SALARIES & BENEFITS	3,310,566	776,974	273,939	-	2,533,592	23.47	744,703	23.1 %
SUPPLIES								
Supplies	157,661	43,827	1,689	139	113,695	27.89	23,726	15.3 %
Computer Equipment & Software	3,000	-	-	-	3,000	-	180	4.0 %
TOTAL SUPPLIES	160,661	43,827	1,689	139	116,695	27.37	23,906	15.0 %
Professional Services	19,000	5,611	1,454	2	13,387	29.54	13,221	21.0 %
Communication	-	-	-	-	-	-	-	- %
Travel	10,500	1,033	676	-	9,467	9.84	620	11.4 %
Training	35,500	6,883	3,230	-	28,617	19.39	5,983	10.8 %
Advertising	2,500	708	142	-	1,792	28.31	741	36.3 %
Operating Leases	6,500	4,461	3,616	89	1,951	69.99	5,000	81.7 %
Insurance	30	15	15	-	15	50.00	30	100.0 %
Utilities	-	-	-	-	-	-	-	- %
Repair & Maintenance	63,750	10,776	485	-	52,974	16.90	2,031	3.7 %
All Other Miscellaneous	17,500	7,370	3,732	88	10,042	42.62	5,931	49.4 %
Operating Strategic Planning	-	-	-	-	-	-	-	- %
TOTAL SERVICES & CHARGES	155,280	36,857	13,351	179	118,244	23.85	33,556	16.9 %
Intergovernmental-Professional Services	325,316	63,345	10,789	57,984	203,988	37.30	187,184	63.7 %
TOTAL INTERGOVERNMENTAL & INTERFUND	325,316	63,345	10,789	57,984	203,988	37.30	187,184	63.7 %
TOTAL OPERATING EXPENDITURES	3,951,823	921,003	299,767	58,301	2,972,519	24.78	989,348	25.5 %
NON-OPERATING EXPENDITURES								
Capital Equipment	197,000	35,609	17,618	109,504	51,887	73.66	4,019	2.7 %
Capital Projects	-	-	-	-	-	-	-	- %
Debt Service	-	-	-	-	-	-	-	- %
TOTAL NON-OPERATING EXPENDITURES	197,000	35,609	17,618	109,504	51,887	73.66	4,019	2.7 %
TOTAL: PUBLIC SAFETY	4,148,823	956,612	317,385	167,805	3,024,406	27.1	993,367	24.7

CITY OF BAINBRIDGE ISLAND
SUMMARY - ALL DEPARTMENTS/FUNDS
FY 2015 THROUGH MARCH

	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. ENCUMB.	2015 AVAILABLE BALANCE	2015 % USED	2014 YTD EXPENDED	2014 % USED
PLANNING & COMMUNITY DEVELOPMENT								
Salaries	1,629,755	363,415	123,241	-	1,266,340	22.30	357,600	23.2 %
Benefits	628,490	132,194	44,226	-	496,296	21.03	130,948	20.5 %
SALARIES & BENEFITS	2,258,245	495,609	167,467	-	1,762,636	21.95	488,548	22.4 %
SUPPLIES								
Supplies	35,000	4,680	1,141	-	30,321	13.37	5,217	12.5 %
Computer Equipment & Software	-	-	-	-	-	-	-	- %
TOTAL SUPPLIES	35,000	4,680	1,141	-	30,321	13.37	5,217	12.5 %
Professional Services	197,097	25,088	21,638	33,315	138,694	29.63	81,622	221.1 %
Community Services	-	-	-	-	-	-	-	- %
Communication	27,879	4,789	4,789	5,836	17,255	38.11	-	- %
Travel	855	28	28	-	827	3.25	183	11.9 %
Training	17,600	5,321	728	-	12,279	30.23	3,071	87.3 %
Advertising	11,850	1,184	673	-	10,666	9.99	2,042	18.5 %
Operating Leases	23,000	3,757	1,866	-	19,243	16.33	5,013	16.8 %
Insurance	-	15	15	-	(15)	-	-	- %
Utilities	-	-	-	-	-	-	-	- %
Repair & Maintenance	4,000	901	901	-	3,099	22.52	-	- %
All Other Miscellaneous	6,000	595	-	-	5,405	9.91	462	5.1 %
Operating Strategic Planning	-	-	-	-	-	-	-	- %
TOTAL SERVICES & CHARGES	288,282	41,676	30,637	39,151	207,454	28.04	92,392	75.1 %
Intergovernmental-Professional Services	10,000	-	-	-	10,000	-	-	- %
TOTAL INTERGOVERNMENTAL & INTERFUND	10,000	-	-	-	10,000	-	-	- %
TOTAL OPERATING EXPENDITURES	2,591,527	541,965	199,244	39,151	2,010,411	22.42	586,157	24.9 %
NON-OPERATING EXPENDITURES								
Capital Equipment	-	-	-	-	-	-	-	- %
Capital Projects	-	-	-	3,122	(3,122)	-	170,365	- %
Debt Service	-	-	-	-	-	-	-	- %
Other Non-Operating Expenditures	-	-	-	-	-	-	-	- %
Capital Spending Hold	-	-	-	-	-	-	-	- %
TOTAL NON-OPERATING EXPENDITURES	-	-	-	3,122	(3,122)	-	170,365	- %
TOTAL: PLANNING & COMMUNITY DEVELOPMENT	2,591,527	541,965	199,244	42,273	2,007,289	22.5	756,522	32.1

CITY OF BAINBRIDGE ISLAND
SUMMARY - ALL DEPARTMENTS/FUNDS
FY 2015 THROUGH MARCH

Page 7 of 8

	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. BALANCE	2015 AVAILABLE BALANCE	2015 % USED	2014 YTD EXPENDED	2014 % USED
PUBLIC WORKS								
Salaries	3,111,937	726,074	253,834	-	2,385,863	23.33	668,177	21.8 %
Benefits	1,251,835	303,097	103,039	-	948,738	24.21	272,148	21.7 %
SALARIES & BENEFITS	4,363,772	1,029,171	356,873	-	3,334,601	23.58	940,325	21.8 %
SUPPLIES								
Supplies	479,587	67,354	31,556	-	412,233	14.04	81,704	24.9 %
Computer Equipment & Software	6,000	-	-	-	6,000	-	130	2.1 %
TOTAL SUPPLIES	485,587	67,354	31,556	-	418,233	13.87	81,835	24.5 %
Professional Services	606,524	57,450	31,338	285,507	263,568	56.54	507,650	69.3 %
Communication	2,437	119	119	-	2,318	4.90	251	27.9 %
Travel	450	583	350	-	(133)	129.53	266	59.1 %
Training	28,953	1,377	424	259	27,317	5.65	5,683	28.1 %
Advertising	1,206	654	288	-	552	54.21	115	9.0 %
Operating Leases	27,464	2,684	6,856	-	24,780	9.77	3,272	14.1 %
Insurance	400	45	45	-	355	11.25	60	18.8 %
Utilities	-	-	-	-	-	-	-	- %
Repair & Maintenance	1,930,647	49,315	13,567	260,475	1,620,857	16.05	94,703	17.2 %
All Other Miscellaneous	29,711	9,177	339	-	20,534	30.89	10,681	32.2 %
Operating Strategic Planning	80,000	-	-	-	80,000	-	-	- %
TOTAL SERVICES & CHARGES	2,707,792	121,405	53,325	546,241	2,040,147	24.66	622,682	43.8 %
Intergovernmental-Professional Services	158,530	52,670	13,130	-	105,860	33.22	156,960	107.5 %
Intergovernmental-Taxes and Assessments	-	-	-	-	-	-	-	- %
TOTAL INTERGOVERNMENTAL & INTERFUND	158,530	52,670	13,130	-	105,860	33.22	156,960	107.5 %
TOTAL OPERATING EXPENDITURES	7,715,681	1,270,600	454,884	546,241	5,898,840	23.55	1,801,801	29.0 %
NON-OPERATING EXPENDITURES								
Capital Equipment	226,624	39,414	-	37,453	149,757	33.92	-	- %
Capital Projects	10,457,431	358,130	238,062	1,476,880	8,622,421	17.55	2,128,640	16.6 %
Capital Spending Hold	-	-	-	-	-	-	-	- %
TOTAL NON-OPERATING EXPENDITURES	10,684,055	397,544	238,062	1,514,333	8,772,178	17.89	2,128,640	16.2 %
TOTAL: PUBLIC WORKS	18,399,735	1,668,144	692,946	2,060,574	14,671,018	20.3	3,930,442	20.3

CITY OF BAINBRIDGE ISLAND
SUMMARY - ALL DEPARTMENTS/FUNDS
FY 2015 THROUGH MARCH

	2015 REVISED BUDGET	2015 YTD EXPENDED	2015 MTD EXPENDED	2015 ENCUMB. ENCUMB.	2015 AVAILABLE BALANCE	2015 % USED	2014 YTD EXPENDED	2014 % USED
GENERAL GOVERNMENT								
Salaries	115,184	10,732	2,600	-	104,452	9.32	13,704	50.4 %
Benefits	238,660	25,797	16,975	-	212,863	10.81	11,000	3.2 %
SALARIES & BENEFITS	353,844	36,529	19,575	-	317,315	10.32	24,704	6.6 %
SUPPLIES								
Supplies	6,000	115	-	-	5,885	1.91	-	- %
Computer Equipment & Software	-	-	-	-	-	-	-	- %
TOTAL SUPPLIES	6,000	115	-	-	5,885	1.91	-	- %
Professional Services	275,650	33,864	23,522	42,101	199,685	27.56	221,290	93.0 %
Community Services	118,000	7,757	2,586	-	110,243	6.57	30,420	26.2 %
Communication	120,755	26,731	15,881	-	94,024	22.14	31,022	22.3 %
Travel	-	263	263	-	(263)	-	-	- %
Training	5,000	33	33	-	4,967	0.67	-	- %
Advertising	-	-	-	-	-	-	-	- %
Operating Leases	401,232	100,307	36,165	-	300,925	25.00	101,306	21.6 %
Insurance	488,240	479,572	150	-	8,668	98.22	530,442	88.0 %
Utilities	714,089	83,889	47,942	155,254	474,946	33.49	263,171	40.7 %
Repair & Maintenance	-	-	-	-	-	-	-	- %
All Other Miscellaneous	50,800	52,591	-	-	(1,791)	103.53	15,762	31.3 %
Contingency	-	-	-	-	-	-	-	- %
Operating Strategic Planning	-	-	-	-	-	-	-	- %
TOTAL SERVICES & CHARGES	2,173,766	785,007	126,542	197,355	1,191,404	45.19	1,193,413	52.7 %
Intergovernmental-Professional Services	271,000	132,177	101	3,321	135,502	50.00	130,919	47.5 %
Intergovernmental-Taxes and Assessments	198,344	37,082	4,566	-	161,262	18.70	33,810	18.7 %
Interfund - Taxes and Assessments	536,532	102,378	37,344	-	434,154	19.08	100,753	20.1 %
TOTAL INTERGOVERNMENTAL & INTERFUND	1,005,876	271,637	42,011	3,321	730,918	27.34	265,482	27.7 %
TOTAL OPERATING EXPENDITURES	3,539,486	1,093,288	188,128	200,676	2,245,522	36.56	1,483,599	41.2 %
NON-OPERATING EXPENDITURES								
Capital Equipment	-	-	-	-	-	-	-	- %
Capital Projects	-	-	-	-	-	-	-	- %
Debt Service	4,300,044	2,938	2,831	111,324	4,185,782	2.66	148,800	3.3 %
Operating Transfers	-	-	-	-	-	-	-	- %
TOTAL NON-OPERATING EXPENDITURES	4,300,044	2,938	2,831	111,324	4,185,782	2.66	148,800	3.3 %
TOTAL: GENERAL GOVERNMENT	7,839,530	1,096,226	190,959	312,000	6,431,304	18.0	1,632,399	20.0
GRAND TOTAL:	46,240,337	6,046,037	1,907,611	2,583,073	37,611,227	18.7%	9,036,120	19.4 %

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance No. 2015-11, 2015 Budget Amendments	Date: May 5, 2015
Agenda Item: Staff Intensive	Bill No.: 15-087
Proposed By: Ellen Schroer, Finance Director	Referral(s):

BUDGET INFORMATION

Department:	Fund:	Munis Contract #
Expenditure Req:	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☒ Yes ☐ No

REFERRALS/REVIEW

Study Session:			Recommendation: Schedule 2 nd Reading May 12, 2014		
City Manager	☒ Yes	☐ No ☐ N/A	Legal	☒ Yes	☐ No ☐ N/A
			Finance	☒ Yes	☐ No ☐ N/A

DESCRIPTION/SUMMARY

Action Item:

Consider forwarding Ordinance No. 2015-11 to the May 12, 2015 consent agenda.

History:

Each quarter, staff provides detail on budget adjustments for Council approval. Attached for Council's consideration is an ordinance with first quarter budget amendments.

RECOMMENDED ACTION

Motion:

I move that the City Council move Ordinance No. 2015-087 to the May 12, 2015 consent agenda.



