



**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, FEBRUARY 11, 2020**

BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N.
BAINBRIDGE ISLAND, WASHINGTON

AGENDA

1. **CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE - 6:00 PM**
2. **EXECUTIVE SESSION**
 - 2.A **(6:05 PM) Pursuant to RCW 42.30.110(1)(g), to evaluate the qualifications of an applicant for employment or to review the performance of a public employee, and pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, 30 Minutes**
3. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE - 6:35 PM**
4. **PUBLIC COMMENT - 6:40 PM**
5. **MAYOR'S REPORT - 6:55 PM**
6. **CITY MANAGER'S REPORT - 7:00 PM**
7. **FUTURE COUNCIL AGENDAS**
 - 7.A **(7:05 PM) Future Council Agendas, 15 Minutes**
 - City Council Study Session February 18, 2020
 - City Council Regular Business Meeting February 25, 2020
 - City Council Study Session March 3, 2020
 - 2020 List of Pending Council Meeting Topics.docx
 - 2020 List of Proposed Future Council Topics.docx
8. **PRESENTATION(S)**

- 8.A (7:20 PM) Proclamation Declaring February 2020 as "Black History Month" - Mayor Schneider,** 5 Minutes
Black History Month Proclamation 2020

9. UNFINISHED BUSINESS

- 9.A (7:25 PM) Code of Conduct and Ethics Program Review - Executive,** 30 Minutes
Resolution No. 2019-26 Updating the City's Ethics Program - Approved 112619
Cover Page - April 30, 2019 Ethics Workshop
Greg Rubstello - Ethics Workshop Presentation - April 30, 2019
Steve Gross - Ethics Workshop Presentation - April 30, 2019
Port Townsend Code of Ethics - Chapter 2.80 PTMC
HCR 4401 Regarding Code of Conduct
Resolution No. 2019-13 - Revising Ethics Program Related to Article I (Previously Tabled by CC and Never Adopted)
Councilmember Hytopoulos Note to Council 02 04 2020
Councilmember Pollock Supplemental information for Council 020420
Staff Memo - Outstanding Discussion Point from November 26, 2019 Council Meeting
- 9.B (7:55 PM) Police and Court Building Project Professional Services Agreement Amendment - Executive,** 10 Minutes
Amendment No. 2 to PSA with Coates for Police & Court Building Project Design

10. NEW BUSINESS

- 10.A (8:05 PM) Discussion of BIMC 18.12.030 relating to Floor Area Ratio Bonus Density Options,** 20 Minutes
BIMC 18.12.030 FAR BONUS OPTIONS.docx
- 10.B (8:25 PM) Ordinance 2020-03 "Housekeeping" Changes: Revising Chapters 2.14, 2.16, 18.09, 18.12, 18.15, and 18.36 BIMC - Planning,** 20 Minutes
Staff Memorandum 021120
Ordinance No. 2020-03
Exhibit A Title 2 Housekeeping Changes
Exhibit B BIMC 18.09.020 Use Table Excerpt Temporary Uses
Exhibit C Title 18 Housekeeping Changes
PLANNING COMMISSION MINUTES 102419.pdf
- 10.C (8:45 PM) Front Broom Sweeper Procurement - Public Works,** 5 Minutes
Front Broom Sweeper Sales Order.xls
- 10.D (8:50 PM) Police Vehicle Procurement - Public Works,** 5 Minutes
Columbia Ford Vehicle Quote.pdf
- 10.E (8:55 PM) Police Vehicle Equipment Upfitting Service Agreement- Public Works,** 5 Minutes
Police Vehicle Upfitting Agreement for Purchased Services.docx
- 10.F (9:00 PM) Ordinance No. 2020-01, Updating the City's General Code Enforcement Process Contained in Chapter 1.26 BIMC,** 20 Minutes

Ordinance No. 2020-01, Updating the City's General Code Enforcement Process Contained in Chapter 1.26 BIMC
Exhibit A to Ordinance No. 2020-01 - Redline Showing Changes from Current Ch. 1.26 BIMC

11. CONSENT AGENDA

- 11.A (9:20 PM) Agenda Bill for Consent Agenda, 5 Minutes**
- 11.B Accounts Payable and Payroll**
Report to Council of Cash Disbursements 02-12-20.pdf
Payroll.pdf
- 11.C City Council Study Session Minutes, January 21, 2020**
City Council Study Session Minutes January 21, 2020
- 11.D City Council Business Meeting Minutes, January 28, 2020**
City Council Regular Business Meeting Minutes January 28, 2020
- 11.E Resolution No. 2020-01 Relating to a Fee Schedule Update - Finance 5 Minutes**
Resolution No. 2020-01 Updating Fee Schedule
- 11.F Amendment No. 2 to the Master Lease Agreement between the City of Bainbridge Island and Friends of the Farms - Executive, 5 Minutes**
Amendment No. 2 to Master Lease Agreement

12. COMMITTEE REPORTS

- 12.A (9:25 PM) Committee Reports - Executive 5 Minutes**
Climate Change Advisory Committee Minutes, December 18, 2019
Race Equity Task Force Minutes, January 9, 2020
Utility Advisory Committee Minutes, January 8, 2020

13. FOR THE GOOD OF THE ORDER - 9:30 PM

14. ADJOURNMENT - 9:40 PM

GUIDING PRINCIPLES

Guiding Principle #1 - Preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.

Guiding Principle #2 - Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

Guiding Principle #3 - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

Guiding Principle #4 - Consider the costs and benefits to Island residents and property owners in making land use decisions.

Guiding Principle #5 - The use of land on the Island should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.

Guiding Principle #6 - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Principle #7 - Reduce greenhouse gas emissions and increase the Island's climate resilience.

Guiding Principle #8 - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



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CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (6:05 PM) Pursuant to RCW 42.30.110(1)(g), to evaluate the qualifications of an applicant for employment or to review the performance of a public employee, and pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency,

SUMMARY: Executive session pursuant to RCW 42.30.110(1)(i) and RCW 42.30.110(1)(g).

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION: Hold Executive Session.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 15 Minutes

AGENDA ITEM: (7:05 PM) Future Council Agendas,

SUMMARY: Council will review future Council agendas.

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION: Discussion.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[City Council Study Session February 18, 2020](#)

[City Council Regular Business Meeting February 25, 2020](#)

[City Council Study Session March 3, 2020](#)

[2020 List of Pending Council Meeting Topics.docx](#)

[2020 List of Proposed Future Council Topics.docx](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL STUDY SESSION
TUESDAY, FEBRUARY 18, 2020**

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

AGENDA

- 1. CALL TO ORDER / ROLL CALL - 6:00 PM**
Councilmembers Medina and Tirman will be absent.
- 2. EXECUTIVE SESSION**
 - 2.A (6:05 PM) Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, 15 Minutes**
- 3. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**
- 4. MAYOR'S REPORT**
- 5. FUTURE COUNCIL AGENDAS**
 - 5.A Future Council Agendas, 15 Minutes**
- 6. PRESENTATIONS**
- 7. UNFINISHED BUSINESS**
 - 7.A Sustainable Transportation Plan Update - Public Works 15 Minutes**
- 8. NEW BUSINESS**
 - 8.A Shoreline Master Plan - Ecology Response on Critical Areas and Nonconforming Limited Amendment - Planning, 20 Minutes**
20200218_CC_Staff Memo_SMP_Amendment
Ecology Recommendations to Resolve Issues Identified as Required and Recommended

8.B Discussion of Community Concept for "Library of Things" 20 Minutes

9. CITY COUNCIL DISCUSSION

10. FOR THE GOOD OF THE ORDER

11. ADJOURNMENT

GUIDING PRINCIPLES

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**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, FEBRUARY 25, 2020**

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

AGENDA

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE - 6:00 PM**
- 2. EXECUTIVE SESSION**
 - 2.A (6:05 PM) Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, 30 Minutes**
- 3. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
- 4. PUBLIC COMMENT**
- 5. MAYOR'S REPORT**
- 6. CITY MANAGER'S REPORT**
- 7. FUTURE COUNCIL AGENDAS**
 - 7.A Future Council Agendas, 15 Minutes**
- 8. PRESENTATION(S)**
- 9. PUBLIC HEARING(S)**
- 10. UNFINISHED BUSINESS**
 - 10.A (x PM) Visconsi / Sound to Olympics Trail Project Update and Budget Amendment - Public Works, 10 Minutes**
 - Attachment A - Timeline Visconsi Trail
 - Attachment B - MOU Addendum 1

10.B Wyatt Way Reconstruction Contract Award - Public Works, 10 Minutes

10.C Tree Removal and Vegetation Management Discussion - Planning, 20 Minutes

10.D (x PM) Youth Mental Health Workshop Proposal - Council Ad Hoc Committee, Executive, 20 Minutes
BI Youth Mental Health Summit Proposal - for CC 02252020

11. NEW BUSINESS

11.A Ordinance No. 2020-06, Amending the 2020 Budget to Carry Forward Funding for Work Funded in 2019 but to be Performed in 2020 - Finance, 10 Minutes
Ordinance No. 2020-06 Amending the 2020 Budget to Carry Forward 2019 Items.docx

11.B Lodging Tax (LTAC) Eligibility for Affordable Housing - Finance, 10 Minutes
LTAC Affordable Housing Memo.docx

11.C Appointment to the Design Review Board - Mayor Schneider, 5 Minutes
Design Review Board Applications (Redacted).pdf

11.D (8:05 PM) Review 2019 Results for Citywide Workplan Priorities and Comprehensive Plan Implementation - Executive, 15 Minutes

12. CONSENT AGENDA

12.A Agenda Bill for Consent Agenda, 5 Minutes

13. COMMITTEE REPORTS

14. FOR THE GOOD OF THE ORDER

15. ADJOURNMENT

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**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL STUDY SESSION
TUESDAY, MARCH 03, 2020**

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

AGENDA

- 1. CALL TO ORDER / ROLL CALL - 6:00 PM**
- 2. EXECUTIVE SESSION**
- 3. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**
- 4. MAYOR'S REPORT**
- 5. FUTURE COUNCIL AGENDAS**
 - 5.A Future Council Agendas, 15 Minutes**
- 6. PRESENTATIONS**
- 7. UNFINISHED BUSINESS**
 - 7.A (x PM) Update on the Development Moratorium - Planning, 10 Minutes**

Moratorium Update Abbreviated
Moratorium Extension Handout Final 100419
Ordinance No. 2019-26 Extending the Development Moratorium Approved 092419
 - 7.B (x PM) Green Building Update - Planning, 10 Minutes**

2020_01_28_CC_Staff_Memo_January Update.docx
 - 7.C Sustainable Transportation Plan Update - Public Works, 15 Minutes**
 - 7.D (X PM) Review Resolution 2018-03 and Goals for Suzuki Property Affordable Housing Project - Executive, 45 Minutes**

Resolution No. 2018-03 Establishing Goals for the City-owned Suzuki Property Approved 012318
 - 7.E Sportsman Club Roundabout Design Discussion - Public Works, 45 Minutes**

8. **NEW BUSINESS**
9. **CITY COUNCIL DISCUSSION**
10. **FOR THE GOOD OF THE ORDER**
11. **ADJOURNMENT**

GUIDING PRINCIPLES

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Memorandum

Date: 2/7/2020
To: City Council
From: Morgan Smith, City Manager
Subject: Pending City Council Topics

The table below provides a list of City Council topics that are currently ready for Council consideration but have not yet been scheduled for a Council meeting. Some notes are provided to indicate to what degree the topic is time-sensitive, etc.

TOPIC	NOTES
BIMPRD proposal to manage City Dock	Suggest schedule in Q1 in order to reach decision ahead of planned RFP process. In the absence of any changes, City will issue RFP in Q3 to cover City Dock services after current agreement expires (12/31/20)
Options for City Academy and Quarterly programs	Information developed to respond to Council request to City Manager from May, 2019 Council retreat.



Memorandum

Date: 1/31/2020
To: City Council
From: Morgan Smith, City Manager
Subject: Proposed Future City Council Topics

The table below provides a list of potential future City Council topics that have been identified by one or more councilmembers.

TOPIC
\$15 minimum wage
Rights of Nature ordinance
Packaging ordinance
Islandwide 25 mph speed limit
Tenant policies for rental properties
Requirement for on-site manager for short-term rental units
Street Tree program



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (7:20 PM) Proclamation Declaring February 2020 as "Black History Month" - Mayor Schneider,

SUMMARY:

Mayor Schneider will present the proclamation declaring February 2020 as "Black History Month." This proclamation is one of the annual proclamations that the Mayor is authorized to sign without further Council action.

AGENDA CATEGORY: Presentation

PROPOSED BY: City Council

RECOMMENDED MOTION:

Presentation only.

STRATEGIC PRIORITY: Healthy and Attractive Community

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[Black History Month Proclamation 2020](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



PROCLAMATION

A PROCLAMATION by the Mayor of the City of Bainbridge Island, Washington, declaring February 2020 as “Black History Month.”

WHEREAS, Black History Month is celebrated throughout the nation during the month of February; and

WHEREAS, Black History Month is a time to honor our diverse ancestry and to remember the often hidden history of civic, economic, professional, medical, and artistic achievements of many Black Americans; and also serves as a reminder of the challenges that face all people of color, and that the work to eliminate barriers based on prejudice is ongoing; and

WHEREAS, Black Americans continue to make significant contributions to the growth of our nation: in business and philanthropy; as ministers, doctors and nurses; as artists and musicians; as professors and teachers; as lawyers and legislators; as soldiers and leading athletes. Black Americans have earned Olympic Gold Medals; Medals of Honor, and as slaves, built the White House where the first Black President and his family resided from 2009 – 2016; and

WHEREAS, we continue to be inspired by the vision of Rev. Dr. Martin Luther King, Jr. and by the vision of local leaders such as former Seattle Mayor Norm Rice, Judge Theodore Spearman, Bishop Lawrence Robertson, Lillian and James Walker; and

WHEREAS, Black History Month serves as a reminder of the challenges that face people of color and other marginalized groups. There is still more to be done to ensure equality under the law and equal opportunity; and

WHEREAS, Black History Month’s theme for 2020 – “African Americans and the Vote”—marks the 150th anniversary of the Fifteenth Amendment (1870) which gave the right of black men to vote following the Civil War. It also marks the centennial of the Nineteenth Amendment and the culmination of the women’s suffrage movement. This year’s theme, then, recognizes the struggle for voting rights among both black men and women

throughout American history. It is an ongoing struggle experienced by people of color that continues into the 21st century.

NOW, THEREFORE, I, Leslie Schneider, Mayor of the City of Bainbridge Island, Washington, on behalf of the City Council, do hereby proclaim February 2020 as

“BLACK HISTORY MONTH”

in the City of Bainbridge Island, and urge all Islanders to join me in this special observance.

SIGNED, this 11th day of February, 2020.

Leslie Schneider, Mayor



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (7:25) PM) Code of Conduct and Ethics Program Review - Executive,

SUMMARY:

Council discussion of the City's Code of Conduct and Ethics Program.

AGENDA CATEGORY: Discussion

PROPOSED BY: City Council

RECOMMENDED MOTION: Council Discussion.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND: The City's Code of Conduct and Ethics Program establishes a Code of Conduct, a Code of Ethics, and provides a process to review possible violations of the Code of Conduct and of the Code of Ethics by Councilmembers and members of City Committees and Commissions. The Code of Conduct and Ethics Program also provides for an Ethics Board to assist with the administration of the program. More information is available online on the Ethics Board's webpage: <https://www.bainbridgewa.gov/231/Ethics-Board>.

On November 26, 2019, the City Council adopted Resolution No. 2019-26, revising the City's Code of Conduct and Ethics Program. The effective date of the revised program is February 1, 2020.

The adoption of Resolution No. 2019-26 followed extensive Council discussion throughout 2019, involving discussion of issues related to the program during at least 20 separate Council meetings.

In short summary, the adopted revisions are intended to clarify the procedure for the review of complaints submitted by members of the public as well as for review of requests for advisory opinions and waivers by Councilmembers and members of the City's various advisory groups. The revisions also expand the Ethics

Board from five to seven members and make several clarifications to the Code of Ethics included in the City's Code of Conduct and Ethics Program.

The following materials from the City Council and Ethics Board's April 30, 2019 Ethics Workshop are attached as background for the Council's discussion:

- The Cover Page for the April 30, 2019 Ethics Workshop;
- A copy of Greg Rubstello's presentation;
- A copy of Steve Gross' presentation;
- The Port Townsend Code of Ethics;
- HCR 4401, regarding code of conduct in the Legislature; and
- Resolution No. 2019-13, a previously considered, but never adopted, resolution proposing revisions to Article I of the Ethics Program.

Also attached are:

- a document provided by Councilmember Hytopoulos for the Council's consideration at the Feb. 4 study session,
- a document provided by Councilmember Pollock for the Council's consideration at the Feb. 4 study session, and
- a staff memo outlining an outstanding Council discussion point from the November 26, 2019 Council Meeting that the Council previously tabled for discussion in 2020.

ATTACHMENTS:

[Resolution No. 2019-26 Updating the City's Ethics Program - Approved 112619](#)

[Cover Page - April 30, 2019 Ethics Workshop](#)

[Greg Rubstello - Ethics Workshop Presentation - April 30, 2019](#)

[Steve Gross - Ethics Workshop Presentation - April 30, 2019](#)

[Port Townsend Code of Ethics - Chapter 2.80 PTMC](#)

[HCR 4401 Regarding Code of Conduct](#)

[Resolution No. 2019-13 - Revising Ethics Program Related to Article I \(Previously Tabled by CC and Never Adopted\)](#)

[Councilmember Hytopoulos Note to Council 02 04 2020](#)

[Councilmember Pollock Supplemental information for Council 020420](#)

[Staff Memo - Outstanding Discussion Point from November 26, 2019 Council Meeting](#)

FISCAL DETAILS:

Review by the Hearing Examiner under the Code of Conduct and Ethics Program, as needed, is anticipated to be charged at \$175/hour.

Facilitation of reconciliation by a trained mediator under the Code of Conduct and Ethics Program, as needed, is anticipated to be charged at \$150/hour.

Fund Name(s):

Coding:

RESOLUTION NO. 2019-26

A RESOLUTION of the City Council of Bainbridge Island, Washington, amending the ethics program for the City of Bainbridge Island in accordance with Chapter 2.07 BIMC.

WHEREAS, Chapter 2.07 BIMC provides that the City Council shall establish, by resolution or ordinance, an ethics program for the City of Bainbridge Island; and

WHEREAS, on May 10, 2006, the City Council passed Resolution No. 2006-25, adopting an ethics program for the City of Bainbridge Island; and

WHEREAS, the City Council has previously amended the ethics program through the passage of Resolution Nos. 2011-07, 2011-13, 2012-11, and 2018-10; and

WHEREAS, in 2019, the City Council thoroughly considered the City's ethics program, including discussions held during the May 28, July 2, July 23, August 6, August 20, September 17, October 22, and November 26, 2019 Council meetings; and

WHEREAS, the Ethics Board has reviewed and provided input to the City Council on proposed changes to the City's ethics program; and

WHEREAS, the City Council desires to update the City's ethics program and to provide a delayed effective date for the revised ethics program to give City staff and the Ethics Board time to update operating rules, forms, and training materials, as needed, to conform with and implement the revised ethics program.

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

Section 1. Repeal and Replacement of Ethics Program. The ethics program adopted by Resolution No. 2018-10 is hereby repealed in its entirety and replaced as shown on **Exhibit A**, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Direction to Ethics Board. The Ethics Board shall not, without Council approval, consider any complaint, request for advisory opinion, or request for waiver until Section 1 of this resolution takes effect. The Ethics Board is directed to revise its operating rules, forms, and training materials, as needed, to conform with the Code of Conduct and Ethics Program included as **Exhibit A** to this resolution.

Section 3. Effective Date. Section 1 of this resolution shall take effect and be in force on February 1, 2020. Section 2 of this resolution shall take effect and be in force immediately upon passage.

PASSED by the City Council this 26th day of November, 2019.

APPROVED by the Mayor this 26th day of November, 2019.

By: 
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

By: 
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	October 18, 2019
PASSED BY THE CITY COUNCIL:	November 26, 2019
RESOLUTION NO.	2019-26

Exhibit A: Code of Conduct and Ethics Program

Exhibit A
Code of Conduct and Ethics Program

**CITY OF BAINBRIDGE ISLAND
CODE OF CONDUCT AND ETHICS PROGRAM**

Resolution No. 2019-26

Effective Date: February 1, 2020

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CITY OF BAINBRIDGE ISLAND CODE OF CONDUCT AND ETHICS PROGRAM

All those associated with City government, including Councilmembers and members of City Committees and Commissions, seek to earn and maintain the public's confidence in the City's services and the public's trust in its government. To this end, the decisions and work of those associated with City government must meet the highest ethical standards. It is therefore the purpose of this program to:

1. Articulate the Code of Conduct that will guide the conduct of Councilmembers and members of City Committees and Commissions;
2. Establish a Code of Ethics for Councilmembers and members of City Committees and Commissions;
3. Provide training for Councilmembers and members of City Committees and Commissions on the Code of Conduct and the Code of Ethics;
4. Establish a system that enables individuals, Councilmembers, and members of City Committees and Commissions to seek guidance and assistance regarding possible violations of the Code of Conduct or of the Code of Ethics;
5. Provide a process to review possible violations of the Code of Conduct and of the Code of Ethics by Councilmembers and members of City Committees and Commissions; and
6. Maintain an Ethics Board to assist with the administration of the program.

This Code of Conduct and Ethics Program is intended to supplement state and federal law. As such, Councilmembers and members of City Committees and Commissions shall comply with all state and federal laws in the performance of their public duties. These laws include, but are not limited to, the following: the United States and Washington Constitutions; Chapter 42.23 RCW; and Chapter 42.17A RCW.

ARTICLE I - CODE OF CONDUCT

A. Preamble

The City of Bainbridge Island has adopted this Code of Conduct, which consists of the Core Values and Ethics Principles detailed below, to promote and maintain the highest standards of personal and professional conduct among City Councilmembers and members of City Committees and Commissions. The optimal operation of democratic government requires that the City's government be fair and accountable to the people it serves. This Code of Conduct articulated in Article I applies to Councilmembers and members of City Committees and Commissions.

B. Core Values

1. Service, Helpfulness, Innovation

We are committed to providing service to the people of Bainbridge Island and to each other that is courteous, cost effective, and continuously improving.

2. Integrity

We treat one another with honesty and integrity, recognizing that trust is hard won and easily lost. We pledge to promote balanced, consistent, and lawful policies and directives, in keeping with that integrity and the highest standards of this community.

3. Equality, Fairness, Mutual Respect

We pledge to act with the standard of fairness and impartiality in the application of policies and directives and that of equality and mutual respect with regard to interpersonal conduct.

4. Responsibility, Stewardship, Recognition

We accept our responsibility for the stewardship of public resources, and our accountability for the results of our efforts, and we pledge to give recognition for exemplary work.

C. Ethics Principles

1. Obligations to the Public

Following the highest standards of public service, Councilmembers and members of City Committees and Commissions act to promote the public good and preserve the public's trust. In practice, this principle looks like transparency and honesty in all public statements and written communications.

2. Obligations to Others

In order to sustain a culture of ethical integrity, Councilmembers and members of City Committees and Commissions treat each other and the public with respect and are guided by applicable codes of ethics. In practice, this principle looks like:

- a. Councilmembers and members of City Committees and Commissions shall familiarize themselves with the ethical rules governing them (including Chapter 42.23 RCW and this Ethics Program) and obtain periodic education regarding such rules.
- b. Councilmembers and members of City Committees and Commissions shall, in all their interactions, conduct themselves in a manner that demonstrates civility and respect for others.

3. Obligations Regarding the Use of Public Resources

In recognition of the importance of stewardship, Councilmembers and members of City Committees and Commissions use and allocate public monies, property, and other resources in a responsible manner that takes into consideration both present and future needs of the community. In practice, this principle looks like:

- a. Councilmembers and members of City Committees and Commissions shall, to the extent possible, seek guidance regarding the use of public resources from staff and other experts, including legal advice from the City Attorney as appropriate, in order to ensure that public resources are used and conserved for the public good.
- b. Councilmembers and members of City Committees and Commissions shall ensure that paid experts and consultants who provide guidance regarding the use of public resources shall be impartial and free of conflicts of interest.

ARTICLE II - CODE OF ETHICS

Except where specifically stated, the rules articulated in Article II apply to Councilmembers and individuals serving on City Committees and Commissions.

A. Gifts and Compensation

1. Limitations on City-Related Gifts and Outside Compensation

Except as permitted under Subsections (2) and (3) below, no Councilmember or member of a City Committee or Commission, or any member of their immediate families, shall, directly or indirectly, accept any gift (as defined below) for a matter connected with or related to their services or duties with the City of Bainbridge Island or accept any non-City compensation for the performance or non-performance of those services or duties.

2. Exceptions to Gift Limitations

The following are exceptions to the limitation on gifts and may be accepted by those subject to Subsection (1) above:

- a. Unsolicited items of trivial value. "Items of trivial value" means items or services with a value of fifty dollars (\$50.00) or less, such as promotional t-shirts, pens, calendars, books, or other similar items.
- b. Gifts from other City officers, officials, or employees, or their family members on appropriate occasions.
- c. Gifts appropriate to the occasion and reasonable and customary in light of a familial, social, or official relationship of the giver and recipient, such as weddings, funerals, illnesses, holidays, and ground-breaking ceremonies.
- d. Campaign contributions as permitted and reported in accordance with law.
- e. Awards that are publicly presented by a nonprofit organization in recognition for public service if the award is not extraordinary when viewed in light of the position held by the recipient.
- f. Gifts offered while visiting other cities, counties, states, or countries or hosting visitors from other cities, counties, states, or countries, when it would be a breach of protocol to refuse the gift, provided that any such gifts received shall become property of the City.

g. Reasonable and necessary costs to attend a conference or meeting that is directly related to the official or ceremonial duties of the Councilmember or member of a City Committee or Commission, provided that any payment of substantial travel or lodging expenses by any person or entity regulated by the City or doing or seeking to do business with the City must be approved in advance by the Mayor or, if the Mayor is the recipient, by the Deputy Mayor or the Mayor Pro Tem.

3. Immediate Family Gift Exception

It shall not be a violation of this section for a member of a Councilmember's or a member of a City Committee or Commission's immediate family to accept a gift which arises from an independent relationship, if the Councilmember or member of a City Committee or Commission does not significantly benefit from the gift, and it cannot reasonably be inferred that the gift was intended to influence the Councilmember or member of a City Committee or Commission in the performance of their duties.

B. Use of City Property by Councilmembers

1. Except for limited incidental personal use or emergency circumstances, no Councilmember shall request, permit, or use City vehicles, equipment, materials, or property for personal use, personal convenience, or profit.
2. From the time that a Councilmember declares or publicly states that they intend to run for reelection until the conclusion of the respective general election, that Councilmember shall not request or direct that City funds be used to purchase any media (including newspaper, radio, television, social media, or bulk mailing) that contains the name or image of that Councilmember unless the names or images of all City Councilmembers appear in the media being purchased.

C. Confidentiality

Except as required by law, a Councilmember, former Councilmember, or current or former member of a City Committee or Commission shall not disclose or use privileged, confidential, or proprietary information obtained in executive session or otherwise in the course of their duties as a result of their position.

D. Conflict of Interest – General

1. Applications of Conflict of Interest

Except as permitted in Subsections (2) or (3) below, a Councilmember or member of a City Committee or Commission shall not take any direct official action on a matter if they, or a member of their immediate family:

- a. Has any substantial direct or indirect contractual employment related to the matter;

- b. Has other significant financial or private interest in that matter (which includes serving on a Board of Directors for any organization but does not, for Councilmembers, include appointing members to the Salary Commission); or
- c. Is a party to a contract or the owner of an interest in real or personal property that would be significantly affected by that matter. Taking direct official action on, or regarding, legislation of general application does not “significantly affect” real or personal property within the meaning of this Subsection.

2. Conflict of Interest Exceptions for Councilmembers

Subsection (1) above shall not apply when a Councilmember:

- a. Is required to take or participate in an action based upon the rule of necessity;
- b. Acts as their own representative before the City Council, Hearing Examiner, or any other City board, commission, or agency, provided that the individual does not also participate in any way in the deliberations or decision of the City Council, Hearing Examiner, or that board, commission, or agency related to that matter;
- c. Acquires an interest in bonds or other instruments of indebtedness issued by the City if acquired and held on the same terms available to the general public;
- d. Officially participates in the development and adoption of the City's budget; or establishes the pay or benefit plan of City officers, officials, or employees;
- e. Makes decisions on any legislation of general application unless these actions directly affect, or appear to affect, the official's or immediate family member's employment; or
- f. Serves on the governing body of an organization or entity as part of their official duties as a Councilmember of the City.

3. Conflict of Interest Exceptions for Members of City Committees and Commissions

Subsection (1) above shall not apply to a member of a City Committee or Commission:

- a. Who takes direct official action, as a member of a City Committee or Commission to which that member was appointed based on that member's ownership or lease of certain real property or of that member's ownership of a business located in a certain area of the City, that results in a conflict of interest under Subsection (1) above due solely to the fact of that member's ownership or lease of the certain real property or of that member's ownership of the business located in a certain area of the City providing the basis for that member's appointment to the City Committee or Commission; provided that the member fully discloses the basis for the conflict of interest under Subsection (1) during each meeting of the City Committee or Commission in which the conflict of interest under Subsection (1) occurs or may occur;

- b. Who fully disclose the basis for the conflict of interest under Subsection (1) above on the public record of the City Committee or Commission and the Committee or Commission votes to allow the member to participate in the discussion or the vote; or
- c. Is required to take action or participate in an action based upon the rule of necessity.

4. Disclosure for Councilmembers

All Councilmembers are required to comply with the Washington State Public Disclosure Commission requirements for financial disclosure. In addition, all Councilmembers shall publicly disclose their financial interest in any matter that comes before them. All Councilmembers shall annually complete a conflict of interest statement to be submitted to the City Clerk by April 15th.

E. Conflict of Interest - After Leaving Elected City Office

1. For two (2) years after leaving elected City office, no former Councilmember shall obtain employment in which they will take direct or indirect advantage of matters on which they took direct official action during their service with the City. This includes contractual negotiations or solicitation of business unavailable to others.
2. For two (2) years after leaving elected City office, no former Councilmember shall engage in any action or litigation in which the City is involved, on behalf of any other person or entity, when the action or litigation involves an issue on which the person took direct official action while in elected City office.

F. Conflict of Interest – Members of City Committees or Commissions and Employment

While serving on a City Committee or Commission, and for two (2) years after leaving such position, no member of a City Committee or Commission shall obtain employment in which they will take direct or indirect advantage of matters which they, as a member of a City Committee or Commission, recommended to the City Council. This includes applying for positions or contracts with the City when the City Committee or Commission on which the member served recommended funding such position or contract.

G. Conflict of Interest - Family Members of Councilmembers

1. Appointment of Family Members

Unless they obtain a waiver from the Ethics Board, no Councilmember shall appoint or hire a member of their immediate family for any type of employment with the City. This includes, but is not limited to, full time employment, part time employment, permanent employment, temporary employment, and contract employment.

2. Supervision of Family Members

No Councilmember shall supervise or be in a direct line of supervision over a member of their immediate family. If a Councilmember is placed in a direct line of supervision of a member of their immediate family, they shall have three (3) months to come into compliance or to obtain a waiver pursuant to Subsection (3) below.

3. Waivers

Waivers from this section may be sought from the Ethics Board to allow a member of the immediate family to be hired or to be in the direct line of supervision of a member of the immediate family. Procedures to consider such a waiver are set forth in Article III.

H. Conflict of Interest – Contractors

Every major contractor submitting bids to the City shall affirm that neither the contractor nor any agent of the contractor has made any prohibited gift to a Councilmember who is involved in direct official action on the bid or has a relationship to such Councilmember that would create a conflict of interest for that Councilmember under this Code of Conduct and Ethics Program.

I. Conflict of Interest - Individuals Serving on City Committees and Commissions

Individuals serving on City Committees and Commissions shall sign a conflict of interest statement upon appointment and reappointment.