CITY OF BAINBRIDGE ISLAND
FINANCE AND ADMINISTRATIVE
SERVICES DEPARTMENT

MEMORANDUM

TO: City Council
Doug Schulze, City Manager

FROM: Ellen Schroer, Finance Director

DATE: April 30, 2015

RE: First Quarter Budget Adjustments

The Finance and Administrative Services Department brings budget adjustments to Council for consideration on a quarterly basis. This timing allows real-time consideration of deviations from planned budget, and avoids the accumulation of a large number of year-end adjustments. In many cases, the items requiring new appropriation have been discussed previously with Council.

Attached are details related to budget adjustments City staff have identified as appropriate at the close of the first quarter of the year.

The first two budget adjustments are related to City operations activities.

- Legal settlement. The City paid \$487,000 in accordance with a settlement agreement. This amount is supported in part by existing budget authority, but also includes \$200,000 from the annual Contingency Reserve amount, and \$187,000 in new spending. Further details are provided in the attachment to this memo.
- Public Art. This item provides additional expenditure authority for items such as supplies and outreach, as described in the approved contract with the Bainbridge Island Arts and Humanities Council. Because the funding will come from the Public Arts Subfund, we are requesting Council approval of this amount.

The next set of budget adjustments is related to Public Safety vehicles and will also amend the CIP:

- Police vehicle. This item amends the CIP to authorize purchase of a replacement vehicle. This unplanned purchase resulted from an accident in which a police vehicle was totaled. The required funding is transferred from existing funding intended for a police motorcycle purchase, which was less expensive than originally budgeted.

- Police motorcycles. This item amends the CIP to authorize purchase of two gasoline motorcycles. The original plan was to purchase one electric motorcycle, budgeted at \$30,000. The total cost of gasoline motorcycles is \$10,000.
- Motorcycle trailer. This item amends the CIP to authorize purchase of a trailer for the two Police motorcycles. The trailer is needed to transport the motorcycles for repair and training uses, and will also be used to provide covered storage. The trailer is budgeted at \$5,000.

The next budget adjustment accepts a grant:

- Boater Safety Grant. This grant provides support for boater safety education and outreach.

The next set of budget adjustments are related to capital projects:

- Lynwood Center Outfall. This item provides additional budget authority of \$60,000 for the project, bringing the total project budget to \$298,281. This item increases total spending for this project; the contract was awarded and approved by Council in March.
- Valley, Logg and Gertie Johnson Roads. This item provides additional budget authority of \$9,600, bringing the total project budget to \$252,879. This item increases total spending for this project; the contract was awarded and approved by Council in April.
- Cave Avenue and Knechtel Road This item provides additional budget authority of \$8,400, bringing the total project budget to \$150,263. This item increases total spending for this project; the contract was awarded and approved by Council in April.
- Olympic Drive/305. This item provides additional budget authority of \$224,100 for the project, bringing the total project budget to \$988,100. This item increases total spending for this project, as approved in September 2014.

The next budget adjustment has not been previously discussed with Council.

- Survey Equipment. This item consolidates spending authorized across all funds for equipment less than \$10,000 and amends the CIP to allow for purchase of one piece of survey equipment at a cost of \$16,000. This purchase replaces a piece of existing equipment. This item does not increase total approved spending.

Thank you for your consideration of these requests.

Attachment:

Budget Adjustment Spreadsheet

TABLE ONE: Proposed Q1 2015 Budget Adjustments

2015 BUDGET AMENDMENTS					
presented to City Council May 5, 2015					
approved on ____, 2015					
SUBJECT	DESCRIPTION	FUND / Department	AMOUNT	Change to Appropriation	On-going
Legal Settlement	This item provides funding for the settlement of the Paulson/Fortner PRR lawsuit. Further details are provided below.	General Fund / Executive	\$ 387,000	Increase. Source: General Fund	
Paulson/Fortner Settlement Details - Total is \$487,000					
Additional Budget Authority Will Be Provided for \$387,000					
	Apply \$200,000 from Council Contingency. This budget line item is set at \$400,000 annually. Each decision to spend is appropriated separately.	General Fund/Executive	\$ 200,000	Increase. Source: General Fund	
	Increase legal division budget by \$187,000. This aspect of the settlement increases City spending above already approved amounts.	General Fund/Executive	\$ 187,000	Increase. Source: General Fund	
			\$ 387,000		
Existing Budget Authority Will Be Used for \$100,000					
	Apply \$100,000 from legal contingency in Executive Department budget. This is the total contingency amount budgeted; external litigation and advice budgets are separate and not affected by this settlement.	General Fund/Executive	\$ 100,000	Existing budget authority	
Additional Budget Adjustments are on the following page					

SUBJECT	DESCRIPTION	FUND / Department	AMOUNT	Change to Appropriation	On-going
Public Art Management	This item authorizes additional expenditure authority from the Public Art subfund for the Bainbridge Island Arts and Humanities commission for items such as supplies and advertising in conjunction with public art program management.	General Fund (Public Art)/Executive	\$ 1,500	Increase. Source: General Fund	Ongoing expense
Police vehicle replacement	This item amends the CIP and provides expenditure authority for the purchase of a replacement police vehicle. This unplanned purchase is the result of an accident.	General / Police	\$ 17,300	Transfer from motorcycle project Source: General Fund	
Police Motorcycles	This item amends the CIP and provides expenditure authority for the purchase of two motorcycles via Interlocal Agreement with the Port Gamble S'Klallam Tribe	General/Police	none	Amend CIP only.	
Motorcycle Trailer	This item increases the expenditure authority and changes the CIP. It provides funding for the purchase and upfit of a trailer for the two recently purchased motorcycles.	General Fund/Public Works	\$ 5,000	Increase & Increase CIP Source: General Fund	
Police Marine Grant	This item authorizes acceptance of a grant and provides expenditure authority for boat and marine related expenses.	General / Police	\$ 20,000	Increase. Source: grant / General Fund	
Lynwood Center Outfall	This item amends the CIP and provides expenditure authority for the Lynwood Center Outfall Project to cover the additional cost of the contract , permit, monitoring and construction contingency funds.	SSWM Fund/Public Works	\$ 60,000	Increase. Source: SSWM Fund	
Valley, Logg & Gertie Johnson	This item amends the CIP and provides expenditure authority for the projects on Valley, Logg and Gertie Johnson roads to bring the project budget into alignment with expenses.	SSWM Fund/Public Works	\$ 9,600	Increase. Source: SSWM Fund	
Cave Avenue/Knechtel	This item increases expenditure authority and funding for the final change order for the overlay project.	Street Fund/PWE	\$ 8,400	Transfer. Source: Street Fund	
Survey Equipment	This item amends the CIP and provides expenditure authority for miscellaneous equipment in the CIP. Currently the CIP provides for items under \$10,000 in each fund. This item moves spending authority from Streets to the General Fund to replace equipment that has become unusable due to hardware failure.	General Fund/Public Works	\$ 16,000	Increase CIP. Source: All Funds	
Olympic Drive/SR305	This item amends the CIP and provides expenditure authority for the Olympic Drive/305 project to bring the project budget into alignment with expenses.	General Fund/Public Works	\$ 224,100	Increase. Source: General Fund	

ORDINANCE NO. 2015-11

AN ORDINANCE of the City of Bainbridge Island, Washington amending the 2015 Budget of the City and providing for uses not foreseen at the time the 2015 budget was adopted.

WHEREAS, on November 10, 2014 the City Council adopted the budget for 2015 by Ordinance No. 2014-33; and

WHEREAS, a number of situations have occurred during 2015 which require the City to expend money on items, projects and categories not included in the 2015 Budget; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 2014-33 and the 2015 budget are each amended as shown on the attached Exhibit A.

Section 2. The City's Finance Director is authorized and directed by this ordinance to make the necessary changes to the 2015 Budget. The Finance Director is further directed to make sufficient interfund equity transfers from the appropriate funds to cover the added amounts authorized by this ordinance.

Section 3. The Finance Director is authorized and directed to properly account for the Building and Development Services activities of the City and to transfer such expenditures as are appropriate under Generally Accepted Accounting Principles from the General Fund to the Building and Development Services Fund provided that such transfers do not authorize an increase in expenditures.

Section 4. This ordinance shall take effect and be in force five days from and after its passage, approval and publication as required by law.

PASSED by the City Council this ____ day of May, 2015.

APPROVED by the Mayor this ____ day of May, 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:	May __, 2015
PUBLISHED:	May __, 2015
EFFECTIVE DATE:	May __, 2015
ORDINANCE NO:	2015-11

2015 BUDGET AMENDMENTS

presented to City Council May 5, 2015

approved on ____, 2015

SUBJECT	DESCRIPTION	FUND / Department	AMOUNT	Change to Appropriation	On-going
Legal Settlement	This item provides funding for the settlement of the Paulson/Fortner PRR lawsuit. Further details are provided below.	General Fund / Executive	\$ 387,000	Increase. Source: General Fund	
Paulson/Fortner Settlement Details - Total is \$487,000					
Additional Budget Authority Will Be Provided for \$387,000					
	Apply \$200,000 from Council Contingency. This budget line item is set at \$400,000 annually. Each decision to spend is appropriated separately.	General Fund/Executive	\$ 200,000	Increase. Source: General Fund	
	Increase legal division budget by \$187,000. This aspect of the settlement increases City spending above already approved amounts.	General Fund/Executive	\$ 187,000	Increase. Source: General Fund	
			\$ 387,000		
Existing Budget Authority Will Be Used for \$100,000					
	Apply \$100,000 from legal contingency in Executive Department budget. This is the total contingency amount budgeted; external litigation and advice budgets are separate and not affected by this settlement.	General Fund/Executive	\$ 100,000	Existing budget authority	

Additional Budget Adjustments are on the following page

SUBJECT	DESCRIPTION	FUND / Department	AMOUNT	Change to Appropriation	On-going
SUBJECT	DESCRIPTION	FUND / Department	AMOUNT	Change to Appropriation	On-going
Public Art Management	This item authorizes additional expenditure authority from the Public Art subfund for the Bainbridge Island Arts and Humanities commission for items such as supplies and advertising in conjunction with public art program management.	General Fund (Public Art)/Executive	\$ 1,500	Increase. Source: General Fund	Ongoing expense
Police vehicle replacement	This item amends the CIP and provides expenditure authority for the purchase of a replacement police vehicle. This unplanned purchase is the result of an accident.	General / Police	\$ 17,300	Transfer from motorcycle project Source: General Fund	
Police Motorcycles	This item amends the CIP and provides expenditure authority for the purchase of two motorcycles via Interlocal Agreement with the Port Gamble S'Klallam Tribe	General/Police	none	Amend CIP only.	
Motorcycle Trailer	This item increases the expenditure authority and changes the CIP. It provides funding for the purchase and upfit of a trailer for the two recently purchased motorcvcles.	General Fund/Public Works	\$ 5,000	Increase & Increase CIP Source: General Fund	
Police Marine Grant	This item authorizes acceptance of a grant and provides expenditure authority for boat and marine related expenses.	General / Police	\$ 20,000	Increase. Source: grant / General Fund	
Lynwood Center Outfall	This item amends the CIP and provides expenditure authority for the Lynwood Center Outfall Project to cover the additional cost of the contract , permit, monitoring and construction contingency funds.	SSWM Fund/Public Works	\$ 60,000	Increase. Source: SSWM Fund	
Valley, Logg & Gertie Johnson	This item amends the CIP and provides expenditure authority for the projects on Valley, Logg and Gertie Johnson roades to bring the project budget into alignment with expenses.	SSWM Fund/Public Works	\$ 9,600	Increase. Source: SSWM Fund	
Cave Avenue/Knechtel	This item increases expenditure authority and funding for the final change order for the overlay project.	Street Fund/PWE	\$ 8,400	Transfer. Source: Street Fund	
Survey Equipment	This item amends the CIP and provides expenditure authority for miscellaneous equipment in the CIP. Currently the CIP provides for items under \$10,000 in each fund. This item moves spending authority from Streets to the General Fund to replace equipment that has become unusable due to hardware failure.	General Fund/Public Works	\$ 16,000	Increase CIP. Source: All Funds	
Olympic Drive/SR305	This item amends the CIP and provides expenditure authority for the Olympic Drive/305 project to bring the project budget into alignment with expenses.	General Fund/Public Works	\$ 224,100	Increase. Source: General Fund	

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance No. 2015-12, 2014 Budget Carryovers into 2015	Date: May 5, 2015
Agenda Item: Staff Intensive	Bill No.: 15-091
Proposed By: Ellen Schroer, Finance Director	Referral(s):

BUDGET INFORMATION

Department: various	Fund: Various	Munis Contract #
Expenditure Req: \$454,860	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☒ Yes ☐ No

REFERRALS/REVIEW

Recommendation		
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

Action Item:

Consider forwarding Ordinance No. 2015-12 amending the 2015 Budget of the City to include carryover items for work funded in 2014 but to be performed in 2015 to the May 12, 2015 consent agenda.

History:

Funding for certain items was approved in the 2014 budget but not spent, and these funds will be carried over into the 2015 budget for work to be completed in 2015. The attached list of proposed carryovers includes the information for each item.

Planning and Community Development: Proposed carryover funding provides appropriation authority for work approved related to community outreach and development of the update of the City's Comprehensive Plan. This funding is in addition to the amount approved in the 2015 Adopted Budget.

Public Works: Proposed carryover funding provides appropriation for projects included in the 2014 operating budget, which were started in 2014, but have continued into 2015.

RECOMMENDED ACTION

Motion:

I move that the City Council forward Ordinance No. 2015-12 amending the 2015 Budget of the City to include carryover items for work funded in 2014 but to be performed in 2015 to the May 12, 2015 consent agenda.

ORDINANCE NO. 2015-12

AN ORDINANCE of the City of Bainbridge Island, Washington amending the 2015 Budget of the City to include carryover items for work funded in 2014 but to be performed in 2015.

WHEREAS, on November 10, 2014, the City Council adopted the budget for 2015 and 2016; and

WHEREAS, funding for certain items was approved in the 2014 budget but not spent, and these funds now should be carried over into the 2015 budget for work to be completed in 2015; and

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 2014-33 and the 2015 budget are each amended as shown on the attached Exhibit A.

Section 2. The City's Finance Director is authorized and directed by this ordinance to make the necessary changes to the 2015 Budget. The Finance Director is further directed to make sufficient interfund equity transfers from the appropriate funds to cover the added amounts authorized by this ordinance.

Section 3. This ordinance shall take effect and be in force five days from and after its passage, approval and publication as required by law.

PASSED by the City Council this ____ day of ____, 2015.

APPROVED by the Mayor this ____ day of ____, 2015.

Anne S. Blair, Mayor

ATTEST / AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	April 23, 2015
PASSED BY THE CITY COUNCIL:	____ __, 2015
PUBLISHED:	____ __, 2015
EFFECTIVE DATE:	____ __, 2015
ORDINANCE NO:	2015-12

Exhibit A Carryover Requests by Department

Department	Fund	Carryover from 2014 into 2015	Reason for Carryover
Planning and Community Development			
Assistance with Comprehensive Plan Update	General	\$22,880	This item is consultant contract funds intended for use in community outreach and development of the Comprehensive Plan. This body of work began in 2014 and is continuing into 2015.
Public Works			
Rockaway-Mitigation/Monitoring Services	General	\$11,350	This item provided appropriation authority for mitigation and monitoring Rockaway Beach. Due to contractor delay invoicing work performed in 2014 will be paid in 2015.
City Hall HVAC upgrade	General	\$37,000	This item provided appropriation authority to complete HVAC upgrades to City Hall. Due to delay in selecting a contractor the work that was scheduled to be complete in 2014 was started and completed in 2015.
Road Preservation & Maintenance	Street	\$218,730	This items brings 2014 funding into 2015 due to timing of the repair and pavement work in the approved contract.
Traffic Concurrency Study	Street	\$121,800	This item is a multi-year project which began in 2014. The work in 2015 will include the Limited Transportation Plan update.
Water System Plan Update	Water	\$43,100	This item provides appropriation authority for work begun in 2014 and continuing into 2015 on the Water System Plan.
		\$454,860	

CITY OF BAINBRIDGE ISLAND CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Off-Leash Dogs at Pritchard Park	Date: May 5, 2015
Agenda Item: Council Discussion	Bill No.: 15-100
Proposed By: Councilmember Tollefson	Referral(s):

BUDGET INFORMATION

Department:	Fund: Various	Munis Contract #
Expenditure Req:	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☒ Yes ☐ No

REFERRALS/REVIEW

		Recommendation	
City Manager ☐ Yes ☐ No ☒ N/A	Legal ☐ Yes ☐ No ☒ N/A	Finance ☐ Yes ☐ No ☒ N/A	

DESCRIPTION/SUMMARY

Action Item:

Council will discuss this subject and consider next steps.

Background:

During Council discussion that led to the adoption of amendments to COBI's leash law, there was some support for the idea that during the time it remains the owner of Pritchard Park it might establish off-leash hours (and perhaps rules) for that Park, with the goal of allowing off-leash advocates the opportunity to demonstrate to BIMPRD that such use could exist without unduly depriving other Park users of reasonable and safe access.

Assuming that it will take several months to complete transfer of that Park to BIMPRD (assuming also that such a transfer is approved by COBI and BIMPRD), if Council wishes to implement a trial off-leash program for Pritchard Park, that action should take place soon.

RECOMMENDED ACTION

Discuss next steps.

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Proposal to Consolidate Harbor Commission and Road Ends Committee	Date: May 5, 2015
Agenda Item: Council Discussion	Bill No.: 15-099
Proposed By: Mayor Blair	Referral(s):

BUDGET INFORMATION

Department:	Fund:	Munis Contract #
Expenditure Req: none	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☐ Yes ☐ No ☒ N/A
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DESCRIPTION/SUMMARY

Action Item:

To consider a proposal to consolidate two of the City's citizen advisory groups: the Harbor Commission and the Road End Committee.

Background:

The City of Bainbridge Island benefits from the effort and contributions of a number of citizen advisory groups, and currently there are twelve committees/commissions. In 2014, the City moved to a standard and coordinated annual process for committee appointments, with all appointments made effective as of July 1 each year. This change facilitates annual recruitment efforts and standardizes the appointment process. In addition, this annual cycle provides an opportunity to review the scope and purpose of the citizen advisory groups, and to consider how best to match the City's needs and community interests with the specific purpose and goals of the individual committees.

As a result of this process, a proposal has emerged to consider consolidating the Harbor Commission and the Road Ends Committee. Both groups have a long history of service to the City (the City established the Road Ends Committee in 1992 and the Harbor Commission in 1998).

Both groups also have a mission that shares focus on opportunities for public access to, and engagement with, our community's extensive and unique shoreline. There may be important and valuable synergies related to public access – both to and from the water – to be gained by joining the work of these two groups. The current ordinances for each group are provided for review.

Continued on Page 2

RECOMMENDED ACTION:

To receive City Council feedback on the proposal to consolidate of the Harbor Commission and the Road Ends Committee, as well as duties and responsibilities for the new committee. Based on this feedback, staff can develop a draft ordinance to establish the committee for City Council review at a future study session, along with a transition plan for the consolidated committee membership and a summary of related Code updates.

DESCRIPTION/SUMMARY (continued)

It would be helpful to consider this change to these two groups now, ahead of the upcoming annual appointment process. In the event that the two groups are to be consolidated, a specific plan would be developed to guide the transition between the existing 14 positions (7 positions for the Harbor Commission and 7 for the Road Ends Committee) and an eventual standard committee size of 7. Likely, this transition would be made over more than one year.

The City Attorney has confirmed that there is no State requirement for the City to maintain a Harbor Commission.

To facilitate consideration of this proposal, the following language provides an initial, draft version of Duties and Responsibilities for the new committee:

PROPOSED - Public Water Access Committee: Duties and Responsibilities

The Public Water Access Committee, working in collaboration with the City, shall:

- Work to support awareness, management, and enhancement of public access to/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 type (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 workplan
- Such other duties and responsibilities as may be assigned by the City Council

ORDINANCE NO. 2014-17

AN ORDINANCE of the City of Bainbridge Island, Washington, clarifying the role, composition and duties of the Harbor Commission, and amending Chapter 2.46 of the Bainbridge Island Municipal Code.

WHEREAS, pursuant to Ordinance No. 98-52, the City Council established a Harbor Commission to manage and protect the harbors and waters of the City; and

WHEREAS, the City Council desires to clarify the role, composition, and duties of the Harbor Commission;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.46.010 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

2.46.010 Harbor Commission Created

A. There is created a harbor commission. The harbor commission is designated as the official body of the city empowered to act on all matters pertaining to the harbors and waters of the city consistent with the provisions of this code and other direction of the city council.

B. The harbor commission shall consist of ~~at least five and not more than seven~~ members who shall ~~serve without compensation~~, be appointed by the mayor and confirmed by the City Council. The members of the harbor commission shall be residents of the city and shall serve without compensation. The members shall not be employees or officers of the city or appointed to another city committee, board or commission, except for specialized committees or task forces of limited duration. The Mayor shall also appoint annually, one member of the Harbor Commission to service as chairperson for a one-year term.

C. Members of the harbor commission shall serve for a period of three years, commencing on July 1 and ending on June 30 three years later and shall be residents of the city. The initial members shall be appointed for staggered terms. Members shall be appointed to a position number, and the terms are to be staggered, with no more than three positions expiring in any given year.

D. If a vacancy in the harbor commission is created prior to the expiration of any member's term, that vacancy shall be filled by a person appointed by the mayor and confirmed by the city council in accordance with the city's appointment cycle. A person appointed to fill a vacancy created under this section shall serve the remainder of the unexpired term.

E. A member may be re-appointed, and shall hold office until his or her successor has been appointed and has qualified. No member shall serve more than three consecutive terms unless the city council determines that special expertise is required, or there are no other qualified applicants.

F. Unexcused absence by any member from three consecutive meetings shall constitute grounds for removal. Members may be removed upon a majority vote of the city council.

G. Members shall sign a conflict of interest statement in accordance with the city's ethics program upon appointment and any reappointment.

Section 2. Section 2.46.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

2.46.020 Authority

The harbor commission shall have authority to develop ~~and implement and~~ recommend the harbor management rules and regulations adopted by the city council and to coordinate with city staff to implement the policies approved by the city council that govern all harbors and waters within the City's jurisdiction, as authorized by RCW 35A.21.090 and 35.21.160 and as further defined in BIMC 12.40.010.

Section 3. A new section 2.46.025 of the Bainbridge Island Municipal Code is hereby added to read as follows:

2.46.025 Meetings, officers, records and quorum.

A. The harbor commission shall hold regular meetings once a month. Meetings shall be open to the public and held in accordance with the Open Public Meetings Act (Chapter 42.30 RCW).

B. The harbor commission shall annually elect a chairperson from among its members at the first regular meeting of the year.

C. For meetings consisting of a majority of the then serving members of the committee, the harbor commission shall provide public notice of the meeting and shall keep a record of its meeting minutes. Minutes of each meeting, including a record of attendance shall be prepared by the secretary and approved and signed at a subsequent meeting. The minutes do not need to reflect the actual discussion, but only the formal actions taken by the harbor commission. The approved meeting minutes shall be posted on the city's web site.

D. A majority of the appointed members then serving on the harbor commission shall constitute a quorum.

E. The city shall provide city email accounts to harbor commission members and related training on the use of email accounts, including personal computer privacy expectations while serving on the harbor commission.

Section 4. Section 2.46.030 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

2.46.030 Duties and Responsibilities

As the city's designated agency, the harbor commission shall:

A. Coordinate with city staff to implement the policies of the harbor management plan approved by city council through measures which include, but are not limited to, recommendation of ordinances, regulations, and other means;

B. Seek ways to implement the goals and policies of the harbor management plan through public education and community outreach;

C. Develop and recommend new harbor management policies as needed;

D. Coordinate its work with local, state and federal agencies;

E. ~~Recommend to the city council sources of revenue to support the harbor commission's activities and to~~ Support the management and enhancement of city waters and water dependent and related uses.

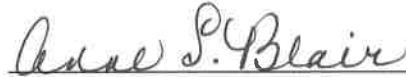
F. Such other duties and responsibilities as may be assigned by the city council; and

G. Report annually to the city council prior to the start of the budget process
~~on the progress of the implementation of the Harbor Management Plan and the general state of the harbors and waters of the city. This report shall be delivered by the chairperson of the harbor commission. The city council shall review the performance of the harbor commission after 3 years and evaluate its benefit to the community.~~

Section 5. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

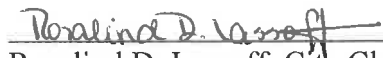
PASSED BY THE CITY COUNCIL this 12th day of May, 2014.

APPROVED BY THE MAYOR this 12th day of May, 2014.



Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:



Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	April 23, 2014
PASSED BY THE CITY COUNCIL:	May 12, 2014
PUBLISHED:	May 16, 2014
EFFECTIVE DATE:	May 21, 2014
ORDINANCE NUMBER:	2014-17

ORDINANCE NO. 2014-21

AN ORDINANCE of the City Council of Bainbridge Island, Washington, clarifying the role, composition and duties of the Road Ends Committee and creating a new Chapter 2.34 of the Bainbridge Island Municipal Code.

WHEREAS, on August 6, 1992, the City Council passed Resolution No. 92-35 establishing the Road Ends Committee to evaluate all public road ends and determine the best use of each; and

WHEREAS, on November 7, 1995, the City Council passed Resolution No. 96-44 amending Resolution No. 92-35; and

WHEREAS, on December 8, 1999, the City Council passed Resolution No. 99-36 extending the responsibilities of the Road Ends Committee to include activities that implement the committee's recommendations approved by City Council concerning the recognition, protection and maintenance of City roads and road ends abutting bodies of salt water on Bainbridge Island; and

WHEREAS, the City Council desires to clarify the role, composition and duties of the Road Ends Committee, and to add the Road Ends Committee to the Bainbridge Island Municipal Code, now therefore;

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Resolution Nos. 92-35, 96-44 and 99-36 are hereby repealed.