J. Conduct of Public Meetings

1. Meetings involving Councilmembers or City Committees and Commissions should be conducted in a manner that maximizes transparency of relationships among individuals or groups that could affect decision-making.
2. Meetings of the City Council and City Committees and Commissions shall have a standing agenda item for disclosure of possible conflicts of interest. Members are encouraged to disclose relationships with persons and issues on the agenda, including potential conflicts of interests. If necessary, discussion among the members may be undertaken to judge the significance of these relationships and whether a possible conflict of interest exists.

K. Conflict of Interest – Individuals Serving on the Ethics Board

No member of the Ethics Board shall participate in the review of complaints or requests for advisory opinions relating to the conduct of a Councilmember where that member of the Ethics Board is or was a member of a political action committee that supports, supported, opposes, or opposed the election or reelection of the Councilmember in question.

**ARTICLE III -
SUBMISSION AND REVIEW OF ETHICS COMPLAINTS, REQUESTS FOR WAIVERS,
AND REQUESTS FOR ADVISORY OPINIONS**

A. Submission of Ethics Complaints

1. Any individual may submit to the City Clerk an ethics complaint alleging violations of one of the following:
 - a. The Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission;
 - b. The Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission; or
 - c. The ethics standards contained in the City of Bainbridge Island Employee Manual by a City employee other than the City Manager.
2. Each complaint must include the name and address of the complainant, along with a detailed statement of facts, supported by a declaration in compliance with RCW 9A.72.085, on a form supplied by the City Clerk.
3. To facilitate timely review under this Ethics Program, each complaint may only allege violations of one of the three standards listed in Subsection (A)(1) above. To the extent that an individual believes multiple standards were violated, the individual may submit multiple complaints.

B. Review of Article I Complaints

1. The City Clerk shall refer complaints alleging one or more violations of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission, except for complaints concerning members of the Ethics Board, to the Ethics Board for review in accordance with Subsection (2) below. The City Clerk shall refer complaints alleging one or more violations of the Code of Conduct (Article I) by a member of the Ethics Board to the Hearing Examiner, who shall review the complaint in accordance with Subsection (2) below in place of the Ethics Board.
2. Upon receipt of a complaint, the Ethics Board shall make a threshold determination as to whether or not the complaint is reasonably credible and whether or not the facts asserted in the complaint, even if true, would constitute a violation of the Code of Conduct (Article I).
 - a. If the Ethics Board determines that the complaint lacks reasonable credibility, the Ethics Board shall dismiss the complaint, take no further action on it, and provide, following legal review, a written threshold determination to the City Clerk. Reconciliation shall not occur regarding a complaint dismissed under this Subsection. The City Clerk shall provide the threshold determination to the complainant and respondent and publish it along with the complaint.

b. If the Ethics Board determines that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Conduct (Article I), then the Ethics Board shall dismiss the complaint, take no further action on it, and provide, following legal review, a written threshold determination to the City Clerk. Reconciliation shall not occur regarding a complaint dismissed under this Subsection. The City Clerk shall provide the threshold determination to the complainant and respondent and publish it along with the complaint.

c. If the Ethics Board determines that the complaint is reasonably credible and that the facts asserted in the complaint, if true, would constitute a violation of the Code of Conduct (Article I), then the Ethics Board shall provide, following legal review, a written threshold determination to the City Clerk. The City Clerk shall provide the threshold determination to the complainant and respondent and refer the complaint to a trained mediator for reconciliation as described below.

3. As soon as practicable following receipt of a threshold determination under Article III, Subsection (B)(2)(c), the City Clerk, or designee, shall schedule the time and place for reconciliation of the complaint.

4. To facilitate timely reconciliation, the City Manager is authorized to, as needed, negotiate, execute, or amend a contract with the Dispute Resolution Center of Kitsap County, or other similar firm or organization, for the provision of trained mediators suitable for facilitating reconciliation to resolve complaints.

5. Reconciliation shall occur at the time and place scheduled. However, if the complainant refuses to participate in reconciliation, then no reconciliation shall be scheduled, and no further action shall be taken on the complaint. If the respondent refuses to participate in reconciliation, then no reconciliation shall be scheduled. In circumstances where the respondent refuses to participate in reconciliation, the City Clerk shall, except for complaints concerning members of the Ethics Board, instead refer the complaint to the Ethics Board for review and issuance of an advisory opinion in accordance with Article III, Subsections (B)(5)(a)–(g). For complaints concerning members of the Ethics Board, the City Clerk shall instead refer such complaints to the Hearing Examiner, who shall review the complaint and issue an advisory opinion in accordance with Article II, Subsections (B)(5)(a)–(g), in place of the Ethics Board.

a. The Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.

b. The Ethics Board shall then review the complaint and response, if submitted. The Ethics Board's review shall be limited to the complaint and the response, if submitted. In the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent; provided that if the Ethics Board obtains clarification of the complaint, the Ethics Board shall give the

respondent the opportunity to review the clarification and to provide an additional written response. However, the Ethics Board shall not engage in other fact-finding.

- c. If, in reviewing the complaint and response, a question of fact exists, the Ethics Board shall identify the existence of the question of fact in its advisory opinion.
- d. After reviewing the matter, the Ethics Board shall, following legal review, issue an advisory opinion, which shall be forwarded to the City Clerk for publication along with the complaint and response, if submitted. The City Clerk shall provide notice to both the complainant and respondent of the issuance of the advisory opinion.
- e. If, during the process of reviewing a complaint alleging a violation of the Code of Conduct (Article I), the Ethics Board determines that an additional violation of the Code of Conduct (Article I) may have occurred or a violation of the Code of Ethics (Article II) may have occurred, then the Ethics Board may choose to note that possibility in its advisory opinion. However, the Ethics Board shall not on its own initiative pursue review of an additional violation of the Code of Conduct (Article I) or a violation of the Code of Ethics (Article II) without the approval of the City Council. "Additional violation of the Code of Conduct (Article I)" means a violation of the Code of Conduct (Article I) that was not included in the complaint being reviewed.
- f. The Ethics Board shall strive to complete its review and issue an advisory opinion within 45 business days from the date that the City Clerk forwarded the request to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its advisory opinion shall specify the reasons for why additional time was needed.
- g. Advisory opinions shall be viewed as educational only. The purpose of such an opinion is to provide an educational opinion to Councilmembers, members of City Committees and Commissions, and the public on what type of conduct is generally expected from Councilmembers and members of City Committees and Commissions.

C. Review of Article II Complaints

1. The City Clerk shall refer complaints alleging one or more violations of the Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission, except for complaints concerning members of the Ethics Board, to the Ethics Board for review in accordance with Subsections (2)-(6) below. The City Clerk shall refer complaints alleging one or more violations of the Code of Ethics (Article II) by a member of the Ethics Board to the Hearing Examiner for review in accordance with Subsections (7)-(11) below.
2. Upon receipt of a complaint, the Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.
3. The Ethics Board shall review any complaint forwarded to it by the City Clerk and any response submitted by the respondent. The Ethics Board shall not engage in other fact-

finding. However, in the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent.

4. After reviewing the complaint and the response, if one was submitted, the Ethics Board shall, following legal review, take one or more of the following actions and inform the complainant, the respondent, and the City Clerk accordingly:

- a. Refer the complaint back to the City Clerk if the complaint alleges violations of the Code of Conduct (Article I) rather than alleged violations of the Code of Ethics (Article II);
- b. Determine that the complaint lacks reasonable credibility;
- c. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics (Article II);
- d. Determine that the facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any possible violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics (Article II);
- e. Hold the complaint for action at a future time if the matter is the subject of litigation; or
- f. Determine that, based on the submissions of the complainant and the respondent, review by the Hearing Examiner is warranted.

5. The Ethics Board shall strive to complete its review within 45 business days from the date that the City Clerk forwarded the complaint to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its determination shall specify the reasons why additional time was needed.

6. If the Ethics Board determines that, based on the submissions of the complainant and the respondent, review by the Hearing Examiner is warranted, the Board shall, following legal review, forward its determination, along with the complaint and response, to the complainant, respondent, and the City Clerk. The City Clerk will then forward the Board's determination and associated materials to the Hearing Examiner for review and further proceedings in accordance with Article IV.

7. Upon receipt of a complaint, the Hearing Examiner shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.

8. The Hearing Examiner shall review any complaint forwarded to it by the City Clerk and any response submitted by the respondent. The Hearing Examiner shall not engage in other fact-finding. However, in the course of reviewing a complaint, the Hearing Examiner may

request clarification of the complaint by the complainant or of the response by the respondent.

9. After reviewing the complaint and the response, if one was submitted, the Hearing Examiner shall take one or more of the following actions and inform the complainant, the respondent, and the City Clerk accordingly:

- a. Refer the complaint back to the City Clerk if the complaint alleges violations of the Code of Conduct (Article I) rather than alleged violations of the Code of Ethics (Article II);
- b. Determine that the complaint lacks reasonable credibility;
- c. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics (Article II);
- d. Determine that the facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any possible violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics (Article II);
- e. Hold the complaint for action at a future time if the matter is the subject of litigation; or
- f. Determine that, based on the submissions of the complainant and the respondent, further proceedings under Article IV are warranted.

10. The Hearing Examiner shall strive to complete their review within 45 business days from the date that the City Clerk forwarded the complaint to the Hearing Examiner. If review takes longer than 45 business days, the Hearing Examiner in its determination shall specify the reasons why additional time was needed.

11. If the Hearing Examiner determines that, based on the submissions of the complainant and the respondent, further proceedings under Article IV are warranted, the Hearing Examiner shall forward its determination, along with the complaint and response, to the complainant, respondent, and the City Clerk. The City Clerk will then schedule further proceedings in accordance with Article IV.

D. Review of Complaints Concerning City Employees

1. The City Clerk shall refer complaints concerning City employees to the City Manager.
2. The City Manager shall review any ethics complaint forwarded by the City Clerk and determine the appropriate course of action to address the complaint including, as applicable, authorizing such investigations as may be necessary to determine whether a violation has occurred, consistent with state law as well as relevant policies, procedures, and collective bargaining agreements.

3. Upon making a determination that no violation of ethics rules has occurred, the City Manager shall provide a written response regarding the determination to the complainant.
4. Upon making a determination that a violation of ethics rules has occurred, the City Manager or other appropriate City officer shall take action as guided by state law and relevant policies, procedures, and collective bargaining agreements.
5. In the event of a violation, the City Manager shall provide a response to the complainant outlining the substance of the violation and the action taken, subject to governing rules regarding confidentiality articulated in state law, City policy, and collective bargaining agreements.
6. Apparent violations of law shall be reported to the appropriate authorities, as applicable.

E. Requests for Advisory Opinions

1. To the extent described below, the following individuals or bodies may submit to the City Clerk a request for an advisory opinion from the Ethics Board:
 - a. A Councilmember or member of a City Committee or Commission may request an advisory opinion from the Ethics Board as to whether their own behavior has violated or might in the future violate the Code of Conduct (Article I) or the Code of Ethics (Article II).
 - b. The City Council may request an advisory opinion from the Ethics Board regarding City policies or practices in relation to the Code of Conduct (Article I) or the Code of Ethics (Article II).
 - c. City Committees and Commissions may request an advisory opinion from the Ethics Board regarding operating rules or practices in relation to the Code of Conduct (Article I) or the Code of Ethics (Article II).
 - d. A Councilmember may request an advisory opinion from the Ethics Board concerning the applicability of the Code of Ethics (Article II) to hypothetical circumstances and/or situations related to the actions, or potential actions, of a Councilmember or a member of a City Committee or Commission.
2. Requests for advisory opinions must be submitted to the City Clerk on a form supplied by the Ethics Board. The Ethics Board shall, following legal review, submit finalized advisory opinions to the City Clerk for publication
3. The grant of authority in this section is supplemental to, and does not change, the authority granted to the Ethics Board in Section B above.

F. Waivers

Councilmembers may request a waiver from the Ethics Board of the conflict of interest restrictions related to the hiring of and supervision over family members, as provided by Article II, Section F. Such requests shall be submitted in writing to the City Clerk, who shall refer them to the Ethics Board. Once finalized, the Board shall, following legal review, provide its response to the City Clerk, who shall publish both the request and the Board's response.

G. Effect of Advisory Opinion or Waiver

An individual who receives a waiver, or who acts in reliance on an advisory opinion, shall not later be found to have violated the Code of Conduct (Article I) or the Code of Ethics (Article II) if the individual acts in a manner consistent with that advisory opinion or waiver.

**ARTICLE IV -
HEARING EXAMINER REVIEW
AND POSSIBLE SANCTIONS**

A. Hearing Examiner Review of Article II Complaints

1. The City Clerk shall provide written notification to the complainant and the respondent of the time, date, and place of the hearing before the Hearing Examiner at which the complaint concerning alleged violations of the Code of Ethics (Article II) will be reviewed.
2. Hearings conducted by the Hearing Examiner shall be informal and held in accordance with rules of procedure adopted by the Hearing Examiner, except to the extent that such rules conflict with the terms of this Ethics Program. The respondent may be represented by legal counsel. The City Attorney shall designate special counsel to present the Code of Ethics violations charges and case. The respondent and special counsel may present and cross examine witnesses and give evidence before the Hearing Examiner. The Hearing Examiner may also call witnesses and compel the production of books, records, papers, or other evidence needed. To that end, the Hearing Examiner may issue subpoenas and subpoenas duces tecum at the request of the respondent, special counsel, or their own initiative. All testimony shall be under oath administered by the Hearing Examiner. The Hearing Examiner may adjourn the hearing from time to time in order to allow for the orderly presentation of evidence.
3. The Hearing Examiner or designee shall prepare an official record of the hearing, including all testimony, which shall be recorded by electronic device, and exhibits; provided that the Hearing Examiner or designee shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.
4. Within 20 business days after the conclusion of the hearing, the Hearing Examiner shall, based upon a standard of proof of clear and convincing evidence, make findings of fact and conclusions of law. If the Hearing Examiner determines that the alleged Code of Ethics violation(s) have not been proven, the Hearing Examiner shall dismiss the complaint. If the Hearing Examiner determines that one or more Code of Ethics violation(s) are proven, the Hearing Examiner shall forward the matter to the City Council for a determination regarding the appropriate level of sanctions to be imposed for the Code of Ethics (Article II) violations. In either event, a copy of the findings and conclusions shall be forwarded to the City Clerk, for distribution to the City Council, and, by registered mail, to the person who made the complaint and to the respondent at addresses as given by such persons to the Hearing Examiner.

B. Action by City Council upon Hearing Examiner's Findings and Conclusion

1. Within 45 business days of receipt of the Hearing Examiner's findings and conclusions that sustain a Code of Ethics violation, the City Council shall schedule an executive session to consider the findings and conclusions, hear from the respondent, and deliberate upon the appropriate level of civil sanction(s) to be imposed, if any, except to the extent that the respondent requests that they be heard in open public session.
2. The Council may take no formal action or, by majority vote of the Council (not including the respondent, if a Councilmember, who shall not participate in said vote) at an open public meeting, may impose any of the following sanctions in response to a sustained violation of the Code of Ethics:
 - a. Admonition: An admonition shall be a verbal non-public statement made by the Mayor, Deputy Mayor, or Mayor Pro Tem to the Councilmember or member of a City Committee or Commission who has violated the Code.
 - b. Reprimand: A reprimand shall be a letter prepared by the City Council, signed by the Mayor, Deputy Mayor, or Mayor Pro Tem, and directed to the Councilmember or member of a City Committee or Commission who has violated the Code.
 - c. Censure: A censure shall be a written statement administered personally by the Mayor, Deputy Mayor, or Mayor Pro Tem to the Councilmember or member of a City Committee or Commission who has violated the Code violation. The Councilmember or member of a City Committee or Commission shall appear at a time and place directed by the City Council to receive the censure. The censure shall be given publicly and the official who has violated the Code shall not make any statement in support or opposition thereto or in mitigation. A censure shall be deemed administered at the time it is scheduled whether or not the Councilmember or member of a City Committee or Commission appears as required.
 - d. Other sanctions: Any sanction imposed under this Ethics Program is in addition to and not in lieu of any other penalty, sanction, or remedy which may be imposed or sought according to law or equity.
3. The City Clerk shall forward, by registered mail, a copy of the findings, conclusions, and sanctions, if imposed, to the complainant and to the respondent at addresses as given by both persons to the City Clerk. Following approval by the Council, the City Clerk shall publish the written findings, conclusions, and sanctions, if imposed.