Section 2. A new Chapter 2.34 of the Bainbridge Island Municipal Code is hereby adopted in its entirety to read as follows:

Chapter 2.34 ROAD ENDS COMMITTEE

Sections:

- 2.34.010 Created – Membership, appointment, term and compensation
- 2.34.020 Vacancies – Removal
- 2.34.030 Duties and responsibilities
- 2.34.040 Meetings, officers, records and quorum

2.34.010 Created – Membership, appointment, term and compensation

A. There is created a road ends committee for the city, hereinafter called the committee. The committee shall consist of seven (7) voting members who shall be appointed by the mayor and confirmed by vote of the city council.

B. Members shall not be employees or officers of the city or appointed to another city committee, board or commission, except for specialized committees or task forces of limited duration.

C. Members of the committee shall serve for a period of three years, commencing on July 1 and ending on June 30 three years later. Members shall be appointed to a position number, and the terms are to be staggered, with no more than three positions expiring in any given year. A member may be re-appointed, and shall hold office until his or her successor has been appointed and has qualified. No member shall serve more than three consecutive terms unless the city council determines that special expertise is required, or there are no other qualified applicants.

D. Members shall serve without compensation.

2.34.020 Vacancies - Removal

Members may be removed upon a majority vote of the city council. In the event of a vacancy, the mayor, subject to confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position in accordance with the city's appointment cycle. Unexcused absence by any member from three consecutive meetings shall constitute grounds for removal.

2.34.030 Duties and Responsibilities

The road ends committee, working in collaboration with the city, shall implement recommendations for the appropriate utilization of road ends. The road ends committee shall:

A. Develop recommendations for the annual road ends work plans in collaboration with the city manager or his/her designee.

B. Work with the city manager or his/her designee to assist and support successful and timely completion of the council-approved work plan and the prioritized list of recommended projects and plans, within the resources available to the city.

C. Work with the city manager or his/her designee to ensure that all recommendations are feasible and comply with the plans and regulations of concerned jurisdictions.

D. Promote and coordinate opportunities to develop individual sites as appropriate circumstances occur.

E. Enlist volunteers, neighborhood members, and community organizations to assist with the implementation of the approved plan and/or project adopted by the city council.

F. Report annually to the city council prior to the start of the budget process.

2.34.040 Meetings, officers, records and quorum.

A. The committee shall meet at least monthly. Meetings shall be open to the public and held in accordance with the Open Public Meetings Act (Chapter 42.30 RCW).

B. The committee shall select from among its members a chairperson for a one-year term at the first regular meeting of each year.

C. For meetings consisting of a majority of the then serving voting members of the committee, the committee shall provide public notice of the meeting and shall keep a record of its meeting minutes. Minutes of each meeting, including a record of attendance shall be prepared by the secretary and approved and signed at a subsequent meeting. The minutes do not need to reflect the actual discussion, but only the formal actions taken by the committee. The approved meeting minutes shall be posted on the city's web site.

D. The city shall provide city email accounts to voting members and related training on the use of email accounts, including personal computer privacy expectations while serving on the committee.

E. A majority of the voting members then serving on the committee shall constitute a quorum.

Section 3. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED by the City Council this 27th day of May, 2014.

APPROVED by the Mayor this 27th day of May, 2014.

By: Anne S. Blair
Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

By: Rosalind D. Lassoff
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	May 7, 2014
PASSED BY THE CITY COUNCIL:	May 27, 2014
PUBLISHED:	May 30, 2014
EFFECTIVE DATE:	June 4, 2014
ORDINANCE NUMBER:	2014-21

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Resolution No. 2015-07, Governance Manual Amendments	Date: May 5, 2015
Agenda Item: Council Discussion	Bill No.: 15-101
Proposed By: Councilmembers Roth and Scott	Referral(s):

BUDGET INFORMATION

Department:	Fund:	Munis Contract #
Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

		Recommendation	
City Manager ☐ Yes ☐ No ☒ N/A	Legal ☐ Yes ☐ No ☒ N/A	Finance ☐ Yes ☐ No ☒ N/A	

DESCRIPTION/SUMMARY

Action Item:

Council will discuss this subject and consider next steps.

RECOMMENDED ACTION

Discuss next steps.



Manual of City Governance Policies, Procedures and Guidelines

Resolution No. 2012-10

Adopted August 22, 2012

Amended by Resolution No. 2015-07

 , 2015

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

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Introduction

This manual serves as a guide for the Council, city management, and the community regarding the policies, principles and procedures that embody the City's Council/Manager form of governance.

The responsibilities of modern government require that we update the procedures which help us function effectively in the current atmosphere of complex laws, rules, and regulations. Thus we have an opportunity to refine and expand those initial rules of self-government.

While some other sources of standards and practices do exist, unfortunately those examples are scattered in a number of resources and references. 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.

These rules should not be construed to invalidate any action of the City Council or City Manager that is otherwise in compliance with applicable law.

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. Article 9, which explains certain limitations on the intended use of this Manual.

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.

Deleted: In May 2009, the citizens of Bainbridge Island voted to change the City's governance structure to a Council-Manager form of government. Subsequently, Council appointed two Councilmembers as an ad hoc committee to research best practices for Council-Manager governments. After Stan McNutt joined the City in November 2009, he assisted the full Council in that work.¶ Previously, the City's Mayor/Council form of government was guided by a "Legislative Protocol Manual" (dated 2003, updated in 2006), a "City Council / Executive Decision Making Handbook" (2007) and "Council Meeting Ground Rules" (2007).

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Deleted: Respectfully submitted, ¶ Council members Kim Brackett, Hilary Franz, Kirsten Hytopoulos, Bill Knobloch, Debbi Lester, . Barry Peters, and Bob Scales; Interim City Manager Lee Walton and Interim Deputy City Manager Stan McNutt¶

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.

Comment [MS1]: Replace with a new 2015 Resolution.

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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 March 2010, which is attached hereto as Exhibit "A".

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

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APPROVED by the Mayor of the City of Bainbridge Island, Washington on the th day of , 2015.

Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NUMBER

April 30, 2015

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 Use of Rules by Council

No action taken by a Councilmember or by the Council which is not in compliance with these rules, but which is otherwise lawful, shall invalidate such Councilmember's or Council action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the Council may enforce these rules or rely on these rules. References to other documents or laws included herein do not signify the intent to incorporate such documents in their entirety. Failure of the Council to follow any of these rules shall be considered a Council decision to waive such rule. No notice of such waiver need be given.

1.3 Public Use or Reliance Not Intended

Because these rules are designed to assist the Council and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations, official controls, "appearance of fairness rules", public hearing rules or other substantive rules binding upon or to be used by or relied upon by members of the public. These rules do not amend statutory or other regulatory (such as ordinance) requirements.

1.4 Amendments or Suspension of Portions of this Manual

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.

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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.

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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.

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2.1.3 City Leaders Lead and Reason Together

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

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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.

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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 Regular Meetings of the Council.

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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.

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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.

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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.

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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 – e.g. a Finance Committee.

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; (2) study sessions (and single-issue workshops); (3) Regular Meetings; (4) public communications meetings and forums.

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2.4.2 Provide More Effective Opportunity for Public Interaction

Communication with public is more interactive in Study Sessions than in Regular Meetings (where the 3-minute public comments process shall apply).

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2.4.3 Council's Regular Meetings Will Be Efficient and Businesslike

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

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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 Regular Meeting, is to keep Council business focused and expeditious.

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2.4.6 Council Meeting Agendas Are Set by a Team

Agendas for Council Regular Meetings are generally developed and refined by the Council and Administration at Council Meetings and 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.

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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.

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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.

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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 Regular Meetings and bi-weekly Study Sessions. Minutes of meetings are concise and are approved and posted online in as timely a manner as possible.

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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) are 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.

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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 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.

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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.

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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.

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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

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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.

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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).

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3.2 City Officials and Adjudicators

3.2.1 Mayor

See the definition and duties stated in Section 4.3.

3.2.2 Deputy Mayor

See the definition and duties stated in Section 4.4.

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).

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3.2.4 City Manager

See the definition and duties stated in Article 6: 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.

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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 **Regular Meeting**

A Regular 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 Regular 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).

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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 Regular 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 Regular 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".

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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 8.14.

3.3.8 **Retreat**

A retreat 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 Regular Meetings**

At Council Regular 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 Regular Meeting is reserved for comments by the public rather than responses from Council or Administration. For further guidelines, see Sections 4.6 (Respect and Decorum) and 8.12 (Procedures for Public Comment at Regular Meetings).

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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 Regular Meeting, and the Presiding Officer may allow responses and interactive dialog with Councilmembers, the Administration, and other presenters.

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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 2.1.6 to 2.1.9) 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.

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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 2.1.6 to 2.1.9), 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 which pertain to current or potential lawsuits or other quasi-judicial proceedings which 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.

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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 2.1.3 to 2.1.9.

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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.

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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”.

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Deleted: <#>Doing Things Right¶ While not defined in law, this phrase, as used in this manual, is an aspiration based on two criteria: (i) seeking out, and conforming to, the correct policy path for an action; and (ii) seeking out and emulating the best practices compatible with the activity, organization and culture.¶

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 3.9 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 8.14 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.

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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 or social media](#). (See 3.8.2 below for more discussion of email [and social media](#)).

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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"](#) ([available at http://mrsc.org/](http://mrsc.org/)).

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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.

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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 \(WAC\)](#))

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[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

For each email that is a public record, Council members shall:

- (i) take all reasonable steps to ensure that each such email 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) promptly forward any such email received by him or her to the individual's email address at bainbridgewa.gov or another email address provided by the City;
- (iii) cease utilizing any private, public or proprietary email service other than the City's, for the sending or receiving of any such emails that meet the definition of public records, and
- (iv) establish an automatic reply message on any email service previously used for a Councilmember's public email correspondence, to automatically advise any email sender that any and all emails pertaining to City matters are to be sent to the Councilmember at the City-provided email address.

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Each Councilmember who has been advised by the City Clerk to assist the City in preserving a copy of his or her emails pertaining to the work of the governing body, shall send a copy of each such email, as and when each is sent or received, to the City email address designated by the City Clerk for that purpose.

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It is hereby the policy of the City that with respect to any email sent by a Councilmember that contains information relating to the conduct of the government or the performance of any governmental or other City function, the email shall not be sent or copied to more than two other Councilmembers, and any Councilmember who receives such an email shall not forward the email to any other Councilmember.

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(b) Policies on Text Messages

For each text message that is a public record, Council members shall:

- (i) Promptly forward the text message 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 Social Media and Other Electronic Forums

It is the policy of the City that Councilmembers shall not engage in any discussion of City business through email, social media, blog comments, or any other electronic forum with more than two other Councilmembers.

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

It is the policy of the City that 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, and any Councilmember who receives such an electronic communication shall not forward the communication to any other Councilmember.

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

It is the policy of the City that any Councilmember who uses any personal email account or 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 save all such public records in a labeled, designated spot in the account or on the device. The Councilmember shall, upon request of the City Attorney, promptly 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. The Councilmember shall consent to the City or its agent searching the account or device, 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 (1) has an interest in a proposed transaction with the City in the form of a significant personal financial interest in the transaction; or (2) has an interest in any organization or has a member of his or her immediate family involved in such transaction; or (3) holds a position of trustee, director, officer or employee of such organization; then he or she must make full disclosure of such an interest before any discussion or negotiation of such transaction, 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

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<#>COBI Ethics Program¶

In 2006, the Council established an Ethics Program for elected officials of the City. The purposes of the Program are: (i) to establish standards of ethical conduct; (ii) provide training and clarification on those standards; (iii) establish a system to review and advise upon questions of ethics; (iv) create an Ethics Board; and (v) create enforcement mechanisms. The Program consists of several component parts, as described in this section. (See BIMC 2.07 and [Resolution No. 2006-25](#).)¶

<#>COBI Code of Ethics¶

The Code of Ethics addresses the following topics:¶

- <#>Prohibited gifts to elected officials; exceptions¶
- <#>Rules on uses of City property¶
- <#>Confidentiality of privileged, proprietary and confidential information¶
- <#>Conflict of interest, where the elected official has financial or private interests¶
- <#>Exceptions to conflict of interest rules¶
- <#>Annual written disclosure of interests¶
- <#>Conflicts of elected official family members; conflicts after leaving office¶
- <#>Requirement for a conflicts statement from contractors with city business over \$5,000¶

<#>Ethics Board Process and Sanctions¶

Five volunteer citizens serve on the Ethics Board. The Board is responsible for training elected officials and responding to requests for an advisory opinion on a potential ethics concern, or a waiver to confirm that certain conduct is not in violation of the Code of Ethics. Opinions and waivers are handled with anonymity, and the Board assumes that the facts asserted are true. A hearing may be conducted by the City Hearing Examiner. Any enforcement action against an elected official found to have violated the Code of Ethics is determined by the City Council, and may consist of admonition, reprimand, censure or other sanctions.¶

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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))

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

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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)).

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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.

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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](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).

Comment [MS5]: This should be covered in a separate resolution or left to state law.

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With regard to the City's four enterprise services funds -- namely, the three utility funds (i.e., water, wastewater and stormwater utilities), and the Building and Development Services Fund -- it is the policy of the City:

<#>to separately account for each of the funds; and

<#>to ensure that fees and charges collected from a customer of any such enterprise is not used to subsidize another enterprise fund or the general operations of city government.

Nothing in this policy is intended to either: (i) prohibit an enterprise fund from paying its duly allocated share of direct or indirect costs or its reasonable allocation of City overhead costs, periodically examined by the State Auditor; or (ii) prohibit the imposition of a tax on the utility funds.

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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 [Regular 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.

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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](#).)

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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).

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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.

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The Mayor or Mayor Pro Tem shall be addressed at a meeting where he or she is presiding as "Mr./Ms. Chair".¶

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Examples of extraordinary circumstances would be: emergencies or illness, accident, unforeseen urgent out-of-town business, or similar circumstances.¶

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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.

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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 2.1 (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

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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.

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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 6.5 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 Regular 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.

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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.

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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."

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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.

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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 6.8) 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.

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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:

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- 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 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.

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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 7.3.1 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.

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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.

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(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.

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(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 7.5.2(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.

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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 Exhibit A: Simplified Summary of Parliamentary Procedure.

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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.

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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.

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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.

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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 Regular Meeting.

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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.

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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 Regular Meetings

The Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the Council's business more expeditiously. Regular 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 7.1 and this article.

Examples of Regular 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.

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- **Public Comment Period or Public Hearing**

The routine public comment period at a [Regular Meeting](#) is conducted as described in Section 8.12 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 8.13 below), and special rules and procedures apply to a quasi-judicial hearing (see Section 8.14 below).

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- **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 7.1.

- **Other Common Agenda Elements**

The agenda of a [Regular Meeting](#) may also include other elements such as: Unfinished Business; Ordinance Reading; and New Business.

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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 2.3.4, and for a Workshop in Section 2.3.5.

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 [Regular 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.

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- (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

Regular 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 Regular Meeting of the Council.

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(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 Regular 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.

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(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 Regular Meetings

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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 Regular 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.

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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 8.12.3, 8.12.4, and 8.12.5 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 3.6.4 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

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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.

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Comment [MS7]: This does not appear in RCW ch. 42.36. Delete?

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.

Deleted: <#>Use Of This Manual and Its Rules¶
<#>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.¶

<#>Use of Rules by Council¶

No action taken by a Councilmember or by the Council which is not in compliance with these rules, but which is otherwise lawful, shall invalidate such Councilmember's or Council action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the Council may enforce these rules or rely on these rules. References to other documents or laws included herein do not signify the intent to incorporate such documents in their entirety. Failure of the Council to follow any of these rules shall be considered a Council decision to waive such rule. No notice of such waiver need be given.¶

<#>Public Use or Reliance Not Intended¶

Because these rules are designed to assist the Council and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations, official controls, "appearance of fairness rules", public hearing rules or other substantive rules binding upon or to be used by or relied upon by members of the public. These rules do not amend statutory or other regulatory (such as ordinance) requirements.¶

<#>Amendments or Suspension of Portions of this Manual¶

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.¶

EXHIBIT A: SIMPLIFIED SUMMARY OF PARLIAMENTARY PROCEDURE

Motion "To Approve "Robert's Rules of Order – Newly Revised in Brief" as the definitive guidance parliamentary procedure for any Council meeting at which Robert's Rules are applicable, and to approve the following "...At a Glance" summary as a simplified reference tool for Exhibit A of the City Governance Manual.

PARLIAMENTARY PROCEDURE AT A GLANCE

To do this:	You say this:	May you interrupt speaker?	Must be seconded?	Is motion debatable?	Vote required
Introduce business	"I move that ..."	NO	YES	YES	MAJORITY
Amend a motion	"I move to amend this motion"	NO	YES	YES	MAJORITY
Request information	"Point of information"	YES	NO	NO	NO VOTE
Suspend further discussion	"I move we table it"(until when?)	NO	YES	NO	MAJORITY
End debate	"I move the previous question ..."	NO	YES	NO	MAJORITY
Postpone discussion	"I move we postpone this matter until ..."(when?)	NO	YES	YES	MAJORITY
Have something further studied by a committee	"I move we refer ..."	NO	YES	YES	MAJORITY
Ask for a vote count to verify a voice vote	"I call for a division of the house"	NO	NO	NO	NO VOTE
Object to considering some matter	"I object to consideration"	YES	NO	NO	MAJORITY
Take up a matter previously tabled	"I move to take from the table ..."	NO	YES	NO	MAJORITY
Reconsider something already disposed of	"I move we reconsider action on ..." (time-date?)	YES	YES	YES	MAJORITY
Consider something in unscheduled order	"I move we suspend the rules and ..."	NO	YES	NO	MAJORITY
Vote on a ruling by the chair	"I appeal the chair's decision"	YES	YES	YES	MAJORITY
Object to procedure or personal affront--chair decides	"Point of order"	YES	NO	NO	NO VOTE
Complain about noise, room temperature, etc.	"Point of privilege"	YES	NO	NO	NO VOTE
Recess the meeting	"I move that we recess until ..."	NO	YES	NO	MAJORITY
Adjourn the meeting	"I move that we adjourn"	NO	YES	NO	MAJORITY

EXHIBIT B: CURRENT LIST OF CITIZEN COMMITTEES, COMMISSIONS AND BOARDS

This Exhibit was adopted by Council Motion as follows: "The Council hereby approves the summary of ongoing Citizen committees, commissions and boards that are recognized by the City as of [2015](#), and directs that such summary be incorporated as an Exhibit to the Governance Manual."

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Legend:

RCW: Required by state statute (Revised Code of Washington)

Ord: Required by City ordinance.

Res: Required by Council resolution.

Hyperlink: Further information about the following committees, commissions and boards can be found on the City website [here](#).

Comment [MS8]: This link is not functioning. All links should be checked and updated as necessary.

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- **Civil Service Commission:** [5](#) members; City Manager is liaison; administers Police Department advancements, demotions, suspensions, discharges and employment. (RCW)

- **Design Review Board:** 7 members; Planning Director is liaison; advises on commercial / mixed-use land use applications, makes recommendations based on design guidelines. (Ord)

Deleted: <#>Community Forestry Commission: 9 members; Planning Director is liaison; addresses strengthening policies for tree protection and management, provides advice and guidance in integrating forest protection measures. (Res)¶

- **Environmental Technical Advisory Committee:** 7-9 members; Planning Director is liaison; provides technical and scientific advice on environmental management issues and projects. (Res)

- **Ethics Board:** 5 members; City Attorney is liaison; promotes understanding of ethical standards for elected officials, and for major contractors working with City. (Ord/Res)

- **Harbor Commission:** 7 members; Harbormaster is liaison; develops and implements harbor management rules and regulations, governs all harbors and waters as authorized. (Ord)

- **Historic Preservation Commission:** 7 members; Planning Director is liaison; provides technical advice on historic preservation to property owners, reviews applications to National Historic register.

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- **Housing Trust Fund Executive Committee:** [7](#) members; Planning Director is liaison; encourages development of moderate and low income housing, provides funding for income groups not served by other sources. (Ord/Res)

Comment [WCR9]: Currently inactive but may need to be reconstituted.

- **Lodging Tax Advisory Committee:** 5 members – four from the community plus a Councilmember as chair; reviews proposals for contracts for tourism promotion or tourism facilities, funded by the lodging tax. (RCW)

- **Non-Motorized Transportation Advisory Committee:** 9 members; Public Works director is liaison; advocates for non-motorized transportation facilities, including funding and promotional/educational programs.

- **Planning Commission:** 7 members; Planning Director is staff liaison; reviews applications for amendments to comprehensive plan, official zoning map and official zoning ordinance and other land use and city planning matters. (RCW)

Deleted: <#>Open Space Commission: 7 members; City Manager is liaison; recommends program and process for acquiring/preserving forested areas, open space, wildlife habitat, farms and agricultural lands.¶

- **Road Ends Committee:** 7 members; Planning Director is liaison; researches, recommends and implements use and development of street ends leading to water. (Res)
- **Utility Advisory Committee:** 7 members plus Councilmember(s) ex officio; Finance Director is principle support staff; advise on issues related to the City's three utilities (water, sewer, stormwater). (Ord)

Deleted: <#>**Salary Commission:** 7 members; City Manager is liaison; reviews and recommends elected officials salaries. (Ord) ¶

The committees, commissions and boards listed above shall be subject to the following general guidelines, except to the extent stated to the contrary in the applicable resolution or ordinance.

- (a) **Meetings**
Committee meetings (when held) must be open to the public, including the media, unless discussing matters which would qualify for an executive session (under the state law defining eligible executive session issues that apply to the Council).
- (b) **Council Liaison to Citizen Committees, Commissions and Boards**
Liaisons shall be appointed by the Mayor and confirmed by the Council for specific purposes and for a time certain (normally a term of one calendar year, which may repeat if Council so determines). Liaisons may attend assigned citizen group meetings and report to the Council on matters of public concern.
- (c) **Liaison Procedures**
Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attending meetings or conferring with members, and keeping Council informed. Liaisons may advocate Council actions on behalf of their assigned group or activity. Care must be taken to avoid an Appearance of Fairness Doctrine violation, or conflict of interest possibilities (i.e.: in the unusual case of a quasi-judicial proceeding). Liaisons' functions and duties may be further defined and/or directed by the Mayor or Mayor Pro Tem with concurrence of Council.
- (d) **Appointment**
Except as otherwise provided by City ordinance or resolution, members of citizen committees, commissions and boards shall be appointed by the Mayor and approved by Council.
- (e) **Publication on Website**
It shall be City policy to disclose names and terms of citizen boards, committees and commissions on the City website, with a description of the role and functioning of the body.

EXHIBIT C: ILLUSTRATION OF SCALABLE PUBLIC PROCESS PLANNING SYSTEM

This Exhibit was adopted by Council Motion as follows: "I move that the City Council approve the following illustrations of the Scalable Public Process Planning System, in accordance with the procedures set forth in article 2.1.9 of the City of Bainbridge Island Governance Manual."

Scalable Public Process Planning System

***Getting the right people in the right place at the right time making the right decisions
to keep the residents of Bainbridge Island well-informed and engaged***

Level of Public Interest/Impact	Who and How	Sample Outreach Activities/Tools
Straightforward issue - Information only - Low controversy - One-time event	- Staff “expert” - Communications Coordinator ➤ A few emails	Information (2.4.6) - Press release - Calendar announcement
More complex issue - Multiple public “touches” - Public input helpful - Low controversy - Longer term impact	Ad Hoc Committee (2.1.3, 2.1.9) - Director/designee - Staff “expert” - Communications Coordinator ➤ One or more meetings	Small-scale campaign may include above, plus: - Display ad - ListServ notification - FAQ - Presentations to Key Influencers (ie., Rotary, Men’s Oatmeal, 2.4.3)
Complex, and/or controversial issue - Lasting policy and/or land use impacts - High interest for multiple community elements - Public input desired - Longer process	Small Task Force (2.1.7, 2.1.9) - City Council liaison - City Manager/designee - Director/designee - Staff “experts” - Communications Coordinator ➤ Multiple meetings	Longer, more complex strategy may include above, plus: - Multiple press releases/announcements - Targeted outreach to potential stakeholders - Stakeholder meetings (2.4.3) - Neighborhood meetings (2.4.5) - One or more public forums (2.4.4) - Built-in, iterative feedback loop to evaluate results and alter course as needed
Extremely complex, significant and/or controversial issue - Lasting policy and/or land use impacts - Engage broad range of community interests - Significant public input required - Long process	Public Process Steering Group (2.1.6, 2.1.9) - City Council liaison - City Manager/designee - Director/designee - Staff “experts” - Communications Coordinator - Citizen(s)	Large-scale, long-term PR campaign may include above, plus: - Strategic use of multiple public engagement tools like field trips, informational presentations, focus groups, visioning exercises, etc. - Clear, distinct milestones and decision-point(s). - Built-in, iterative feedback loop to evaluate results and alter course as needed

	➤ A series of meetings over months or years	
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* Note that outreach is an art, not a science; the committee composition and tools shown are NOT PRESCRIPTIVE, but are examples of the approaches, tools and strategies that might be appropriate for public process planning at various levels of Public Interest/Impact. The Public Participation handbook provides an overview of potential tools, selection guidelines and implementation procedures.



SAMPLE ORDER OF BUSINESS

This Supplementary Policy was adopted by Council Motion as follows: “I move that the City Council approve the following sample order of business for Council Regular Meetings in accordance with the procedures set forth in articles 7.1 and 8.8 of the City of Bainbridge Island Governance Manual. Such “Sample Order of Business” shall serve as a guideline.”

Deleted: business meeting

Regular Meetings of the Council shall be conducted as follows: provided, however, that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously (article 8.8).

Deleted: Business Meeting

Announce Executive Session (if applicable)

Brief Summary Reports (if applicable)

Presiding Officer’s Report

Chair Reports

City Manager’s Report

Call to Order by the Presiding Officer (7:00 PM)

Pledge of Allegiance

Roll Call

Acceptance or Modification of Agenda / Conflict of Interest Disclosure

Public Comment (20 minutes)

Public Hearing (if any)

Consent Agenda

Ordinances (1st/2nd Reading)

Resolutions

Unfinished Business

New Business

Emerging Issues/1st touches

Adjournment

Approved March 24, 2010 City Clerk Certification_____



Manual of City Governance Policies, Procedures and Guidelines

Resolution No.2012-10

Adopted August 22, 2012

Amended by Resolution No. 2015-07

, 2015

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

Introduction

This manual serves as a guide for the Council, city management, and the community regarding the policies, principles and procedures that embody the City's Council/Manager form of governance.