ARTICLE V - ETHICS BOARD

A. Creation, Terms, and Appointments

1. Membership of Ethics Board

The Ethics Board consists of seven members appointed in accordance with this section.

2. Qualifications of Board Members

- a. Members of the Board shall represent a diverse set of backgrounds and interests.
- b. At least one member of the Ethics Board shall be a former judicial officer or have expertise in ethics acquired through education or experience.
- c. Members appointed or reappointed after the effective date of Resolution No. 2019-26, updating the Ethics Program, shall not, while serving on the Ethics Board, also simultaneously be employees or officers of the city or individuals appointed to another city committee or commission.

3. Method of Appointment

- a. Members of the Ethics Board shall be nominated by the Mayor and confirmed by the City Council by a supermajority vote of at least five Councilmembers.
- b. The Mayor and City Council shall work cooperatively to ensure that any person who is nominated has the required support of the City Council. Nominations shall be presented at meetings of the City Council in which all seven Councilmembers are present, unless exceptional circumstances exist (e.g., a Council vacancy exists and has not yet been filled, or other good cause).

4. Terms of Appointment

- a. Board members shall be appointed to terms of three years; however, the first two members nominated by the Mayor and confirmed by the City Council shall initially serve one-year terms to achieve staggered ending dates.
- b. If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.
- c. Each member shall continue to serve until a successor has been appointed, unless the member is removed or resigns.

5. Removal of Board Members

- a. The absence of any member of the Board from three (3) consecutive meetings, unless the Board has excused the absence for good and sufficient reasons as determined by the Board, shall constitute a resignation from the Board.
- b. The City Council may remove a member for inappropriate conduct before the expiration of the member's term. Before removing a member, the City Council shall specify the cause for removal and shall give the member the opportunity to make a personal explanation.

6. Compensation

Members of the Ethics Board shall serve without compensation. Members may be reimbursed for reasonable expenses pursuant to the rules of the City and as approved by the City Manager or their designee.

7. Rules

The Ethics Board may, by majority vote, adopt reasonable operating rules consistent with this Ethics Program. The City Council reserves the right to modify such operating rules at its discretion.

8. Consultation with City Attorney

The Ethics Board shall consult with the City Attorney's Office or special counsel appointed by the City Attorney's Office regarding legal issues which may arise in connection with the Board's duties and functions under this Ethics Program.

9. Liaison to the Ethics Board.

A representative of the City Attorney's Office shall attend Ethics Board meetings and serve as the liaison to the Ethics Board. No Councilmember shall serve as a liaison to the Ethics Board.

B. Training Provided by the Ethics Board

The Ethics Board shall perform the following training related duties:

1. At least every two years, the Ethics Board shall prepare and distribute a pamphlet describing the Code of Conduct (Article I) and Code of Ethics (Article II) to all Councilmembers and members of City Committees and Commissions, after review of the pamphlet by the City Attorney's Office. The Ethics Board shall ensure that all new Councilmembers and members of City Committees and Commissions receive a pamphlet on this Code of Ethics.

2. The Ethics Board shall develop and present a training course on the Code of Conduct and the Code of Ethics to be presented annually to all Councilmembers and members of City Committees and Commissions.

C. Training Provided to the Ethics Board

The Ethics Board shall include all requests for training for the coming year in the Board's annual report to the City Council, and the Council will determine what training to approve, if any.

D. Annual Report

By February 15 of each year, the Ethics Board shall submit an annual report to the City Council summarizing its activities during the previous calendar year and work plan for the following year. The report shall include any recommendations for modifying the Code of Conduct and Ethics Program as well as all training requested by the Ethics Board.

ARTICLE VI - DEFINITIONS

For purposes of the Ethics Program, the following definitions shall apply.

“City Committees and Commissions” and “City Committee or Commission” mean all advisory boards, commissions, committees, and task forces created or appointed by the City Council.

“Confidential Information” means (a) specific information, rather than generalized knowledge, that is not available to the general public on request; or (b) information made confidential by law.

“Direct official action” means any of the following:

1. For Councilmembers and members of City Committees and Commissions, taking action, as defined by RCW 42.30.020, in an open public meeting.
2. For Councilmembers and members of City Committees and Commissions, directly, or indirectly through a proxy, doing the following: negotiating or recommending for or against a contract, purchase order, lease, concession, franchise, grant, or other similar instrument in which the City is a party.
3. For Councilmembers and members of City Committees and Commissions, directly, or indirectly through a proxy, doing the following: recommending for or against the approval of a permit, or other similar City approval or authorization, issued by the City. However, direct official action does not include the submittal, to the City, of a permit application by a Councilmember or a member of a City Committee or Commission or the appeal of a denial of such a permit application by the City. Direct official action includes actions taken by a Councilmember or a member of a City Committee or Commission to use or attempt to use their position to obtain special privileges or exemptions in the processing, or review on appeal, of their permit application.
4. For Councilmembers, appointing or terminating employees (i.e., the City Manager) or appointing or removing members of City Committees and Commissions.

Direct official action does not include acts that do not affect the disposition or decision with respect to the matter. Additionally, a Councilmember or member of a City Committee or Commission who recuses herself or himself in lieu of taking action, as defined by RCW 42.30.020, in an open public meeting is not exercising direct official action.

“Direct line of supervision” means the supervisor of an employee and the supervisor of an employee's supervisor.

“Fact-finding” means any action to gather facts or other evidence not submitted by a complainant in a complaint or a clarification to a complaint or by a respondent in a response or a clarification to a response. However, “fact-finding” does not include review by the Ethics Board of official video or audio recordings of meetings of the City Council or of City Committees and Commissions as well as review by the Ethics Board of the official minutes of such meetings.

“Gift” means any favor, reward, or gratuity and any money, good, service, travel, event ticket, lodging, dispensation, or other thing of value that is given, sold, rented, or loaned to a person without reasonable compensation and that is not available to the general public on the same terms and conditions. Any honoraria or payment for participation in an event will be considered a gift.

“Immediate family” means husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, domestic partner, or spouse of the above. The term includes any minor children for whom the person, or their domestic partner, provides day-to-day care and financial support. A "domestic partner" is an unmarried adult, unrelated by blood, with whom an unmarried officer, official, or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

“Legislation of General Application” means any legislative act, including regulations, policies, ordinances, resolutions, and motions, of general application, as opposed to legislative acts that affect only a particular person or individual or a small group of similarly situated persons or individuals.

“Major Contractor” means any person, corporation, company, firm, business, or other entity doing business over \$5,000 with the City under one contract or annually.

“Political Action Committee” means a legal entity, other than a natural person, that raises, spends, receives, or contributes money to support or oppose the election of one or more candidates for elected office at the local, state, or federal levels.

“Question of Fact” means a factual dispute between the complainant and the respondent concerning an issue that is material to a determination as to whether a violation of the Code of Conduct (Article I) exists.

“Reconciliation” means mediation between a complainant and a respondent facilitated by a trained mediator.

“Rule of Necessity” shall be interpreted and defined in accordance with RCW 42.36.090, which provides: In the event of a challenge to a member or members of a decision-making body which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

**ARTICLE VII -
CITY COUNCIL REVIEW OF CODE OF CONDUCT
AND ETHICS PROGRAM**

This Code of Conduct and Ethics Program shall automatically expire, and no longer be in force or effect, 12 months from the effective date of Section 1 of Resolution No. 2019-26, unless it is expressly renewed or otherwise amended by majority vote of the City Council.



CITY OF
BAINBRIDGE ISLAND

Special City Council Meeting Agenda Bill

MEETING DATE: April 30, 2019

ESTIMATED TIME:

AGENDA ITEM: City Council and Ethics Board Joint Special Meeting on Ethics,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Discussion.

SUMMARY:

In this joint special meeting of the City Council and the Ethics Board, the Council and Board will participate in a workshop with two regional experts on ethics. The goal is to reach a better understanding of what other cities are doing to effectively address matters involving ethics, and to receive recommendations regarding potential improvements to the City's Ethics Program.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

On February 26, 2019, the City Council considered Resolution No. 2019-13, regarding establishing standards under which the Ethics Board and City Council will evaluate alleged violations of Article I of the City's Ethics Program. At that meeting, the Council decided to table the resolution pending more research, analysis, and consideration related to the Ethics Program. Subsequently, it was decided that a joint City Council-Ethics Board workshop would be beneficial for the Council and Board to receive presentations and information from regional experts on ethics related to how other cities address such matters, as well as related to recommendations for potential improvements to the City's Ethics Program.

The general agenda for the workshop is as follows:

1. The Mayor will open the workshop and provide introductory remarks.

2. The two presenters, Greg Rubstello (attorney from Ogden Murphy Wallace) and Steve Gross (Auburn City Attorney), will make presentations, as follows:

- Greg and Steve will introduce themselves and explain their credentials and experience.
- Greg will provide an overview regarding how other cities effectively address ethics issues.
- Steve, who is the former City Attorney for Port Townsend, will present on Port Townsend's experience with their ethics program and why that program was changed to be more effective.
- Greg will provide his opinions and perspective regarding the City of Bainbridge Island's Ethics Program and draft Resolution No. 2019-13 (relating to how the Council will address Article I complaints).

3. The City Council and Ethics Board will discuss questions and topics.

- As Greg and Steve are presenting, participants (i.e., the City Council and Ethics Board) will write down questions they have or discussion topics they want to dig into more deeply.
- Each participant will be asked to state the questions or discussion topics that they want the group to consider.
- The questions and discussion topics will be written down.
- The Council and Ethics Board, as a group, will prioritize the questions and discussion topics and decide what they want to discuss first and in what order.
- The Council and Ethics Board will discuss the prioritized questions and topics, and will include Greg and Steve in the discussion as subject matter experts.

4. The Council and Ethics Board will discuss and determine next steps.

- The Council and Board will discuss possible next steps, including the possibility of pursuing amendments to the City's Ethics Program.
- The Council and Board may discuss possible next steps related to Council deliberations of the decisions that were issued recently.

Attachments:

1. Draft Resolution No. 2019-13 (included in 2/26/19 agenda packet)

2. Bainbridge Ethics Program - Resolution No. 2018-10 (included in 2/26/19 agenda packet)
3. Greg Rubstello PowerPoint presentation
4. Steve Gross PowerPoint presentation
5. Port Townsend Code of Ethics - Chapter 2.80 PTMC
6. HCR 4401 - Code of Conduct for the Washington State Legislature (included in 2/26/19 agenda packet)

Note: Regarding the attached PowerPoint presentations of the presenters, at least one of the presenters is planning to supplement his presentation for the workshop on April 30 as further work is done on the final presentation.

ATTACHMENTS:

[Resolution No. 2019-13 Revising Ethics Program Related to Article I](#)

[Resolution No. 2018-10 Updating Ethics Program Approved 032718](#)

[Greg Rubstello - Ethics Workshop Presentation \(April 30, 2019\)](#)

[Steve Gross - Ethics Workshop Presentation \(April 30, 2019\)](#)

[Port Townsend Code of Ethics - Chapter 2.80 PTMC](#)

[HCR 4401 Regarding Code of Conduct](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

Ethics Program Review

Ethics Workshop

Bainbridge Island City Council and Ethics Board
April 30, 2019

Greg A. Rubstello



Personal Introduction

Greg A. Rubstello

OMW



Greg A. Rubstello

- Member Attorney, Ogden Murphy Wallace, PLLC
- City Attorney since 1978, currently serves as City Attorney for Lake Stevens, Clyde Hill and Woodway
- Past President of WSAMA, and 2018 recipient of WSAMA's Ernest H. Campbell Award for achievement in Municipal Law
- Served as special counsel to Ethics Commissions in Lynnwood, Monroe and Woodinville
- Since 2000 counseled OMW municipal clients regarding ethical issues related to statutory and local codes and policies

Overview

How Washington Cities and Towns Address Ethical Issues

OMW



Framework for Local Ethics Codes

- Ch. 42.23 RCW “Code of Ethics for Municipal Officers-Contract Interests” prohibits:
 - A financial interest in a contract made by, through, or under the supervision of a public officer, or for the benefit of their office
 - Acceptance of any compensation or gratuity in connection with the contract
 - Using your position to secure special privileges or exemptions for the public officer or others
 - Receiving any kind of gift, compensation, reward, gratuity from a source other than the City for performance of official duties
 - Accepting outside employment where the disclosure of confidential information would reasonably be expected to be disclosed
 - Disclosure of confidential information gained by reason of their position
- So long as not inconsistent with these prohibitions or otherwise violative of statute or the constitution, local governments are free to impose more restrictive prohibitions

Ethics Codes for Cities and Towns

- 2015 Survey: 28 Cities from out of over 200 City Municipal Codes on the MRSC website had adopted by Ordinance a Local Ethics Code
- Of the 28, 26 were limited to “rule based” standards of conduct for local public officers, and employees
- 2 Codes – included “values” based standards of conduct in their standards of conduct and as potential subject matter for complaints and requests for advisory opinions
 - City of Kirkland
 - City of Bainbridge Island

Why So Few Local Ethics Codes?

- Another Layer of Local Government
- Other options:
 - State Code in RCW 42.23
 - Protocols adopted and enforced by the Council or Board/Commission
 - Employee Policies enforced by the Administration
 - Whistleblower Policies
 - The Ballot Box
- More trouble than they are worth
 - Politically motivated complaints
 - Conflict among officials
 - Staff support and the role of the City Attorney's Office
 - Additional expense

What do Local Ethics Code Commonly Do?

- Provide greater clarity to and/or expand the scope of the statutory prohibitions
 - Gifts and favors
 - Family members
 - Outside employment
 - Using influence
- Go beyond the subject matter of the statutory prohibitions
 - Legislative matters and disclosure of a public official's financial or private interests
- Provide a local complaint process more accessible to the public and within the local jurisdiction
 - A process for advisory opinions

COBI Ethics Program and Draft Resolution No. 2019-13

Some analysis, comments, thoughts and opinions

OMW



Note: This slide and this topic area will be supplemented with additional materials for the presentation.

➤ Analysis and comments will include among other matters:

➤ Article I

- Advisory opinions and complaints
- What standards should apply?
- Draft Resolution No. 2019-13
- Who should be able to request an opinion or bring a complaint?
- Remedies and sanctions?

➤ Articles I and II

- Due Process, Free Speech and other constitutional issues
- Role of the City Attorney's Office and use of independent counsel
- Problematic provisions and language
- Suggestions



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OGDEN MURPHY WALLACE
OMWLAW.COM

ETHICS WORKSHOP –

APRIL 30, 2019

City of Bainbridge Island City Council and Ethics Board

Presenter:

Steve Gross

- Auburn City Attorney
- Former Port Townsend City Attorney

FOCUS – PORT TOWNSEND'S EXPERIENCE & KEY TAKEAWAYS

- Why did Port Townsend decide to change its Ethics Code?
- What was the process in making such changes?
- What was the result?

WHY DID PORT TOWNSEND SEE A NEED FOR A CHANGE?

A turning point was a fairly contentious complaint that involved charges against:

- Three of the seven Councilmembers;
- The City Manager; and
- Three or four department heads.

Based on this experience, staff recommended simplifying and clarifying the Ethics Code.

WHY DID PORT TOWNSEND SEE A NEED FOR A CHANGE?

Some of the provisions of the Ethics Code were unclear, including:

- A. Included a broad prohibition against participating in any “transaction of the city.”
- B. The process for hearings contained impractical deadlines.
- C. Included a provision for the City Attorney to review a *potential complaint* and provide a legal opinion.

WHAT DID PORT TOWNSEND DO?

The City Council considered and discussed the following:

1. What behavior do we want to regulate?
 - A. Council behavior to each other and the public?
 - B. Employee behavior to each other and the public?
 - C. Financial conflict of interest?
 - D. Gifts?

WHAT DID PORT TOWNSEND DO?

The City Council also considered and discussed:

2. What do we want to do with the results of ethics investigations, and who do we want to conduct such investigations?
 - Council/City Manager vs. employee

WHAT DID PORT TOWNSEND DO?

The City Council also considered and discussed:

3. Where is the best place for the regulation to be?
 - A. Council Rules?
 - B. Personnel Policies?
 - C. Ethics Code?
 - D. Purchasing Code/Policy Rules?
 - E. Appearance of Fairness?

QUESTIONS?