The responsibilities of modern government require that we update the procedures which help us function effectively in the current atmosphere of complex laws, rules, and regulations. Thus we have an opportunity to refine and expand those initial rules of self-government.

While some other sources of standards and practices do exist, unfortunately those examples are scattered in a number of resources and references. 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.

These rules should not be construed to invalidate any action of the City Council or City Manager that is otherwise in compliance with applicable law.

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. Article 9 which explains certain limitations on the intended use of this Manual.

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 March 2010, 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 ___th day of _____, 2015.

APPROVED by the Mayor of the City of Bainbridge Island, Washington on the ___th day of _____ 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:
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 Use of Rules by Council

No action taken by a Councilmember or by the Council which is not in compliance with these rules, but which is otherwise lawful, shall invalidate such Councilmember's or Council action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the Council may enforce these rules or rely on these rules. References to other documents or laws included herein do not signify the intent to incorporate such documents in their entirety. Failure of the Council to follow any of these rules shall be considered a Council decision to waive such rule. No notice of such waiver need be given.

1.3 Public Use or Reliance Not Intended

Because these rules are designed to assist the Council and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations, official controls, "appearance of fairness rules", public hearing rules or other substantive rules binding upon or to be used by or relied upon by members of the public. These rules do not amend statutory or other regulatory (such as ordinance) requirements.

1.4 Amendments or Suspension of Portions of this Manual

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 Regular 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 – e.g. a Finance Committee.

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; (2) study sessions (and single-issue workshops); (3) Regular Meetings; (4) 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 Regular Meetings (where the 3-minute public comments process shall apply).

2.4.3 Council's Regular Meetings Will Be Efficient and Businesslike

The information exchange, review, deliberation and vetting of issues during the prior Study Session enables Council Regular 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 Regular Meeting, is to keep Council business focused and expeditious.

2.4.6 Council Meeting Agendas Are Set by a Team

Agendas for Council Regular Meetings are generally developed and refined by the Council and Administration at Council Meetings and 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 Regular 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) are 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 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 4.3.

3.2.2 Deputy Mayor

See the definition and duties stated in Section 4.4.

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 in Article 6: 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 Regular Meeting

A Regular 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 Regular 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 Regular 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 Regular 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 8.14.

3.3.8 Retreat

A retreat 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 Regular Meetings

At Council Regular 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 Regular Meeting is reserved for comments by the public rather than responses from Council or Administration. For further guidelines, see Sections 4.6 (Respect and Decorum) and 8.12 (Procedures for Public Comment at Regular 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 Regular 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 2.1.6 to 2.1.9) 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 2.1.6 to 2.1.9), 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 which pertain to current or potential lawsuits or other quasi-judicial proceedings which 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 2.1.3 to 2.1.9.

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 3.9 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 8.14 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 or social media. (See 3.8.2 below for more discussion of email and social media).

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

For each email that is a public record, Council members shall:

- (i) take all reasonable steps to ensure that each such email 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) promptly forward any such email received by him or her to the individual's email address at bainbridgewa.gov or another email address provided by the City;
- (iii) cease utilizing any private, public or proprietary email service other than the City's, for the sending or receiving of any such emails that meet the definition of public records, and
- (iv) establish an automatic reply message on any email service previously used for a Councilmember's public email correspondence, to automatically advise any 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

For each text message that is a public record, Council members shall:

- (i) Promptly forward the text message 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 Social Media and Other Electronic Forums

It is the policy of the City that Councilmembers shall not engage in any discussion of City business through email, social media, blog comments, or any other electronic forum with more than two other Councilmembers.

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

It is the policy of the City that 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, and any Councilmember who receives such an electronic communication shall not forward the communication to any other Councilmember.

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

It is the policy of the City that any Councilmember who uses any personal email account or 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 save all such public records in a labeled, designated spot in the account or on the device. The Councilmember shall, upon request of the City Attorney, promptly 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. The Councilmember shall consent to the City or its agent searching the account or device, 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 (1) has an interest in a proposed transaction with the City in the form of a significant personal financial interest in the transaction; or (2) has an interest in any organization or has a member of his or her immediate family involved in such transaction; or (3) holds a position of trustee, director, officer or employee of such organization; then he or she must make full disclosure of such an interest before any discussion or negotiation of such transaction, 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))

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

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)).

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 Regular 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 2.1 (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 6.5 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 Regular 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 6.8) 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 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 7.3.1 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 7.5.2(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 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 Regular 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 Regular Meetings

The Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the Council's business more expeditiously. Regular 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 7.1 and this article.

Examples of Regular 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 Regular Meeting is conducted as described in Section 8.12 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 8.13 below), and special rules and procedures apply to a quasi-judicial hearing (see Section 8.14 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 7.1.

- **Other Common Agenda Elements**

The agenda of a Regular 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 2.3.4, and for a Workshop in Section 2.3.5.

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 Regular 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

Regular 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 Regular 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 Regular 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 Regular 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 Regular 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 8.12.3, 8.12.4, and 8.12.5 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 3.6.4 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.

EXHIBIT A: SIMPLIFIED SUMMARY OF PARLIAMENTARY PROCEDURE

Motion "To Approve "Robert's Rules of Order – Newly Revised in Brief" as the definitive guidance parliamentary procedure for any Council meeting at which Robert's Rules are applicable, and to approve the following "...At a Glance" summary as a simplified reference tool for Exhibit A of the City Governance Manual.

PARLIAMENTARY PROCEDURE AT A GLANCE					
To do this:	You say this:	May you interrupt speaker?	Must be seconded?	Is motion debatable?	Vote required
Introduce business	"I move that ..."	NO	YES	YES	MAJORITY
Amend a motion	"I move to amend this motion"	NO	YES	YES	MAJORITY
Request information	"Point of information"	YES	NO	NO	NO VOTE
Suspend further discussion	"I move we table it"(until when?)	NO	YES	NO	MAJORITY
End debate	"I move the previous question ..."	NO	YES	NO	MAJORITY
Postpone discussion	"I move we postpone this matter until ..."(when?)	NO	YES	YES	MAJORITY
Have something further studied by a committee	"I move we refer ..."	NO	YES	YES	MAJORITY
Ask for a vote count to verify a voice vote	"I call for a division of the house"	NO	NO	NO	NO VOTE
Object to considering some matter	"I object to consideration"	YES	NO	NO	MAJORITY
Take up a matter previously tabled	"I move to take from the table ..."	NO	YES	NO	MAJORITY
Reconsider something already disposed of	"I move we reconsider action on ..." (time-date?)	YES	YES	YES	MAJORITY
Consider something in unscheduled order	"I move we suspend the rules and ..."	NO	YES	NO	MAJORITY
Vote on a ruling by the chair	"I appeal the chair's decision"	YES	YES	YES	MAJORITY
Object to procedure or personal affront--chair decides	"Point of order"	YES	NO	NO	NO VOTE
Complain about noise, room temperature, etc.	"Point of privilege"	YES	NO	NO	NO VOTE
Recess the meeting	"I move that we recess until ..."	NO	YES	NO	MAJORITY
Adjourn the meeting	"I move that we adjourn"	NO	YES	NO	MAJORITY

EXHIBIT B: CURRENT LIST OF CITIZEN COMMITTEES, COMMISSIONS AND BOARDS

This Exhibit was adopted by Council Motion as follows: "The Council hereby approves the summary of ongoing Citizen committees, commissions and boards that are recognized by the City as of _____ 2015, and directs that such summary be incorporated as an Exhibit to the Governance Manual."

Legend:

RCW: Required by state statute (Revised Code of Washington)

Ord: Required by City ordinance.

Res: Required by Council resolution.

Hyperlink: Further information about the following committees, commissions and boards can be found on the City website [here](#).

- **Civil Service Commission:** 5 members; City Manager is liaison; administers Police Department advancements, demotions, suspensions, discharges and employment. (RCW)
- **Design Review Board:** 7 members; Planning Director is liaison; advises on commercial / mixed-use land use applications, makes recommendations based on design guidelines. (Ord)
- **Environmental Technical Advisory Committee:** 7-9 members; Planning Director is liaison; provides technical and scientific advice on environmental management issues and projects. (Res)
- **Ethics Board:** 5 members; City Attorney is liaison; promotes understanding of ethical standards for elected officials, and for major contractors working with City. (Ord/Res)
- **Harbor Commission:** 7 members; Harbormaster is liaison; develops and implements harbor management rules and regulations, governs all harbors and waters as authorized. (Ord)
- **Historic Preservation Commission:** 7 members; Planning Director is liaison; provides technical advice on historic preservation to property owners, reviews applications to National Historic register.
- **Housing Trust Fund Executive Committee:** 7 members; Planning Director is liaison; encourages development of moderate and low income housing, provides funding for income groups not served by other sources. (Ord/Res)
- **Lodging Tax Advisory Committee:** 5 members – four from the community plus a Councilmember as chair; reviews proposals for contracts for tourism promotion or tourism facilities, funded by the lodging tax. (RCW)
- **Non-Motorized Transportation Advisory Committee:** 9 members; Public Works director is liaison; advocates for non-motorized transportation facilities, including funding and promotional/educational programs.
- **Planning Commission:** 7 members; Planning Director is staff liaison; reviews applications for amendments to comprehensive plan, official zoning map and official zoning ordinance and other land use and city planning matters. (RCW)

- **Road Ends Committee:** 7 members; Planning Director is liaison; researches, recommends and implements use and development of street ends leading to water. (Res)
- **Utility Advisory Committee:** 7 members plus Councilmember(s) ex officio; Finance Director is principle support staff; advise on issues related to the City's three utilities (water, sewer, stormwater). (Ord)

The committees, commissions and boards listed above shall be subject to the following general guidelines, except to the extent stated to the contrary in the applicable resolution or ordinance.

(a) Meetings

Committee meetings (when held) must be open to the public, including the media, unless discussing matters which would qualify for an executive session (under the state law defining eligible executive session issues that apply to the Council).

(b) Council Liaison to Citizen Committees, Commissions and Boards

Liaisons shall be appointed by the Mayor and confirmed by the Council for specific purposes and for a time certain (normally a term of one calendar year, which may repeat if Council so determines). Liaisons may attend assigned citizen group meetings and report to the Council on matters of public concern.

(c) Liaison Procedures

Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attending meetings or conferring with members, and keeping Council informed. Liaisons may advocate Council actions on behalf of their assigned group or activity. Care must be taken to avoid an Appearance of Fairness Doctrine violation, or conflict of interest possibilities (i.e.: in the unusual case of a quasi-judicial proceeding). Liaisons' functions and duties may be further defined and/or directed by the Mayor or Mayor Pro Tem with concurrence of Council.

(d) Appointment

Except as otherwise provided by City ordinance or resolution, members of citizen committees, commissions and boards shall be appointed by the Mayor and approved by Council.

(e) Publication on Website

It shall be City policy to disclose names and terms of citizen boards, committees and commissions on the City website, with a description of the role and functioning of the body.

EXHIBIT C: ILLUSTRATION OF SCALABLE PUBLIC PROCESS PLANNING SYSTEM

This Exhibit was adopted by Council Motion as follows: "I move that the City Council approve the following illustrations of the Scalable Public Process Planning System, in accordance with the procedures set forth in article 2.1.9 of the City of Bainbridge Island Governance Manual."

Scalable Public Process Planning System

***Getting the right people in the right place at the right time making the right decisions
to keep the residents of Bainbridge Island well-informed and engaged***

Level of Public Interest/Impact	Who and How	Sample Outreach Activities/Tools
Straightforward issue • Information only • Low controversy • One-time event	• Staff “expert” • Communications Coordinator ➤ A few emails	Information (2.4.6) • Press release • Calendar announcement
More complex issue • Multiple public “touches” • Public input helpful • Low controversy • Longer term impact	Ad Hoc Committee (2.1.3, 2.1.9) • Director/designee • Staff “expert” • Communications Coordinator ➤ One or more meetings	Small-scale campaign may include above, plus: • Display ad • ListServ notification • FAQ • Presentations to Key Influencers (ie., Rotary, Men’s Oatmeal, 2.4.3)
Complex, and/or controversial issue • Lasting policy and/or land use impacts • High interest for multiple community elements • Public input desired • Longer process	Small Task Force (2.1.7, 2.1.9) • City Council liaison • City Manager/designee • Director/designee • Staff “experts” • Communications Coordinator ➤ Multiple meetings	Longer, more complex strategy may include above, plus: • Multiple press releases/announcements • Targeted outreach to potential stakeholders • Stakeholder meetings (2.4.3) • Neighborhood meetings (2.4.5) • One or more public forums (2.4.4) • Built-in, iterative feedback loop to evaluate results and alter course as needed
Extremely complex, significant and/or controversial issue • Lasting policy and/or land use impacts • Engage broad range of community interests • Significant public input required • Long process	Public Process Steering Group (2.1.6, 2.1.9) • City Council liaison • City Manager/designee • Director/designee • Staff “experts” • Communications Coordinator • Citizen(s)	Large-scale, long-term PR campaign may include above, plus: • Strategic use of multiple public engagement tools like field trips, informational presentations, focus groups, visioning exercises, etc. • Clear, distinct milestones and decision-point(s). • Built-in, iterative feedback loop to evaluate results and alter course as needed

	➤ A series of meetings over months or years	
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* Note that outreach is an art, not a science; the committee composition and tools shown are NOT PRESCRIPTIVE, but are examples of the approaches, tools and strategies that might be appropriate for public process planning at various levels of Public Interest/Impact. The Public Participation handbook provides an overview of potential tools, selection guidelines and implementation procedures.



SAMPLE ORDER OF BUSINESS

This Supplementary Policy was adopted by Council Motion as follows: "I move that the City Council approve the following sample order of business for Council Regular Meetings in accordance with the procedures set forth in articles 7.1 and 8.8 of the City of Bainbridge Island Governance Manual. Such "Sample Order of Business" shall serve as a guideline."

Regular Meetings of the Council shall be conducted as follows: provided, however, that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously (article 8.8).

Announce Executive Session (if applicable)

Brief Summary Reports (if applicable)

Presiding Officer's Report

Chair Reports

City Manager's Report

Call to Order by the Presiding Officer (7:00 PM)

Pledge of Allegiance

Roll Call

Acceptance or Modification of Agenda / Conflict of Interest Disclosure

Public Comment (20 minutes)

Public Hearing (if any)

Consent Agenda

Ordinances (1st/2nd Reading)

Resolutions

Unfinished Business

New Business

Emerging Issues/1st touches

Adjournment

Approved March 24, 2010 City Clerk Certification_____

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Proclamation Declaring May 10-16, 2015 as National Police Week	Date: May 5, 2015
Agenda Item: Council Discussion	Bill No.: 15-097
Proposed By: Mayor Blair	Referral(s):

BUDGET INFORMATION

Department:	Fund: N/A	Munis Contract # N/A
Expenditure Req: N/A	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☐ Yes ☐ No ☒ N/A	Finance ☐ Yes ☐ No ☒ N/A
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DESCRIPTION/SUMMARY

Action Item:

Consider approval of a proclamation declaring May 10-16, 2015 as National Police Week

History:

In the past, the Bainbridge Island Police Department has participated in the nationally recognized and celebrated annual event.

The “National Police Week” was started to honor the service and sacrifice of those law enforcement officers killed in the line of duty, while protecting our communities and safeguarding our democracy.

The Bainbridge Island Police Department is asking Bainbridge Island citizens and businesses to come together to keep children, families and communities safe, healthy and drug-free, through parent training, networking and sponsoring the National Red Ribbon Campaign.

RECOMMENDED ACTION

Motion:

I move that the City Council approve and authorize Mayor Anne Blair to sign the proclamation declaring May 10-16, 2015 as National Police Week.



PROCLAMATION

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Bainbridge Island Police Department; and

WHEREAS, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries; and

WHEREAS, since the first recorded death in 1791, almost 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 27th Annual Candlelight Vigil, on the evening of May 13, 2015; and

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 10-16; and

WHEREAS, May 15, 2015 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half staff;

NOW, THEREFORE, I, Anne S. Blair, Mayor of the City of Bainbridge Island, on behalf of the City Council, do hereby proclaim May 10-16, 2015 as

POLICE WEEK

and publicly salute the service of law enforcement officers in our community and in communities across the nation.

Anne S. Blair, Mayor

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Proclamation Declaring May, 2015 as Building Safety Month	Date: May 5, 2015
Agenda Item: Council Discussion	Bill No.: 15-098
Proposed By: Mayor Blair	Referral(s):

BUDGET INFORMATION

Department:	Fund: N/A	Munis Contract # N/A
Expenditure Req: N/A	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☐ Yes ☒ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☐ Yes ☐ No ☒ N/A	Finance ☐ Yes ☐ No ☒ N/A
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DESCRIPTION/SUMMARY

Action Item:

Consider approval of a proclamation declaring May, 2015 as Building Safety Month.

History:

Building Safety Month is a nationwide and regional effort sponsored by the International Code Council, supported locally by the Bainbridge Island Fire Department and the City of Bainbridge Island to help raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, water safety and conservation; energy efficiency and new technologies in the construction industry.

The theme for Building Safety Month 2015 is "Resilient Communities Start with Building Codes," and encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable.

RECOMMENDED ACTION

Motion:

I move that the City Council approve and authorize Mayor Anne Blair to sign the proclamation declaring May, 2015 as Building Safety Month.



PROCLAMATION

WHEREAS, our City's continuing efforts to address the critical issues of safety, energy efficiency, water conservation, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound, and;

WHEREAS, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

WHEREAS, these guardians—dedicated members of the International Code Council—use a governmental consensus process that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play, and;

WHEREAS, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and;

WHEREAS, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings, and;

WHEREAS, "Resilient Communities Start with Building Codes" the theme for Building Safety Month 2015, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, water safety and conservation; energy efficiency and new technologies in the construction industry. Building Safety Month 2015 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and,

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property;

NOW, THEREFORE, I, Anne S. Blair, Mayor of the City of Bainbridge Island, on behalf of the City Council, do hereby proclaim the month of May, 2015 as

BUILDING SAFETY MONTH

Anne S. Blair, Mayor

To: City Council

From: Val Tollefson, UAC Liaison

Re: April 27, 2015 UAC meeting.

Present: Andy Maron, Jeff Kanter, Nancy Nolan

Also present: Barry Loveless, Val Tollefson; Jay Kinney, Dan Hamlin (BIMPRD); Steve Leach and Robert Dashiell

1. Notes from April 13 meeting approved as amended.
2. Public Comment:
 - a. Dan Hamlin (BIMPRD) discussed storm and surface water management on Park property, in support of the proposition that the physical characteristics and management practices on Park property result in a net benefit to the City. He presented a paper, a copy of which is attached.
 - b. Robert Dashiell offered his views on the decisions the UAC should make with regard to the SSWM Utility. His key point was that the Committee should come to grips with the scope of work currently undertaken, and whether that scope was legally supportable. He pointed out a significant number of lawsuits successfully challenging SSWM fees that were characterized as a tax.
 - c. Jay Kinney (BIMPRD) offered further comment on BIMPRD SSWM issues.
3. Barry Loveless offered his recommendations for a revised SSWM fee structure, using the UAC recommendations of 2011 as a starting place. He worked from a useful Power Point, a copy of which is attached.
4. Andy Maron then asked for reactions, comments from those Committee members present:
 - a. Jeff Kanter doesn't like the idea of homeowners paying for work largely, in his view, necessitated by roads and cars. He also thought that perhaps one solution was to simply dictate the number of FTEs that could be charged to SSWM, and let Public Works figure it out from there. Others pointed out that SSWM law provided this mechanism for financing SSWM work.
 - b. Nancy Nolan discussed notes she had made in advance and circulated. She was very concerned about the cost of fish-culverts, and discussed ways to avoid those costs. Barry pointed out that COBI was a relatively small player among jurisdictions faced with the same issues, and that it was not economical for COBI to try to fight that battle. She also discussed using some reserves for capital projects, and cutting operating expenses.
 - c. Andy thinks we need to cut costs AND raise revenue, so that the Utility can make needed capital investment.
 - d. Barry pointed out that he has been looking at the operating expense issue, and believes that with some efficiencies and with removal from the CIP of projects that should really be funded by non-motorized his current budget is achieving the savings that the Committee seems to think are needed.
5. The Committee acknowledged the need to get work on the SSWM done in time to be considered in budget discussions starting in late August and September. Andy will work on rescheduling meetings and scheduling an extra meeting before the end of May.

6. Public Comment: Robert Dashiell suggested that the work on the SSWM was going to take longer than the Committee seemed to think. Jay Kinney reiterated the SSWM benefits of Park property, and argued that the City should not be imposing this fee on a “sister” taxing district, but rather that it ought to seek necessary funds direct from the taxpayers.

A handwritten signature in blue ink, appearing to read 'Val Dashiell', with a horizontal line extending to the right.

cc: City Manager, City Attorney, Barry Loveless, UAC Chair

encl: 1. BIMPRD discussion of SSWM benefits of Park property
2. Barry Loveless Power Point presentation/initial recommendation



PARK PROPERTY – Benefits through Green Infrastructure

Low impact development is simply utilizing management practices in development that encourage reduction of runoff and pollutant loading by handling water runoff as close to its source as possible. Single-purpose “gray” stormwater infrastructure is largely designed to move urban stormwater away from the built environment, while **green infrastructure** reduces and treats stormwater. In many communities open spaces and parks are utilized to provide part of this service to the community. On Bainbridge the Park District manages over 1500 acres of green infrastructure that provides water retention, water treatment, and pollutant reduction in a variety of ways, including the management practices of the District that encourage native plantings, on site water detention and storage, elimination of curbs and gutters, vegetated swales, rain gardens, vegetated buffers, Invasive plant removal, and sound turf management practices.

There are many examples on the Island where park property is utilized to handle stormwater from City maintained ditches, culverts, and piping. Water is channeled through these sources to wetlands, streams, and forested areas in many places on District property, including but not limited to sites such as the Grand Forest, Gazzam, Fay Bainbridge, Ft Ward, Blakely, Battle Point/Ferry Dell, Meigs, and Manzanita Park. These sources serve the entire communities needs for stormwater management directly benefiting COBI’s stormwater management program.

The District has many sites that are negatively impacted by the lack of adequate stormwater facilities above their location. Ft Ward has an extensive stormwater system that is costly to maintain and is filled with runoff during storm events that the District must monitor and maintain. Fay Bainbridge becomes flooded during the winter due to the runoff from storms being channeled into the park. Blakley Harbor park is greatly impacted by heavy flows from the hill above. Many times the trails have had to be rebuilt due to heavy volumes of storm runoff. Recent costly improvements were constructed to preserve portions of the park to handle the water flows. More work needs to be done at Blakely Ave where sediment issues continually plug the culvert and sediment has actually built up on Park Property from the increase volume of

stormwater from above. This increased amount of runoff has been attributed to the devastation of the bivalve populations on the beach by some concerned residents.

Overall the District's impervious to pervious percentage is 1.64%. The biggest ratio on any property is Seabold Hall at 25.59%, where there is no curb and gutter, sidewalks, or piped infrastructure present. Strawberry Hill Park represents 19.19% impervious to pervious ratio. The ballfield area is channeled through District maintained facilities into a cistern for summer irrigation needs and much of the normal storm events are filtered into the forested and grass covered landscape. All the rest of the District properties have 16%, or less, impervious to pervious ratios. Sands Ave utilizes an engineered detention pond. Rotary Park will have two engineered rain gardens. Battle Point Park utilizes two ponds, the permanent pond on the North end which overflows into Ferry Dell Creek, and the seasonal pond on the South end to capture and handle large volumes of runoff on site. These are just a few examples of how District management of stormwater should be considered.

Other District maintenance practices that benefit water runoff reduction utilized by the District are:

- 1 Native plantings
- 2 Invasive plant removal and native plant restoration
- 3 Gutter and curbs
- 4 Water retention and storage
- 5 Vegetated swales and buffers
- 6 Turf management practices
- 7 IPM practices

1 Native plantings; the District's normal practice is to utilize native plantings in park beds. Native plants reduce long term maintenance needs and are drought tolerant, and reduce the need for herbicides or pesticides which aid in keeping water runoff clean as it enters the sound. Most plant beds are covered with a minimum of 2 inches of raw wood chips that aid in water retention and eliminate the effects of erosion.

2 Invasive plant removal; and native plant restoration; the District has many successful examples where invasive removal has benefited the Island. These sites are re-established with native plants which increase the ability of the land to reduce and slow water flows.

3 Gutters and Curbs; the District does not use gutters and curbs in parking lot designs or other development projects unless totally necessary. Runoff is directed to vegetated swales and/or forested areas where it can be absorbed into the ground rather than channeled off site.

4 Water retention and storage; Examples above on how the District has utilized retention and storage with rain gardens, ponds, and cisterns.

5 Vegetated swales and buffers; the District utilizes vegetated swales and buffers in all parks. Not only does this landscaping provide an aesthetic it also acts as a stormwater facility slowing and absorbing stormwater runoff.

6 Turf management practices; the District has implemented an aggressive turf management program on all District owned sportfields, utilizing current BMP's of mowing, aerating, topdressing, and fertilizing. Our mowing program, including none sportsfield areas, implements a mowing height that encourages healthy growth and leaves clippings in place to assist in building up the organic material in the soil, which encourages water retention and absorption. High traffic areas are aerated seasonally and as needed to improve water filtration characteristics of the soil. The District topdresses the sportfield areas with sand to improve soil structure to increase water absorption and infiltration, as well as promote healthy turf. The District fertilizing strategy includes annual soil samples that prescribe treatment to each site fertilized. The rate of fertilizer applied at one time is low to ensure the plant is utilizing the fertilizer and frequency is prescribed, again, by the recommendations received from the soil sample. No phosphorous is applied unless it is determined to be necessary by the soil sample. It is imperative to understand that the District manages the soil. Having the soil well balanced creates an environment the turf grass to thrive increasing it's ability to absorb and infiltrate runoff.