8

Chapter 2.80 CODE OF ETHICS¹

Sections:

2.80.010 Policy.

2.80.020 Adoption of state law.

2.80.030 Statute of limitations.

2.80.040 Hearing officer.

2.80.050 Processing of complaints.

2.80.060 Penalties.

2.80.010 Policy.

A. The city of Port Townsend is committed to conducting its business in a fair, open, efficient, and accountable manner. Municipal officers shall conduct their public and private actions and financial dealings in a manner that shall present no conflict of interest between the public trust and their private interest. Each municipal officer is assumed and expected to act in accordance with all laws that may apply to his or her position.

B. Each municipal officer shall be trained on the requirements of this code as soon as practicable after beginning appointment to or employment with the city. Refresher training shall be provided at least every two years.

C. This code does not address issues of sexual harassment, discrimination, workplace rules or personnel policies, or other activities prohibited by law or regulated by city policies. (Ord. 3177 § 1 (Exh. A), 2017).

2.80.020 Adoption of state law.

A. General. Except as provided for in this chapter, the city adopts as its code of ethics Chapter 42.23 of the Revised Code of Washington ("RCW"). This chapter shall apply to all municipal officers as defined in RCW 42.23.020.

B. Gifts.

1. Except as amended in this chapter, the city adopts the following RCW sections: 42.52.010(8), (9), and (20), 42.52.140, and 42.52.150, except RCW 42.52.150(2) (g), (h), (i), and (l).

2. Where the statutes listed in subsection (B)(1) of this section use the terms “state,” “state officer,” or “state employee,” those terms shall apply to the city or to municipal officers of the city as appropriate.

3. Where the statutes listed in subsection (B)(1) of this section refer to other sections in Chapter 42.52 RCW, those references shall be to the comparable section in Chapter 42.23 RCW. If there is no comparable section in Chapter 42.23 RCW, the statutes adopted in subsection (B)(1) of this section shall not apply. (Ord. 3177 § 1 (Exh. A), 2017).

2.80.030 Statute of limitations.

Any complaint related to a violation of this chapter must be filed with the city clerk not later than three years from the alleged date of the violation. (Ord. 3177 § 1 (Exh. A), 2017).

2.80.040 Hearing officer.

A. Ethics Hearing Officer Position Created. There is created and established the position of “ethics hearing officer” (“hearing officer”) for the city of Port Townsend. The council shall appoint a hearing officer and may appoint one or more alternate hearing officers. The first alternate hearing officer shall serve as the hearing officer if the hearing officer is unavailable or unable to serve, and the second alternate shall serve if the hearing officer and first alternate are unavailable or unable to serve.

B. Qualification. A hearing officer must be an active member of the Washington State Bar Association, have at least seven years of experience as a lawyer, have no record of public discipline, and have experience as an adjudicator or as an advocate in contested adjudicative hearings.

C. Powers. The hearing officer, when assigned by council or the city manager, has the authority to conduct independent investigations and to conduct hearings related to violations of this chapter. (Ord. 3177 § 1 (Exh. A), 2017).

2.80.050 Processing of complaints.

A. Written Complaint. Any person may submit a written complaint to the city clerk that a municipal officer has violated this chapter. The allegation must set forth specific facts with precision and detail. In addition, the complaint must set forth the specific sections and subsections of this code that the facts violate and the reasons why. Each complaint must state the submitter’s legal name and a method by which the submitter may be contacted. The city clerk shall promptly deliver a copy of the complaint to the individual complained against.

B. Elected Officials – City Manager. Complaints against elected officials and the city manager shall be automatically assigned to a hearing officer. The hearing officer shall dismiss a complaint if, assuming all facts alleged are true, there is no violation of this

chapter or that any violation was minor. The hearing officer will submit a report to the city council, with a copy to the complainant and the person against whom the complaint was filed.

C. Employees – Advisory Board Members. Complaints regarding city employees and officials, and members of advisory bodies, shall be brought to the employee's supervisor, manager, or to the city manager. The supervisor, or appropriate individual as determined by the city manager, shall investigate the complaint and provide a report to the city manager.

D. Hearings shall generally be conducted in accordance with the city's then-current adopted version of the hearing examiner's rules of procedure. (Ord. 3177 § 1 (Exh. A), 2017).

2.80.060 Penalties.

A. Elected officials may be disciplined as provided for in state law or the council's rules of procedure.

B. The city manager may be disciplined as provided for in state law, the city's personnel policy manual, or the manager's employment contract.

C. Employees may be disciplined as provided for in state law, the city's personnel policy manual, or the applicable collective bargaining agreement.

D. Members of advisory boards may be disciplined as provided for in state law or the council's rules of procedure. (Ord. 3177 § 1 (Exh. A), 2017).

¹Prior legislation: Ords. 2786, 2801 and 2830.

CERTIFICATION OF ENROLLMENT
HOUSE CONCURRENT RESOLUTION 4401

66th Legislature
2019 Regular Session

Adopted by the House January 24, 2019

Speaker of the House of Representatives

Adopted by the Senate January 30, 2019

President of the Senate

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE CONCURRENT RESOLUTION 4401** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE CONCURRENT RESOLUTION 4401

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By Representatives Macri, Mosbrucker, Peterson, Doglio, Ryu, Orwall, Pellicciotti, Fey, Sells, Goodman, Shewmake, Wylie, Fitzgibbon, Kilduff, Senn, Appleton, Chapman, Rude, Lovick, Ortiz-Self, Paul, Springer, Slatter, Callan, Walen, Gregerson, Dolan, Irwin, Ramos, Thai, Pettigrew, Valdez, Bergquist, MacEwen, Robinson, Smith, Steele, Stokesbary, Van Werven, Gildon, Barkis, Griffey, Dufault, Stanford, Ormsby, Kirby, Maycumber, Tharinger, Cody, Eslick, Hudgins, Sutherland, Jinkins, Lekanoff, Pollet, Stonier, Frame, Davis, Leavitt, Dent, Dye, Graham, Reeves, Sullivan, and Riccelli

Read first time 01/24/19.

1 WHEREAS, All members of the Washington State legislative
2 community have the right to work in a legislative environment that is
3 safe and respectful and free from unsolicited, unwelcome, and
4 inappropriate comments or conduct; and

5 WHEREAS, Both the House of Representatives and Senate have
6 undertaken efforts to review and revise their respectful workplace
7 policies and established work groups in each chamber to make
8 appropriate recommendations; and

9 WHEREAS, Both work groups recommended adoption of a Code of
10 Conduct;

11 NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives
12 of the state of Washington, the Senate concurring, That the following
13 be adopted as the Code of Conduct of the Washington State
14 Legislature:

15 The Legislature is committed to maintaining a professional and
16 respectful environment for all members of the legislative community.
17 As stewards of the public trust, each member of the legislative
18 community is expected to:

19 (1) Conduct themselves with self-awareness, self-respect, and
20 professionalism;

21 (2) Treat all others with respect, dignity, and civility,
22 regardless of status or position; and

1 (3) Refrain from engaging in hostile, intimidating, offensive, or
2 unlawful activities or behaviors that may amount to discrimination,
3 harassment, sexual harassment, or bullying.

4 This Code of Conduct applies equally and at all times to all
5 members of the legislative community, both on and off the capitol
6 campus; and

7 BE IT FURTHER RESOLVED, That the Chief Clerk of the House of
8 Representatives and the Secretary of the Senate distribute this Code
9 of Conduct to all members and employees of the legislative branch and
10 to all persons registered as lobbyists pursuant to state law, and
11 conspicuously post this Code of Conduct in all legislative
12 facilities.

--- END ---

RESOLUTION NO. 2019-13

A RESOLUTION of the City Council of Bainbridge Island, Washington, approving an amendment to the City's Ethics Program in accordance with Chapter 2.07 BIMC.

WHEREAS, Chapter 2.07 BIMC provides that the City Council shall establish by resolution or ordinance an Ethics Program for the City of Bainbridge Island; and

WHEREAS, on May 10, 2006, the City Council passed Resolution No. 2006-25, adopting an Ethics Program for the City of Bainbridge Island; and

WHEREAS, on March 23, 2011, the City Council passed Resolution No. 2011-07, adopting a revised Ethics Program for the City of Bainbridge Island; and

WHEREAS, on May 18, 2011, the City Council passed Resolution No. 2011-13, amending the City's Ethics Program; and

WHEREAS, on August 22, 2012, the City Council passed Resolution No. 2012-11, amending the City's Ethics Program; and

WHEREAS, on March 27, 2018, the City Council passed Resolution No. 2018-10, amending the City's Ethics Program; and

WHEREAS, on February 5, 2019, the City Council passed a motion which clarified the Ethics Program to clearly state in Article I of the Program that the Ethics Board has the authority to consider all requests and complaints referred to the Board and submitted by any person related to alleged violations of Article I involving City Councilmembers or members of City Committees or Commissions, and to consider such requests and complaints as requests for Advisory Opinions for which the Board will issue such an Opinion, and that to the extent that any other provision in the Program is unclear regarding such authority, or conflicts with such authority, this statement of authority governs; and

WHEREAS, on February 5, 2019, the City Council also passed a motion to direct the City Attorney to recommend to the Council clear standards related to evaluation of requests for Advisory Opinions brought under Article I of the Ethics Program; and

WHEREAS, the City Council finds that it is in the best interest of the City of Bainbridge Island to further amend the City's Ethics Program accordingly.

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

Section 1. Pursuant to BIMC 2.07.010 and the motions passed by the City Council on February 5, 2019, as above described in the "Whereas" clauses, the City of Bainbridge Island Ethics Program is hereby amended to further memorialize that the Program has been amended by

those motions, to incorporate the intent of those motions into the Program, and to further amend the Program by adding a new Section E of Article I as follows:

E. Article I – Scope of Authority, Standards, and Remedies

1. Ethics Board Authority Related to Alleged Article I Violations.

a. Any person may submit to the City Clerk a written request or complaint related to an alleged violation of Article I.

b. With respect to Article I, the Ethics Board’s authority is limited to consideration of requests and complaints forwarded to it by the City Clerk that relate to alleged violations of Article I involving City Councilmembers or members of City Committees or Commissions.

c. The Ethics Board shall consider such requests and complaints as requests for Advisory Opinions for which the Board will issue such an Opinion.

d. To the extent that any other provision in the Ethics Program is unclear regarding such authority, or conflicts with such authority, this statement of authority governs.

2. Standards to Evaluate Alleged Article I Violations.

Regarding the Core Values and Ethics Principles that are described in Section B and Section C of Article I and otherwise in the Ethics Program, the City Council has determined that it is imperative to provide clear standards by which the Ethics Board and the Council shall evaluate alleged violations of Article I. The Council regards the Ethics Program as a resource to support ethical behavior (e.g., via education and training) and a means to achieve accountability for ethical conduct, but the Council is also mindful that the Program should not be used as a tool to pursue political objectives.

In evaluating alleged Article I violations related to the expectations described directly below, the Council and the Ethics Board shall determine whether a violation has occurred based on answering “yes” to the following question:

Would an unbiased, disinterested, and reasonable person find that the communication or conduct at issue violates Article I by clearly failing to meet one or more of the expectations described below?

The Article I expectations are as follows:

City Councilmembers and members of City Committees or Commissions are expected to:

a. Treat all others with honesty, integrity, dignity, and civility, including by not impugning the motives of others, not intentionally misrepresenting the communications of others, not claiming a lack of intelligence on the part of others, and not defaming or degrading others or the Council, Committee, or Commission on which the member serves.

b. Act with fairness and impartiality in the application, consideration, modification, or adoption of policies and directives.

c. Act with equality and mutual respect with regard to interpersonal conduct.

d. Act in a manner that demonstrates responsibility for the stewardship of public resources by ensuring that public monies, property, and other resources are used and conserved in a responsible manner that takes into consideration both the present and future needs of the community.

e. Act in a manner that demonstrates accountability for the results of efforts by the Council, Committee, or Commission on which the member serves.

f. Promote the public good and preserve the public's trust by being transparent and honest in all public statements and written communications.

g. Conduct themselves with self-awareness, self-respect, and professionalism.

h. Refrain from engaging in hostile, intimidating, offensive, or unlawful activities or behaviors that may amount to discrimination, harassment, sexual harassment, or bullying.

3. Article I Violations and Remedies.

a. In issuing Advisory Opinions, as referenced, for example, in Article III, Section E., of the Ethics Program, the Ethics Board shall transmit the Board's Opinion to the requestor of the Opinion and publish the Opinion on the City's website. The Board shall also transmit the Opinion to the subject of the request (i.e., City Councilmember or member of City Committee or Commission) and to the City Council.

b. Upon such a transmittal of an Advisory Opinion by the Ethics Board to the City Council, the Council, at a meeting open to the public, may vote to review the Opinion.

c. If the Council votes to review the Board's Opinion, and if the Council concurs with the Opinion, the Council has the discretion to determine if a sanction is appropriate and, if so, what that sanction will be. Such a sanction, for example, could range from a general statement of disapproval to a formal censure.

d. Alternatively, if the Council votes to review the Board's Opinion, and if the Council does not concur with the Opinion of the Board, the Council has the discretion to conclude that the Council's opinion is that no violation of Article I has occurred. If the Council so concludes, the Council shall clearly state the basis upon which it has reached a different conclusion than that reached by the Board.

Section 2. Except as modified herein, all other provisions of the Ethics Program shall remain in full force and effect. However, if any of those other provisions conflict with the modifications made via this Resolution, the provisions of this Resolution shall govern.

PASSED by the City Council this _____ day of February, 2019.

APPROVED by the Mayor this _____ day of February, 2019.

By: _____
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

By: _____
Christine Brown, City Clerk

FILED WITH THE CITY CLERK: February 22, 2019
PASSED BY THE CITY COUNCIL: _____, 2019
RESOLUTION NO. 2019-13

February 4, 2020

Dear Colleagues:

After spending many hours over the last week reviewing the history of our Ethics Program from its inception, and recalling my own experiences during my previous tenure on Council under a different version of the program, I offer the following simple path forward:

1. The Code of Conduct should be separated from the Ethics Program entirely.
2. A new Code of Conduct document should be created, which need not be started from scratch as we have the behavioral expectations set forth in the Governance Manual to draw from.
3. Concerns about violations should be received by a Citizen Advocate or Ombudsman that could also meet citizen needs in a number of other ways (for later discussion)
3. The Ethics Code should simply and clearly reference the RCW's regarding the illegal actions we are seeking to prohibit and provide additional clarification of what these behaviors look like (e.g. a definitions section).
4. We should return to the original process set out in the original ethics program back in 2007, as follows:
 - a. The Ethics Board gives advisory opinions only.
 - b. Requests for advisory opinions are anonymous as to both the requestor and the subject(s) of the scenario under discussion.
 - c. Advisory opinions may be sought regarding both one's own behavior and that of another/others.
 - d. When the advisory opinion is that there may be a violation if the facts described are true, and the actions under consideration are not hypothetical but in fact may have occurred, the matter would be submitted to the hearing examiner/other appointed judicial officer
 - e. When the advisory opinion is that there would not be a violation even if the facts described are true, then the opinion would simply be published, with all parties remaining anonymous for public education purposes

I am keeping this brief in the interest of time, as I am sending this out just hours before we hit the dais, but I do have quite a bit of additional background information to draw upon and have thought through many of the details not addressed above as well as a list of specific concerns regarding the 2019 resolution should Council not be willing to entertain a change in course.

Regards,

Kirsten

From: [Michael Pollock](#)
To: [Christine Brown](#)
Subject: Supplemental information for council for tonight's (2/4/20) discussion on ethics resolution (Item 6.G)
Date: Tuesday, February 4, 2020 1:40:30 PM
Attachments: [Establishment of the office of Ombud.docx](#)
[Ethics Resolution Draft Revisions-2-2-2020.docx](#)

Councilors,

I have been reviewing background information related to the development of the ethics resolution in anticipation of Tuesday's (today's) council meeting. I am impressed by the amount of time, resources and dedication that the council has put into developing this resolution and wanted to thank you five council "old-timers" for your hard work.

I was dismayed by last week's mass resignation of the ethics board, in protest over the new ethics resolution, and the subsequent outpouring of emails we all received, many of them implying that the new ethics resolution indicated that the council thought ethics didn't matter.

I have also been concerned with some of the language in the resolution, particularly language that conflates ethics and ethics complaints with the code of conduct and code of conduct complaints, and language that in my view makes the program more punitive rather than educational in nature. Such language seems to be at variance with councilor's and ethic board member's expressed intent of the purpose of the resolution (e.g. see council's 4/30/19 ethics workshop).