7 IPM practices; finally, the District's Integrated Pest Management policy and practices utilize manual, mechanical, biological, and chemical practices as a complete unit. Herbicides are utilized as a part of the overall system, not the overall answer to pest management issues. Proper plantings and restoration of invasive covered areas have been done with volunteers and equipment that have utilized little to no herbicide. Utilizing current BPM's for restoration reduce the need for herbicides. The limited amount of herbicide translates into cleaner water runoff leaving Park Property.

In conclusion, the maintenance and operation practices of the Park District are costly to implement. These costs of labor, equipment, and materials to maintain park property are real and have a direct beneficial impact to COBI's stormwater management system. The operational policies and practices the District implements directly benefit the City's ability to handle stormwater runoff by reducing flows, filtering pollutants, and recharging aquifers. In fact, the Park District property is a functional part of the entire Island's stormwater infrastructure, without which the cost to maintain the stormwater facilities would become exponentially higher.



SSWM RATE STRUCTURE RECOMMENDATION FOR UAC

Barry Loveless
Public Works Director
April 27, 2015

Comparison of Policy Goals with UAC Proposal from 2011



- Simplicity
 - Understandable to general public ✓
 - Minimize administrative costs to taxpayer ✓
- Logical Nexus for Fee
 - Single-family home: One basic fee (ERU) per home ✓
 - All other parcel: Fee based on impervious sq. footage ✓
- Fairness
 - Same sq. foot method for multi-family rental/own – Possible
 - Low income discount whether owning or renting – Not recommended, property owners pay fee, not renters
 - Lower fee if sparsely-developed (e.g., parks) – Not recommended, only actual impervious charged, so logical nexus

UAC Incentive Goals and Special Cases



- Not recommended
 - Contrary to UAC Policy Goals
 - Would create more confusion to general public
 - Very complex and higher cost to administer
 - Will require significant data collection and ongoing data maintenance effort
 - Simplified definition of impervious surfaces eliminates need for incentives
 - LID will be required in future, so all new properties would receive incentive discount for required elements
- Recommend continuing current incentive program for non-SFR that "exceed" the current standard

Comparison with UAC Proposed Fees: Non-Residential



- ISU: 3,000 sq ft - ✓ ISU rate: **TBD**
- "Hard Impervious Surface"
 - "raindrop" roof footprint plus impenetrable surfaces - ✓
 - exclude **gravel** and pervious pavements - ✓
- Rate formula for parcels other than SFR
 - Impervious Surface (in square feet) - ✓
 - Divided by ISU sq ft (3,000) - ✓
 - Times the ISU Rate (**TBD**) - ✓
- Discounts - **Not Recommended, except for low-income**

Exempted Properties



- City Streets
- State Right-of-Way
- Private Streets that meet the following definition:
 - Have been named in accordance with BIMC 12.16.050(A), including:
 - Ways-of-travel that serve two or more properties other than the tract of which it is a portion, and;
 - Ways-of-travel for which an easement has been granted by recorded deed.
- "Way of Travel" means a roadway of whatever sort, including but not limited to, avenues, boulevards, circles, courts, drives, lanes, loops, places, tracts and ways, which is capable of carrying vehicular traffic. (BIMC 12.16.020)

Why Exempt City Streets and Not All Private Rights-of-Way?



- The primary criteria included in the past decision to exempt city streets was the concept of "contributed capital"
 - City streets are part of the MS4
 - Past city streets projects constructed the MS4
- Private Streets that are named, serve more than one lot, and are dedicated in an easement likely also included stormwater infrastructure
- Other private ways of travel are primarily driveways that access or provide travel within those lots only and do not contribute stormwater infrastructure
- State ROW is exempt by law if City ROW is exempt

Proposed Definitions



- "Impervious ground cover" shall mean those hard surfaces which either prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions preexistent to development, or which cause water to run off the surface in greater quantities or at an increased rate of flow than that present under natural conditions preexistent to development, including, without limitation, such surfaces as rooftops, greenhouses or other covered cultivation, asphalt or concrete sidewalks, paving, unnamed ways-of-travel, driveways and parking lots, walkways, artificial turf playing fields, patio areas, storage areas, and gravel, oiled macadam or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development. Excluded, however, are all lawns, pastures, uncovered agricultural areas, and landscaped areas, including golf courses, ball fields, and playgrounds with soft ground cover. Also excluded are any permeable pavement areas that have been designed to completely infiltrate water applied to the surface as documented in a drainage report submitted and approved for the developed property.

Proposed Definitions



- "Landscaped Areas" shall mean those areas of any property type that are planted with trees, shrubs, or other plantings, including the soil or bedding material areas associated with the plantings.
- "Non-residential property" shall mean all property developed for municipal, commercial, retail, industrial, manufacturing, maintenance, utility, recreation, agriculture, park, school, religious, convalescent center, or any other private or public purposes.

Definition: Farms versus SFR



- Single family residential (SFR) properties that include agriculture, animal husbandry, equestrian, or other development that supports commercial operations are required by City Code to obtain a business license from the City, and therefore will be assessed SSWM service charges in accordance with non-residential property
 - $\text{Impervious surface area} / 3,000 = \text{ISU}$

Proposed Definitions



- "Way of Travel" means a roadway of whatever sort, including but not limited to, avenues, boulevards, circles, courts, drives, lanes, loops, places, tracts and ways, which is capable of carrying vehicular traffic.
- "Private Streets" meet all the requirements and have been named in accordance with BIMC 12.16.050(A), including:
 - Ways-of-travel that serve two or more properties other than the tract of which it is a portion, and;
 - Ways-of-travel for which an easement has been granted by recorded deed.

Recommended Actions



- Present UAC recommendations to City Council May 12
 - Obtain concurrence to move forward with ordinance development
- Complete audit/measurements of non-SFR properties
 - Complete Business License research for farms/agriculture/equestrian properties
 - Complete measurements for those not considered SFR
 - Compute ISU's from new development
- Compute the updated number of ISUs city-wide
- Finalize utility revenue requirement
- Calculate new SSWM Fee
- Notify property owners and allow period for appeal
- Notify KC of new SSWM billing by November 2015

Photo: J. Smith

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QUESTIONS?



Photo: J. Smith

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City of Bainbridge Island
Draft Stormwater CIP (2015 - 2020)

4/28/2015

8:17 AM

Project	Grant Eligible	Grant Awarded	Grant Funds	General Comp	Strts Component	Wtr Component	Swr Component	SSWM Comp	2015	2016	2017	2018	2019	2020	Notes:
STORMWATER PROJECTS - 6-YEAR CIP															
2015-20 Annual Stormwater Preservation							Y		100	100	291	297	303	309	
Wardwell Rd Reconstruction and Drainage Imp.	X	548		Y			Y						730		
Yeomalt Area Drainage Improvements	X	326					Y					435			
Blakely Falls Creek Culvert (Halls Hill)							Y				150				
Waterfront Park Outfall Reconstruction	X						Y				45	125			
Deep Culvert Preservation Program							Y			50	200	250	200	250	
Eagle Hrbr Dr. McDonald Creek Culvert Repair							Y					*	*		
Eagle Hrbr Dr. Culvert Repairs at Creosote Creek							Y						*	*	
CountryClub Rd. Reconstruction & Drainage Impr.				Y			Y				75				
Blakely Avenue Area Drainage Improvements							Y					45	30	250	
Springbrook Creek Restoration and Culvert Replace	X	450					Y				600				
TOTALS									237	341	1361	1152	1263	809	
Grant Totals									0	0	450	326	548	0	6 yr Ave.
City Funding									237	341	911	826	715	809	815.25
Notes: Removed from SSWM CIP to General Fund															
C40 Eagle Harbor Dr. Ph. 1 (Cooper Creek Culvert Repl)				Y			Y				60	25	8	440	

TO: City Council
RE: Non-Motorized Transportation Advisory Committee

April 29, 2015 Committee Special Meeting

1. Vision Zero Community Meeting (7:00pm – 8:45pm)

Ten to fifteen members of the public were in attendance. Kimberly Scrivener from the PSRC and Brock Howell from the Cascade Bicycle Club made presentations about their organization's work to reduce deaths and injuries from automobile collisions with pedestrians and bicyclists (Vision Zero). Mr. Howell ended the presentation with the following:

What Bainbridge can do

- Adopt Vision Zero as a goal and create a Vision Zero action plan
- Join Secretary Foxx's "Mayor's Challenge for Safer Streets, Safer People"
- Endorse the NACTO guides
- Right size your streets
- Reduce default speed limits
- Implement enforcement cameras & direct revenue to safety projects
- Make sure city prosecutor & police know how to (and do) use Washington's Vulnerable User Law (VUL) [RCW 46.61.526](#)
- Track progress with annual reports and action plans

2. Committee Meeting (8:50pm – 9:30pm)

Present: Alyse Nelson, Demi Allen, Marsha Cutting, Lief Horwitz, and Patty Lyman. Also attending were Park District Liaison Kirk Robinson, COBI Liaison Wayne Roth and City Engineer Chris Hammer. Absent: Christian Ford and Don Willott. Two members of the public attended the meeting.

3. Engineer's Report

Mr. Hammer led brief discussions of the following:

Wing Point Way 60% plan review

Olympic Drive Plan For Approval (PFA)

STO financial update – stormwater management driving up costs.

4. Topics for May 6th meeting

Wayfinding signs for motorists

Review of Island-wide connectivity map

Proposed changes to Chapters 2, 3, & 7 of the Transportation Plan

Beginning in May, the Committee agreed to change its regular monthly meeting time to 6:30pm, at least through the summer.

Respectfully submitted

Wayne Roth
NMTAC Liaison

2015 PROPOSED COUNCIL CALENDAR ITEMS

Absences	Clerk	Department	Timing (min)	Study Session 7 pm		Absences	Clerk	Department	Timing (min)	Business Meeting 7 pm	
	Kelly		25	5-May		Wayne	Roz		25	12-May	
		CC	20	Governance Manual Amendments (Info.)				PW	30	General Sewer Plan Acceptance - Unfinished Business (Consider Action)	
		EXEC	20	Community Services Funding (Info.)				PCD	10	Historic Preservation Commission Annual Blakely Awards (Presentation)	
		CC	10	Off-Leash Dogs (Pritchard Park)				CC	10	Ward Meeting Reports	
		PD	10	Memorandum of Understanding with Pierce County to Assist with Police Security at US Open Event (Info.)				PW	5	Proclamation Declaring May 17-23, 2015 as Public Works Week (Consider Action)	
		FIN	10	Q1 Financial Reporting (Info.)				FIN	CA	Ordinance No. 2015-12, 2014 Budget Carryovers into 2015 Budget - 2nd Reading (Consider Action)	
		FIN	10	Ordinance No. 2015-11, Related to Q1, 2015 Budget Amendments - 1st Reading (Info.)				PW	CA	Sound to Olympics Trail Project, Phase 2 Capital Improvement Plan Amendment (Consider Action)	
		FIN	10	Ordinance No. 2015-12, 2014 Budget Carryovers into 2015 Budget - 1st Reading (Info.)				PD	CA	Memorandum of Understanding with Pierce County to Assist with Police Security at US Open Event (Consider Action)	
		PW	10	Sound to Olympics Trail Project, Phase 2 Capital Improvement Plan Amendment (Info.)				FIN	CA	Ordinance No. 2015-11, Related to Q1, 2015 Budget Amendments - 2nd Reading (Consider Action)	
		CC	10	Proposal to Consolidate Road Ends and Harbor Commission (Info.)					80		
		PD	5	Proclamation Declaring May 10-16, 2015 as National Police Week (Consider Action)							
		PCD	5	Proclamation Declaring May, 2015 as Building Safety Month (Consider Action)							
			145								

2015 PROPOSED COUNCIL CALENDAR ITEMS

Absences	Clerk	Department	Timing (min)	Study Session 7 pm		Absences	Clerk	Department	Timing (min)	Business Meeting 7 pm	
Roger (Phone In)	Kelly		25	19-May			Roz		25	26-May	
		EXEC	30	Public Safety Facility Site Selection				CC	5	Nomination of Deputy Mayor for June-December, 2015	
		EXEC	20	Transfer of Pritchard Park to BIMPRD (Info.)				PW	CA	Ordinance No. 2015-07 Traffic Impact Fees - 2nd Reading (Consider Action)	
		PW	20	Ordinance No. 2015-07, Traffic Impact Fees - 1st Reading (Info.)				PW	CA	Resolution No. 2015-05 Establishing Traffic Impact Fees (Consider Action)	
		CC	15	Kitsap Economic Development Alliance (Presentation)					30		
		PCD	15	Proposed Revisions to Ericksen Avenue Design Guidelines (Info.)							
		PW	10	Resolution No. 2015-05 Establishing Traffic Impact Fees (Info.)						Work Session	
			135					PW	45	Waterfront Park 100% Design Update (Info.)	
								EXEC	30	Funding Model for Public Art Program (Info.)	
									75		

2015 PROPOSED COUNCIL CALENDAR ITEMS

[illegible]