I would prefer a program this is more focused on resolution of conflict and educational in nature and depoliticized as much as possible. I would like a program that focuses more on encouraging good behavior rather than punishing bad behavior.

As an example, the existing resolution language concerning code of conduct behavior is punitive in nature simply because a code of conduct complaint is incorrectly referred to as an ethics complaint, thus leaving a "mark" upon the complainant (e.g. a councilor or committee member) of an ethics complaint (or complaints), even if complaints of their conduct are later found to have no merit. I think little needs to be imagined in terms of how the mark of ethics complaints, however baseless, could be politicized and used against a council member, for example, in a reelection campaign, to insinuate that code of conduct matters are ethical matters and that by fact of the "ethics" complaints themselves, the person should be viewed with suspicion and perhaps not trustworthy. The same is true for committee members who may aspire some day to run for elected office: ethics complaints, no matter how baseless or unrelated to an actual ethics problem such as a conflict-of-interest finding, can be used against them by their political opponents. In this day and age, the accusation alone is punishment, similar in flavor to the McCarthyism of the 1950s or the puritanical witch hunts of times past, even if the outcome is less dire.

In my view, many of the problems are due to the inadvertent use of language that has become politically charged and inflammatory. Many of the problems created by the new resolution could be minimized by the softening of language and the changing of a few key phrases. In particular, the word "ethics" itself has become charged and subject to misinterpretation. I would suggest for consideration referring to the ethics board as the "conflict resolution board" or "reconciliation board", and in general, replacing the term "ethics" with a more neutral and more precise term whenever possible. The term "conflict-of-interest" could be used as a substitute in most instances and has the advantage of having a more precise,

statutory meaning. “Complaint” is another loaded term, and in many cases could more accurately be replaced with the term “question”, (e.g. “ a code of conduct question”), and rather than an advisory “opinion” which has ominous legal overtones, perhaps we should consider using the term “advisory answer”. The term “violation” is another contentious term I think we would do well to dispense with (e.g., replace with “finding”?).

Finally, at Tuesday’s meeting, following up on the suggestions in Stan Rein’s email, I would like to suggest that we consider creation of an ombud or “public advocate” to address matters brought forward by citizens related to the conduct of committee members and councilors as well as the administration. The use of ombuds (ombudsman) has a long history in Western governments, and has been an effective structure for redressing grievances of the less powerful against those who are more powerful (e.g. citizens grievances against the administrative state or elected officials).

For discussion on Tonight: Attached is an overview of what an ombud would do in the context of our local government that builds off the information provided by Stan Rein. Also attached are some suggested edits to the existing ethics resolution that I think will help soften the language, help depoliticize it and help make it more educational rather than punitive in nature, which is I think the intent of both the (former) ethics board and the previous city council.

My preferred outcome from Tuesday’s discussion is that the full council refers the matter of an ombud and revisions to the ethics resolution to a 14-day council subcommittee composed of myself, councilmember Hytopolous, if she is willing, and if there is interest, one other councilmember, to work with legal for refinement of a new draft resolution or resolutions that can be brought to full council for consideration and further refinement. As new council members council, Ms. Hytoplous and myself have the drive, motivation and interest to build off of the previous council’s outstanding efforts to create in our city governance a culture of integrity, respect, fairness and wise stewardship of public resources.

If time allows, we can also include this in our special retreat this Saturday, which seems appropriate since our code of conduct is closely tied to our rules of procedure.

Thank you for consideration of these suggestions.

Michael Pollock, Councilmember, Bainbridge Island.

Establishment of the Office of Ombud (Public Advocate)

An ombudsperson, ombud, or public advocate is a government official appointed to receive and investigate complaints made by individuals against abuses or capricious acts of public officials and who is charged with representing the interests of the public by investigating and addressing complaints of mal-administration or a violation of rights.

The typical duties of an ombud is to investigate complaints and attempt to resolve them, usually through recommendations or mediation. Ombuds also aim to identify systemic issues leading to poor service or breaches of people's rights. More specifically, the ombud should receive and investigate complaints related to:

- (1) The conduct of elected and appointed public officials (see below)
- (2) The administration of city business
- (3) The possible violation of citizen's rights

The office of the ombud should have the following characteristics:

- The ombud is used to resolve complaints made by less powerful citizens against more powerful elected or appointed officials or the city administration.
- Ombuds resolve complaints. They are not regulators, though some of their decisions may be seen as precedents and have wider effect.
- Ombud procedures are designed to redress the difference between the resources and expertise available to the citizen and those available to the city administration and elected and appointed officials.
- The citizen first complains to the city administration or to the public or appointed official, accessing the ombud if dissatisfied with the response, or if they do not respond within a reasonable time, or if the citizen fears retribution if they complain directly to the administration or public official.
- The focus of the ombud is on resolving the conflict or problem, and not on assigning blame or facilitating personal attacks or retribution. Therefore, anonymity of both the complainant and the complaine (if applicable) is maintained to the maximum extent practical.
- Access to the ombud is free for citizens, and they are not at risk of an order for costs. Ombuds handle enquiries as well as complaints, because dealing with an enquiry may head off a complaint (for example, by resolving a misunderstanding).
- When dealing with complaints, ombuds seek to achieve a fair resolution at the earliest possible stage – rather than working towards an assumed future hearing.
- Ombuds use flexible and informal procedures – resolving cases by mediation, recommendation or decision as appropriate.
- Ombuds do not just rely on the evidence the parties volunteer. They actively investigate cases (using their specialist expertise) – calling for the information they require. So the outcome is not

affected by how well either of the parties presents their case, and representation by lawyers (or others) is not necessary.

- Ombud recommendations are based on what is fair in the circumstances, taking account of good practice as well as law.
- The Ombud provides regular publicly feedback as to the general lessons from cases they have handled, so elected officials and the administration can take steps to improve things for the future
- Because there is a flexible and informal process, and representation is not necessary, the costs of an average ombuds case are significantly less than an equivalent case in a court.

* * * * *

Code of Conduct for Elected and Appointed Officials of the City of Bainbridge Island

A. Preamble

The City of Bainbridge Island has adopted this Code of Conduct, which consists of the Core Values detailed below, to promote and maintain the highest standards of personal and professional conduct among City Councilmembers and members of City Committees and Commissions. The optimal operation of democratic government requires that the City's government be fair and accountable to the people it serves. This Code of Conduct articulated in Article I applies to Councilmembers and members of City Committees and Commissions.

B. Core Values

1. Service, Helpfulness, Innovation

We are committed to providing service to the people of Bainbridge Island and to each other that is courteous, cost effective, and continuously improving.

2. Integrity

We treat one another with honesty and integrity, recognizing that trust is hard won and easily lost. We pledge to promote balanced, consistent, and lawful policies and directives, in keeping with that integrity and the highest standards of this community.

3. Equality, Fairness, Mutual Respect

We pledge to act with the standard of fairness and impartiality in the application of policies and directives and that of equality and mutual respect with regard to interpersonal conduct.

4. Responsibility, Stewardship, Recognition

We accept our responsibility for the stewardship of public resources, and our accountability for the results of our efforts, and we pledge to give recognition for exemplary work.

C. Obligations

1. Obligations to the Public

Following the highest standards of public service, Councilmembers and members of City Committees and Commissions act to promote the public good and preserve the public's trust. In practice, this principle looks like transparency and honesty (how is this measured?) in all public statements and written communications.

2. Obligations to Others

In order to sustain a culture of integrity, Councilmembers and members of City Committees and Commissions treat each other and the public with respect. Operationally, this means that:

- a. Councilmembers and members of City Committees and Commissions shall familiarize themselves with the codes of conduct governing them (including the Governance Manual, Robert's Rules of Order, the Code of Conduct outlined in this resolution and 42.23 RCW) and obtain periodic education regarding such rules.
- b. Councilmembers and members of City Committees and Commissions shall, in all their interactions, conduct themselves in a manner that demonstrates civility and respect for others (this is problematic because one person's civility is another's disrespect).

3. Obligations Regarding the Use of Public Resources

In recognition of the importance of stewardship, Councilmembers and members of City Committees and Commissions use and allocate public monies, property, and other resources in a responsible manner that takes into consideration both present and future needs of the community. In practice, this principle looks like:

- a. Councilmembers and members of City Committees and Commissions shall, to the extent possible, seek guidance regarding the use of public resources from staff and other experts, including legal advice from the City Attorney as appropriate, in order to ensure that public resources are used and conserved for the public good.
- b. Councilmembers and members of City Committees and Commissions shall ensure that paid experts and consultants who provide guidance regarding the use of Public resources shall be impartial and free of conflicts of interest.

RESOLUTION NO. 2019-26

A RESOLUTION of the City Council of Bainbridge Island, Washington, amending the ethics program for the City of Bainbridge Island in accordance with Chapter 2.07 BIMC.

WHEREAS, Chapter 2.07 BIMC provides that the City Council shall establish, by resolution or ordinance, an ethics program for the City of Bainbridge Island; and

WHEREAS, on May 10, 2006, the City Council passed Resolution No. 2006-25, adopting an ethics program for the City of Bainbridge Island; and

WHEREAS, the City Council has previously amended the ethics program through the passage of Resolution Nos. 2011-07, 2011-13, 2012-11, and 2018-10; and

WHEREAS, in 2019, the City Council thoroughly considered the City's ethics program, including discussions held during the May 28, July 2, July 23, August 6, August 20, September 17, October 22, and November 26, 2019 Council meetings; and

WHEREAS, the Ethics Board has reviewed and provided input to the City Council on proposed changes to the City's ethics program; and

WHEREAS, the City Council desires to update the City's ethics program and to provide a delayed effective date for the revised ethics program to give City staff and the Ethics Board time to update operating rules, forms, and training materials, as needed, to conform with and implement the revised ethics program.

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

Section 1. Repeal and Replacement of Ethics Program. The ethics program adopted by Resolution No. 2018-10 is hereby repealed in its entirety and replaced as shown on **Exhibit A**, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Direction to Ethics Board. The Ethics Board shall not, without Council approval, consider any complaint, request for advisory opinion, or request for waiver until Section 1 of this resolution takes effect. The Ethics Board is directed to revise its operating rules, forms, and training materials, as needed, to conform with the ~~Code of Conduct and~~ Ethics Program included as **Exhibit A** to this resolution.

Section 3. Effective Date. Section 1 of this resolution shall take effect and be in force on February 1, 2020. Section 2 of this resolution shall take effect and be in force immediately upon passage.

PASSED by the City Council this 26th day of November, 2019.

APPROVED by the Mayor this 26th day of November, 2019.

By: /s/ E/
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

By: Christine Brown
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	October 18, 2019
PASSED BY THE CITY COUNCIL:	November 26, 2019
RESOLUTION NO.	2019-26

Exhibit A: ~~Code of Conduct and~~ Ethics Program

Exhibit A
~~Code of Conduct and~~ Ethics Program

CITY OF BAINBRIDGE ISLAND
~~CODE OF CONDUCT AND~~ ETHICS PROGRAM

Resolution No. 2019-26

Effective Date: February 1, 2020

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CITY OF BAINBRIDGE ISLAND
~~CODE OF CONDUCT AND ETHICS~~
PROGRAM

All those associated with City government, including Councilmembers and members of City Committees and Commissions, seek to earn and maintain the public's confidence in the City's services and the public's trust in its government. To this end, the decisions and work of those associated with City government must meet the highest ethical standards. It is therefore the purpose of this program to:

- ~~1. Articulate the Code of Conduct that will guide the conduct of Councilmembers and members of City Committees and Commissions;~~
2. Establish a Code of Ethics for Councilmembers and members of City Committees and Commissions;
3. Provide training for Councilmembers and members of City Committees and Commissions on ~~the Code of Conduct and~~ the Code of Ethics;
4. Establish a system that enables individuals, Councilmembers, and members of City Committees and Commissions to seek guidance and assistance regarding possible violations ~~of the Code of Conduct or~~ of the Code of Ethics;
5. Provide a process to review possible violations ~~of the Code of Conduct and~~ of the Code of Ethics by Councilmembers and members of City Committees and Commissions; and
6. Maintain an Ethics Board to assist with the administration of the program.

This ~~Code of Conduct and~~ Ethics Program is intended to supplement state and federal law. As such, Councilmembers and members of City Committees and Commissions shall comply with all state and federal laws in the performance of their public duties. These laws include, but are not limited to, the following: the United States Constitution, ~~and~~ Washington State Constitutions; Chapter 42.23 RCW; and Chapter 42.17A RCW.

ARTICLE I- CODE OF CONDUCT

A. Preamble

The City of Bainbridge Island has adopted this Code of Conduct, which consists of the Core Values ~~and Ethics Principles~~ detailed below, to promote and maintain the highest standards of personal and professional conduct among City Councilmembers and members of City Committees and Commissions. The optimal operation of democratic government requires that the City's government be fair and accountable to the people it serves. This Code of Conduct articulated in Article I applies to Councilmembers and members of City Committees and Commissions.

B. Core Values

1. Service, Helpfulness, Innovation

We are committed to providing service to the people of Bainbridge Island and to each other that is courteous, cost effective, and continuously improving.

2. Integrity

We treat one another with honesty and integrity, recognizing that trust is hard won and easily lost. We pledge to promote balanced, consistent, and lawful policies and directives, in keeping with that integrity and the highest standards of this community.

3. Equality, Fairness, Mutual Respect

We pledge to act with the standard of fairness and impartiality in the application of policies and directives and that of equality and mutual respect with regard to interpersonal conduct.

4. Responsibility, Stewardship, Recognition

We accept our responsibility for the stewardship of public resources, and our accountability for the results of our efforts, and we pledge to give recognition for exemplary work.

C. ~~Ethics Principles~~Obligations

1. Obligations to the Public

Following the highest standards of public service, Councilmembers and members of City Committees and Commissions act to promote the public good and preserve the public's trust. In practice, this principle looks like transparency and honesty (how is this measured?) in all public statements and written communications.

2. Obligations to Others

In order to sustain a culture of ~~ethical~~ integrity, Councilmembers and members of City Committees and Commissions treat each other and the public with respect ~~and are guided by applicable codes of ethics. In practice, this principle looks like~~ operationally, this means that:

- a. Councilmembers and members of City Committees and Commissions shall familiarize themselves with the ~~ethical rules codes of conduct~~ governing them (~~including the Governance Manual, Robert's Rules of Order, the Code of Conduct outlined in this resolution and 42.23 RCW Chapter 42.23 RCW and this Ethics Program~~) and obtain periodic education regarding such rules (Question" How often and from Whom? MRSC? Only the EB? Who is qualified? Also shouldn't the EB themselves be required to undergo extensive training if they are going to provide the training? Also, is there any program in the country that teaches how to enforce values-based codes of conduct?).
- b. Councilmembers and members of City Committees and Commissions shall, in all their interactions, conduct themselves in a manner that demonstrates civility and respect for others (this is problematic because one person's civility is another's disrespect. If we really want this to work, need to develop a list of words and phrases that we agree constitute uncivil or disrespectful behavior and vice versa, or else just leave it up to the ombud to resolve).

3. Obligations Regarding the Use of Public Resources

In recognition of the importance of stewardship, Councilmembers and members of City Committees and Commissions use and allocate public monies, property, and other resources in a responsible manner (subjective) that takes into consideration both present and future needs of the community (subjective). In practice, this principle looks like:

- a. Councilmembers and members of City Committees and Commissions shall, to the extent possible, seek guidance regarding the use of public resources from staff and other experts, including legal advice from the City Attorney as appropriate, in order to ensure that public resources are used and conserved for the public good (subjective).
- b. Councilmembers and members of City Committees and Commissions shall ensure that paid experts and consultants who provide guidance regarding the use of .Public resources shall be impartial (subjective) and free of conflicts of interest (this needs to be defined, but doesn't this belong in Article II?).

ARTICLE II- CODE OF ETHICS

Except where specifically stated, the rules articulated in Article II apply to Councilmembers and individuals serving on City Committees and Commissions.

A. Gifts and Compensation

1. Limitations on City-Related Gifts and Outside Compensation

Except as permitted under Subsections (2) and (3) below, no Councilmember or member of a City Committee or Commission, or any member of their immediate families, shall, directly or indirectly, accept any gift (as defined below) for a matter connected with or related to their services or duties with the City of Bainbridge Island or accept any non-City compensation for the performance or non-performance of those services or duties.

2. Exceptions to Gift Limitations

The following are exceptions to the limitation on gifts and may be accepted by those subject to Subsection (1) above:

- a. Unsolicited items of trivial value. "Items of trivial value" means items or services with a value of fifty dollars (\$50.00) or less, such as promotional t-shirts, pens, calendars, books, or other similar items.
- b. Gifts from other City officers, officials, or employees, or their family members on appropriate occasions.
- c. Gifts appropriate to the occasion and reasonable and customary in light of a familial, social, or official relationship of the giver and recipient, such as weddings, funerals, illnesses, holidays, and ground-breaking ceremonies.
- d. Campaign contributions as permitted and reported in accordance with law.
- e. Awards that are publicly presented by a nonprofit organization in recognition for public service if the award is not extraordinary when viewed in light of the position held by the recipient.
- f. Gifts offered while visiting other cities, counties, states, or countries or hosting visitors from other cities, counties, states, or countries, when it would be a breach of protocol to refuse the gift, provided that any such gifts received shall become property of the City.

g. Reasonable and necessary costs to attend a conference or meeting that is directly related to the official or ceremonial duties of the Councilmember or member of a City Committee or Commission, provided that any payment of substantial travel or lodging expenses by any person or entity regulated by the City or doing or seeking to do business with the City must be approved in advance by the Mayor or, if the Mayor is the recipient, by the Deputy Mayor or the Mayor Pro Tern.

3. Immediate Family Gift Exception

It shall not be a violation of this section for a member of a Councilmember's or a member of a City Committee or Commission's immediate family to accept a gift which arises from an independent relationship, if the Councilmember or member of a City Committee or Commission does not significantly benefit from the gift, and it cannot reasonably be inferred that the gift was intended to influence the Councilmember or member of a City Committee or Commission in the performance of their duties.

B. Use of City Property by Councilmembers

1. Except for limited incidental personal use or emergency circumstances, no Councilmember shall request, permit, or use City vehicles, equipment, materials, or property for personal use, personal convenience, or profit.

2. From the time that a Councilmember declares or publicly states that they intend to run for reelection until the conclusion of the respective general election, that Councilmember shall not request or direct that City funds be used to purchase any media (including newspaper, radio, television, social media, or bulk mailing) that contains the name or image of that Councilmember unless the names or images of all City Councilmembers appear in the media being purchased.

C. Confidentiality

Except as required by law, a Councilmember, former Councilmember, or current or former member of a City Committee or Commission shall not disclose or use privileged, confidential, or propriety information obtained in executive session or otherwise in the course of their duties as a result of their position.

D. Conflict of Interest – General

1. Applications of Conflict of Interest

Except as permitted in Subsections (2) or (3) below, a Councilmember or member of a City Committee or Commission shall not take any direct official action on a matter if they, or a member of their immediate family:

a. Has any substantial direct or indirect contractual employment related to the matter;

- b. Has other significant financial or private interest in that matter (which includes serving on a Board of Directors for any organization but does not, for Councilmembers, include appointing members to the Salary Commission); or
- c. Is a party to a contract or the owner of an interest in real or personal property that would be significantly affected by that matter. Taking direct official action on, or regarding, legislation of general application does not "significantly affect" real or personal property within the meaning of this Subsection.

2. Conflict of Interest Exceptions for Councilmembers

Subsection (1) above shall not apply when a Councilmember:

- a. Is required to take or participate in an action based upon the rule of necessity;
- b. Acts as their own representative before the City Council, Hearing Examiner, or any other City board, commission, or agency, provided that the individual does not also participate in any way in the deliberations or decision of the City Council, Hearing Examiner, or that board, commission, or agency related to that matter;
- c. Acquires an interest in bonds or other instruments of indebtedness issued by the City if acquired and held on the same terms available to the general public;
- d. Officially participates in the development and adoption of the City's budget; or establishes the pay or benefit plan of City officers, officials, or employees;
- e. Makes decisions on any legislation of general application unless these actions directly affect, or appear to affect, the official's or immediate family member's employment; or
- f. Serves on the governing body of an organization or entity as part of their official duties as a Councilmember of the City.

3. Conflict of Interest Exceptions for Members of City Committees and Commissions

Subsection (1) above shall not apply to a member of a City Committee or Commission:

- a. Who takes direct official action, as a member of a City Committee or Commission to which that member was appointed based on that member's ownership or lease of certain real property or of that member's ownership of a business located in a certain area of the City, that results in a conflict of interest under Subsection (1) above due solely to the fact of that member's ownership or lease of the certain real property or of that member's ownership of the business located in a certain area of the City providing the basis for that member's appointment to the City Committee or Commission; provided that the member fully discloses the basis for the conflict of interest under Subsection (1) during each meeting of the City Committee or Commission in which the conflict of interest under Subsection (1) occurs or may occur;

b. Who fully disclose the basis for the conflict of interest under Subsection (1) above on the public record of the City Committee or Commission and the Committee or Commission votes to allow the member to participate in the discussion or the vote; or

c. Is required to take action or participate in an action based upon the rule of necessity.

4. Disclosure for Councilmembers

All Councilmembers are required to comply with the Washington State Public Disclosure Commission requirements for financial disclosure. In addition, all Councilmembers shall publicly disclose their financial interest in any matter that comes before them. All Councilmembers shall annually complete a conflict of interest statement to be submitted to the City Clerk by April 15th.

E. Conflict of Interest – ~~AfM~~ter Leaving Elected City Office

1. For two (2) years after leaving elected City office, no former Councilmember shall obtain employment in which they will take direct or indirect advantage of matters on which they took direct official action during their service with the City. This includes contractual negotiations or solicitation of business unavailable to others.

2. For two (2) years after leaving elected City office, no former Councilmember shall engage in any action or litigation in which the City is involved, on behalf of any other person or entity, when the action or litigation involves an issue on which the person took direct official action while in elected City office.

F. Conflict of Interest-Members of City Committees or Commissions and Employment

While serving on a City Committee or Commission, and for two (2) years after leaving such position, no member of a City Committee or Commission shall obtain employment in which they will take direct or indirect advantage of matters which they, as a member of a City Committee or Commission, recommended to the City Council. This includes applying for positions or contracts with the City when the City Committee or Commission on which the member served recommended funding such position or contract.

G. Conflict of Interest – Family Members of Councilmembers

1. Appointment of Family Members

Unless they obtain a waiver from the Ethics Board, no Councilmember shall appoint or hire a member of their immediate family for any type of employment with the City. This includes, but is not limited to, full time employment, part time employment, permanent employment, temporary employment, and contract employment.

2. Supervision of Family Members

No Councilmember shall supervise or be in a direct line of supervision over a member of their immediate family. If a Councilmember is placed in a direct line of supervision of a member of their immediate family, they shall have three (3) months to come into compliance or to obtain a waiver pursuant to Subsection (3) below.

3. Waivers

Waivers from this section may be sought from the Ethics Board to allow a member of the immediate family to be hired or to be in the direct line of supervision of a member of the immediate family. Procedures to consider such a waiver are set forth in Article III.

H. Conflict of Interest – Contractors

Every major (define) contractor submitting bids to the City shall affirm that neither the contractor nor any agent of the contractor has made any prohibited gift to a Councilmember who is involved in direct official action on the bid or has a relationship to such Councilmember that would create a conflict of interest for that Councilmember under this ~~Code of Conduct and~~ Ethics Program.

I. Conflict of Interest - Individuals Serving on City Committees and Commissions

Individuals serving on City Committees and Commissions shall sign a conflict of interest statement upon appointment and reappointment.

J. Conduct of Public Meetings

1. Meetings involving Councilmembers or City Committees and Commissions should be conducted in a manner that maximizes transparency (define) of relationships among individuals or groups that could affect decision-making.

2. Meetings of the City Council and City Committees and Commissions shall have a standing agenda item for disclosure of possible conflicts of interest. Members are encouraged to disclose relationships with persons and issues on the agenda, including potential conflicts of interests. If necessary, discussion among the members may be undertaken to judge the significance of these relationships and whether a possible conflict of interest exists.

K. Conflict of Interest – Individuals Serving on the Ethics Board

No member of the Ethics Board shall participate in the review of complaints or requests for advisory opinions relating to the conduct of a Councilmember where that member of the Ethics Board ~~is or was a member of a political action committee that~~ supports, supported, opposes, or opposed the election or reelection of the Councilmember in question.

ARTICLE III -
SUBMISSION AND REVIEW OF ~~ETHICS~~-COMPLAINTS, REQUESTS FOR WAIVERS,
AND REQUESTS FOR ADVISORY OPINIONS

A. Submission of ~~Ethics~~-Complaints

1. Any individual may submit to the City Clerk an ~~ethics~~-complaint alleging violations of one of the following:

a. ~~The Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission;~~

b. The Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission; or

c. The ethics standards contained in the City of Bainbridge Island Employee Manual by a City employee other than the City Manager.

2. Each complaint must include the name and address of the complainant, along with a detailed statement of facts, supported by a declaration in compliance with RCW 9A.72.085, on a form supplied by the City Clerk. (this is problematic because not everyone wants their name in the newspaper. Need to provide anonymity, at least in the initial stages, before if goes to a Hex.)

3. To facilitate timely review under this Ethics Program, each complaint may only allege violations of one of the three standards listed in Subsection (A)(1) above. To the extent that an individual believes multiple standards were violated, the individual may submit multiple complaints. (need to charge a fee to prevent spurious claims).

~~B. Review of Article I Complaints~~

~~1. The City Clerk shall refer complaints alleging one or more violations of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission, except for complaints concerning members of the Ethics Board, to the Ethics Board for review in accordance with Subsection (2) below. The City Clerk shall refer complaints alleging one or more violations of the Code of Conduct (Article I) by a member of the Ethics Board to the Hearing Examiner, who shall review the complaint in accordance with Subsection (2) below in place of the Ethics Board.~~

~~2. Upon receipt of a complaint, the Ethics Board shall make a threshold determination as to whether or not the complaint is reasonably credible and whether or not the facts asserted in the complaint, even if true, would constitute a violation of the Code of Conduct (Article I).~~

~~a. If the Ethics Board determines that the complaint lacks reasonable credibility, the Ethics Board shall dismiss the complaint, take no further action on it, and provide, following legal review, a written threshold determination to the City Clerk. Reconciliation shall not occur regarding a complaint dismissed under this Subsection. The City Clerk shall provide the threshold determination to the complainant and~~

| ~~respondent and publish it along with the complaint.~~

~~b. If the Ethics Board determines that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Conduct (Article I), then the Ethics Board shall dismiss the complaint, take no further action on it, and provide, following legal review, a written threshold determination to the City Clerk. Reconciliation shall not occur regarding a complaint dismissed under this Subsection. The City Clerk shall provide the threshold determination to the complainant and respondent and publish it along with the complaint.~~

~~c. If the Ethics Board determines that the complaint is reasonably credible and that the facts asserted in the complaint, if true, would constitute a violation of the Code of Conduct (Article I), then the Ethics Board shall provide, following legal review, a written threshold determination to the City Clerk. The City Clerk shall provide the threshold determination to the complainant and respondent and refer the complaint to a trained mediator for reconciliation as described below.~~

~~3. As soon as practicable following receipt of a threshold determination under Article III, Subsection (B)(2)(c), the City Clerk, or designee, shall schedule the time and place for reconciliation of the complaint.~~

~~4. To facilitate timely reconciliation, the City Manager is authorized to, as needed, negotiate, execute, or amend a contract with the Dispute Resolution Center of Kitsap County, or other similar firm or organization, for the provision of trained mediators suitable for facilitating reconciliation to resolve complaints.~~

~~5. Reconciliation shall occur at the time and place scheduled. However, if the complainant refuses to participate in reconciliation, then no reconciliation shall be scheduled, and no further action shall be taken on the complaint. If the respondent refuses to participate in reconciliation, then no reconciliation shall be scheduled. In circumstances where the respondent refuses to participate in reconciliation, the City Clerk shall, except for complaints concerning members of the Ethics Board, instead refer the complaint to the Ethics Board for review and issuance of an advisory opinion in accordance with Article III, Subsections (B)(5)(a)-(g). For complaints concerning members of the Ethics Board, the City Clerk shall instead refer such complaints to the Hearing Examiner, who shall review the complaint and issue an advisory opinion in accordance with Article II, Subsections (B)(5)(a)-(g), in place of the Ethics Board.~~

~~a. The Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.~~

~~b. The Ethics Board shall then review the complaint and response, if submitted. The Ethics Board's review shall be limited to the complaint and the response, if submitted. In the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent; provided that if the Ethics Board obtains clarification of the complaint, the Ethics Board shall give the~~

~~respondent the opportunity to review the clarification and to provide an additional written response. However, the Ethics Board shall not engage in other fact finding.~~

~~c. — If, in reviewing the complaint and response, a question of fact exists, the Ethics Board shall identify the existence of the question of fact in its advisory opinion.~~

~~d. — After reviewing the matter, the Ethics Board shall, following legal review, issue an advisory opinion, which shall be forwarded to the City Clerk for publication along with the complaint and response, if submitted. The City Clerk shall provide notice to both the complainant and respondent of the issuance of the advisory opinion.~~

~~e. — If, during the process of reviewing a complaint alleging a violation of the Code of Conduct (Article I), the Ethics Board determines that an additional violation of the Code of Conduct (Article I) may have occurred or a violation of the Code of Ethics (Article II) may have occurred, then the Ethics Board may choose to note that possibility in its advisory opinion. However, the Ethics Board shall not on its own initiative pursue review of an additional violation of the Code of Conduct (Article I) or a violation of the Code of Ethics (Article II) without the approval of the City Council. "Additional violation of the Code of Conduct (Article I)" means a violation of the Code of Conduct (Article I) that was not included in the complaint being reviewed.~~

~~f. — The Ethics Board shall strive to complete its review and issue an advisory opinion within 45 business days from the date that the City Clerk forwarded the request to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its advisory opinion shall specify the reasons for why additional time was needed.~~

~~g. — Advisory opinions shall be viewed as educational only. The purpose of such an opinion is to provide an educational opinion to Councilmembers, members of City Committees and Commissions, and the public on what type of conduct is generally expected from Councilmembers and members of City Committees and Commissions.~~

C. Review of Article II Complaints

1. The City Clerk shall refer complaints alleging one or more violations of the Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission, except for complaints concerning members of the Ethics Board, to the Ethics Board for review in accordance with Subsections (2)-(6) below. The City Clerk shall refer complaints alleging one or more violations of the Code of Ethics (Article II) by a member of the Ethics Board to the Hearing Examiner for review in accordance with Subsections (7)-(11) below.
2. Upon receipt of a complaint, the Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.
3. The Ethics Board shall review any complaint forwarded to it by the City Clerk and any response submitted by the respondent. The Ethics Board shall not engage in other fact-

finding. However, in the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent.

4. After reviewing the complaint and the response, if one was submitted, the Ethics Board shall, following legal review, take one or more of the following actions and inform the complainant, the respondent, and the City Clerk accordingly:

~~a. Refer the complaint back to the City Clerk if the complaint alleges violations of the Code of Conduct (Article I) rather than alleged violations of the Code of Ethics (Article II);~~

b. Determine that the complaint lacks reasonable credibility;

c. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics (Article II);

d. Determine that the facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any possible violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics (Article II);

e. Hold the complaint for action at a future time if the matter is the subject of litigation; or

f. Determine that, based on the submissions of the complainant and the respondent, review by the Hearing Examiner is warranted.

5. The Ethics Board shall strive to complete its review within 45 business days from the date that the City Clerk forwarded the complaint to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its determination shall specify the reasons why additional time was needed.

6. If the Ethics Board determines that, based on the submissions of the complainant and the respondent, review by the Hearing Examiner is warranted, the Board shall, following legal review, forward its determination, along with the complaint and response, to the complainant, respondent, and the City Clerk. The City Clerk will then forward the Board's determination and associated materials to the Hearing Examiner for review and further proceedings in accordance with Article IV.

7. Upon receipt of a complaint, the Hearing Examiner shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.

8. The Hearing Examiner shall review any complaint forwarded to it by the City Clerk and any response submitted by the respondent. The Hearing Examiner shall not engage in other fact-finding. However, in the course of reviewing a complaint, the Hearing Examiner may

request clarification of the complaint by the complainant or of the response by the respondent.

9. After reviewing the complaint and the response, if one was submitted, the Hearing Examiner shall take one or more of the following actions and inform the complainant, the respondent, and the City Clerk accordingly:

a. ~~Refer the complaint back to the City Clerk if the complaint alleges violations of the Code of Conduct (Article I) rather than alleged violations of the Code of Ethics (Article II);~~

b. Determine that the complaint lacks reasonable credibility;

c. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics (Article II);

d. Determine that the facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any possible violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics (Article II);

e. Hold the complaint for action at a future time if the matter is the subject of litigation; or

f. Determine that, based on the submissions of the complainant and the respondent, further proceedings under Article IV are warranted.

10. The Hearing Examiner shall strive to complete their review within 45 business days from the date that the City Clerk forwarded the complaint to the Hearing Examiner. If review takes longer than 45 business days, the Hearing Examiner in its determination shall specify the reasons why additional time was needed.

11. If the Hearing Examiner determines that, based on the submissions of the complainant and the respondent, further proceedings under Article IV are warranted, the Hearing Examiner shall forward its determination, along with the complaint and response, to the complainant, respondent, and the City Clerk. The City Clerk will then schedule further proceedings in accordance with Article IV.

D. Review of Complaints Concerning City Employees

1. The City Clerk shall refer complaints concerning City employees to the City Manager.

2. The City Manager shall review any ethics complaint forwarded by the City Clerk and determine the appropriate course of action to address the complaint including, as applicable, authorizing such investigations as may be necessary to determine whether a violation has occurred, consistent with state law as well as relevant policies, procedures, and collective bargaining agreements.

3. Upon making a determination that no violation of ethics rules has occurred, the City Manager shall provide a written response regarding the determination to the complainant.
4. Upon making a determination that a violation of ethics rules has occurred, the City Manager or other appropriate City officer shall take action as guided by state law and relevant policies, procedures, and collective bargaining agreements.
5. In the event of a violation, the City Manager shall provide a response to the complainant outlining the substance of the violation and the action taken, subject to governing rules regarding confidentiality articulated in state law, City policy, and collective bargaining agreements.
6. Apparent violations of law shall be reported to the appropriate authorities, as applicable.

E. Requests for Advisory Opinions

1. To the extent described below, the following individuals or bodies may submit to the City Clerk a request for an advisory opinion from the Ethics Board:
 - a. A Councilmember or member of a City Committee or Commission may request an advisory opinion from the Ethics Board as to whether their own behavior has violated or might in the future violate the ~~Code of Conduct (Article I) or the~~ Code of Ethics (Article II).
 - b. The City Council may request an advisory opinion from the Ethics Board regarding City policies or practices in relation to the ~~Code of Conduct (Article I) or the~~ Code of Ethics (Article II).
 - c. City Committees and Commissions may request an advisory opinion from the Ethics Board regarding operating rules or practices in relation to ~~the Code of Conduct (Article I) or~~ the Code of Ethics (Article II).
 - d. A Councilmember may request an advisory opinion from the Ethics Board concerning the applicability of the Code of Ethics (Article II) to hypothetical circumstances and/or situations related to the actions, or potential actions, of a Councilmember or a member of a City Committee or Commission.
2. Requests for advisory opinions must be submitted to the City Clerk on a form supplied by the Ethics Board. The Ethics Board shall, following legal review, submit finalized advisory opinions to the City Clerk for publication
3. The grant of authority in this section is supplemental to, and does not change, the authority granted to the Ethics Board in Section B above.

F. Waivers

Councilmembers may request a waiver from the Ethics Board of the conflict of interest restrictions related to the hiring of and supervision over family members, as provided by Article II, Section F. Such requests shall be submitted in writing to the City Clerk, who shall refer them to the Ethics Board. Once finalized, the Board shall, following legal review, provide its response to the City Clerk, who shall publish both the request and the Board's response.

G. Effect of Advisory Opinion or Waiver

An individual who receives a waiver, or who acts in reliance on an advisory opinion, shall not later be found to have violated ~~the Code of Conduct (Article I) or~~ the Code of Ethics (Article II) if the individual acts in a manner consistent with that advisory opinion or waiver.

ARTICLE IV- HEARING
EXAMINER REVIEW AND
POSSIBLE SANCTIONS

A. Hearing Examiner Review of Article II Complaints

1. The City Clerk shall provide written notification to the complainant and the respondent of the time, date, and place of the hearing before the Hearing Examiner at which the complaint concerning alleged violations of the Code of Ethics (Article II) will be reviewed.

2. Hearings conducted by the Hearing Examiner shall be informal and held in accordance with rules of procedure adopted by the Hearing Examiner, except to the extent that such rules conflict with the terms of this Ethics Program. The respondent may be represented by legal counsel. The City Attorney shall designate special counsel to present the Code of Ethics violations charges and case. The respondent and special counsel may present and cross examine witnesses and give evidence before the Hearing Examiner. The Hearing Examiner may also call witnesses and compel the production of books, records, papers, or other evidence needed. To that end, the Hearing Examiner may issue subpoenas and subpoenas duces tecum at the request of the respondent, special counsel, or their own initiative. All testimony shall be under oath administered by the Hearing Examiner. The Hearing Examiner may adjourn the hearing from time to time in order to allow for the orderly presentation of evidence.

3. The Hearing Examiner or designee shall prepare an official record of the hearing, including all testimony, which shall be recorded by electronic device, and exhibits; provided that the Hearing Examiner or designee shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

4. Within 20 business days after the conclusion of the hearing, the Hearing Examiner shall, based upon a standard of proof of clear and convincing evidence, make findings of fact and conclusions of law. If the Hearing Examiner determines that the alleged Code of Ethics violation(s) have not been proven, the Hearing Examiner shall dismiss the complaint. If the Hearing Examiner determines that one or more Code of Ethics violation(s) are proven, the Hearing Examiner shall forward the matter to the City Council for a determination regarding the appropriate level of sanctions to be imposed for the Code of Ethics (Article II) violations. In either event, a copy of the findings and conclusions shall be forwarded to the City Clerk, for distribution to the City Council, and, by registered mail, to the person who made the complaint and to the respondent at addresses as given by such persons to the Hearing Examiner.

B. Action by City Council upon Hearing Examiner's Findings and Conclusion

1. Within 45 business days of receipt of the Hearing Examiner's findings and conclusions that sustain a Code of Ethics violation, the City Council shall schedule an executive session to consider the findings and conclusions, hear from the respondent, and deliberate upon the appropriate level of civil sanction(s) to be imposed, if any, except to the extent that the respondent requests that they be heard in open public session.

2. The Council may take no formal action or, by majority vote of the Council (not including the respondent, if a Councilmember, who shall not participate in said vote) at an open public meeting, may impose any of the following sanctions in response to a sustained violation of the Code of Ethics:

a. Admonition: An admonition shall be a verbal non-public statement made by the Mayor, Deputy Mayor, or Mayor Pro Tern to the Councilmember or member of a City Committee or Commission who has violated the Code.

b. Reprimand: A reprimand shall be a letter prepared by the City Council, signed by the Mayor, Deputy Mayor, or Mayor Pro Tern, and directed to the Councilmember or member of a City Committee or Commission who has violated the Code.

c. Censure: A censure shall be a written statement administered personally by the Mayor, Deputy Mayor, or Mayor Pro Tern to the Councilmember or member of a City Committee or Commission who has violated the Code violation. The Councilmember or member of a City Committee or Commission shall appear at a time and place directed by the City Council to receive the censure. The censure shall be given publicly and the official who has violated the Code shall not make any statement in support or opposition thereto or in mitigation. A censure shall be deemed administered at the time it is scheduled whether or not the Councilmember or member of a City Committee or Commission appears as required.

d. Other sanctions: Any sanction imposed under this Ethics Program is in addition to and not in lieu of any other penalty, sanction, or remedy which may be imposed or sought according to law or equity.

3. The City Clerk shall forward, by registered mail, a copy of the findings, conclusions, and sanctions, if imposed, to the complainant and to the respondent at addresses as given by both persons to the City Clerk. Following approval by the Council, the City Clerk shall publish the written findings, conclusions, and sanctions, if imposed.

ARTICLE V- ETHICS BOARD

A. Creation, Terms, and Appointments

1. Membership of Ethics Board

The Ethics Board consists of seven members appointed in accordance with this section.

2. Qualifications of Board Members

- a. Members of the Board shall represent a diverse set of backgrounds and interests.
- b. At least one member of the Ethics Board shall be a former judicial officer or have expertise in ethics acquired through education or experience.
- c. Members appointed or reappointed after the effective date of Resolution No. 2019-26, updating the Ethics Program, shall not, while serving on the Ethics Board, also simultaneously be employees or officers of the city or individuals appointed to another city committee or commission.

3. Method of Appointment

- a. Members of the Ethics Board shall be nominated by the Mayor and confirmed by the City Council by a supermajority vote of at least five Councilmembers.
- b. The Mayor and City Council shall work cooperatively to ensure that any person who is nominated has the required support of the City Council. Nominations shall be presented at meetings of the City Council in which all seven Councilmembers are present, unless exceptional circumstances exist (e.g., a Council vacancy exists and has not yet been filled, or other good cause).

4. Terms of Appointment

- a. Board members shall be appointed to terms of three years; however, the first two members nominated by the Mayor and confirmed by the City Council shall initially serve one-year terms to achieve staggered ending dates.
- b. If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.
- c. Each member shall continue to serve until a successor has been appointed, unless the member is removed or resigns.

5. Removal of Board Members

- a. The absence of any member of the Board from three (3) consecutive meetings, unless the Board has excused the absence for good and sufficient reasons as determined by the Board, shall constitute a resignation from the Board.
- b. The City Council may remove a member for inappropriate conduct before the expiration of the member's term. Before removing a member, the City Council shall specify the cause for removal and shall give the member the opportunity to make a personal explanation.

6. Compensation

Members of the Ethics Board shall serve without compensation. Members may be reimbursed for reasonable expenses pursuant to the rules of the City and as approved by the City Manager or their designee.

7. Rules

The Ethics Board may, by majority vote, adopt reasonable operating rules consistent with this Ethics Program. The City Council reserves the right to modify such operating rules at its discretion.

8. Consultation with City Attorney

The Ethics Board shall consult with the City Attorney's Office or special counsel appointed by the City Attorney's Office regarding legal issues which may arise in connection with the Board's duties and functions under this Ethics Program.

9. Liaison to the Ethics Board.

A representative of the City Attorney's Office shall attend Ethics Board meetings and serve as the liaison to the Ethics Board. No Councilmember shall serve as a liaison to the Ethics Board.

B. Training Provided by the Ethics Board

The Ethics Board shall perform the following training related duties:

1. At least every two years, the Ethics Board shall prepare and distribute a pamphlet describing the ~~Code of Conduct (Article I) and~~ Code of Ethics (Article II) to all Councilmembers and members of City Committees and Commissions, after review of the pamphlet by the City Attorney's Office. The Ethics Board shall ensure that all new Councilmembers and members of City Committees and Commissions receive a pamphlet on this Code of Ethics.

2. The Ethics Board shall develop and present a training course on ~~the Code of Conduct and~~ the Code of Ethics to be presented annually to all Councilmembers and members of City Committees and Commissions.

C. Training Provided to the Ethics Board

The Ethics Board shall include all requests for training for the coming year in the Board's annual report to the City Council, and the Council will determine what training to approve, if any.

D. Annual Report

By February 15 of each year, the Ethics Board shall submit an annual report to the City Council summarizing its activities during the previous calendar year and work plan for the following year. The report shall include any recommendations for modifying the ~~Code of Conduct and~~ Ethics Program as well as all training requested by the Ethics Board.

ARTICLE VI- DEFINITIONS

For purposes of the Ethics Program, the following definitions shall apply.

"City Committees and Commissions" and "City Committee or Commission" mean all advisory boards, commissions, committees, and task forces created or appointed by the City Council.

"Confidential Information" means (a) specific information, rather than generalized knowledge, that is not available to the general public on request; or (b) information made confidential by law.

Conflict of Interest: A widely used definition is: "A conflict of interest is a set of circumstances that creates a risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary interest." *Primary interest* refers to the principal goals of the profession or activity, such as the protection of clients, the health of patients, the integrity of research, and the duties of public officer. *Secondary interest* includes personal benefit and is not limited to only financial gain but also such motives as the desire for professional advancement, or the wish to do favors for family and friends. These secondary interests are not treated as wrong in and of themselves, but become objectionable when they are believed to have greater weight than the primary interests. Conflict of interest rules in the public sphere mainly focus on financial relationships since they are relatively more objective (from Wikipedia).

"Direct official action" means any of the following:

1. For Councilmembers and members of City Committees and Commissions, taking action, as defined by RCW 42.30.020, in an open public meeting.
2. For Councilmembers and members of City Committees and Commissions, directly, or indirectly through a proxy, doing the following: negotiating or recommending for or against a contract, purchase order, lease, concession, franchise, grant, or other similar instrument in which the City is a party.
3. For Councilmembers and members of City Committees and Commissions, directly, or indirectly through a proxy, doing the following: recommending for or against the approval of a permit, or other similar City approval or authorization, issued by the City. However, direct official action does not include the submittal, to the City, of a permit application by a Councilmember or a member of a City Committee or Commission or the appeal of a denial of such a permit application by the City. Direct official action includes actions taken by a Councilmember or a member of a City Committee or Commission to use or attempt to use their position to obtain special privileges or exemptions in the processing, or review on appeal, of their permit application.
4. For Councilmembers, appointing or terminating employees (i.e., the City Manager) or appointing or removing members of City Committees and Commissions.

Direct official action does not include acts that do not affect the disposition or decision with respect to the matter. Additionally, a Councilmember or member of a City Committee or Commission who recuses herself or himself in lieu of taking action, as defined by RCW 42.30.020, in an open public meeting is not exercising direct official action.

"Direct line of supervision" means the supervisor of an employee and the supervisor of an employee's supervisor.

"Fact-finding" means any action to gather facts or other evidence not submitted by a complainant in a complaint or a clarification to a complaint or by a respondent in a response or a clarification to a response. However, "fact-finding" does not include review by the Ethics Board of official video or audio recordings of meetings of the City Council or of City Committees and Commissions as well as review by the Ethics Board of the official minutes of such meetings.

"Gift" means any favor, reward, or gratuity and any money, good, service, travel, event ticket, lodging, dispensation, or other thing of value that is given, sold, rented, or loaned to a person without reasonable compensation and that is not available to the general public on the same terms and conditions. Any honoraria or payment for participation in an event will be considered a gift.

"Immediate family" means husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, domestic partner, or spouse of the above. The term includes any minor children for whom the person, or their domestic partner, provides day-to-day care and financial support. A "domestic partner" is an unmarried adult, unrelated by blood, with whom an unmarried officer, official, or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

"Legislation of General Application" means any legislative act, including regulations, policies, ordinances, resolutions, and motions, of general application, as opposed to legislative acts that affect only a particular person or individual or a small group of similarly situated persons or individuals.

"Major Contractor" means any person, corporation, company, firm, business, or other entity doing business over \$5,000 with the City under one contract or annually.

"Political Action Committee" means a legal entity, other than a natural person, that raises, spends, receives, or contributes money to support or oppose the election of one or more candidates for elected office at the local, state, or federal levels.

~~**"Question of Fact"** means a factual dispute between the complainant and the respondent concerning an issue that is material to a determination as to whether a violation of the Code of Conduct (Article I) exists.~~

"Reconciliation" means mediation between a complainant and a respondent facilitated by a trained mediator.

"Rule of Necessity" shall be interpreted and defined in accordance with RCW 42.36.090, which provides: In the event of a challenge to a member or members of a decision-making body which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

ARTICLE VII -
CITY COUNCIL REVIEW OF ~~CODE OF CONDUCT~~
~~AND~~ ETHICS PROGRAM

This ~~Code of Conduct and~~ Ethics Program shall automatically expire, and no longer be in force or effect, 12 months from the effective date of Section 1 of Resolution No. 2019-26, unless it is expressly renewed or otherwise amended by majority vote of the City Council.

Establishment of the office of Ombud

An ombudsperson, ombud, or public advocate is a government official appointed to receive and investigate complaints made by individuals against abuses or capricious acts of public officials and who is charged with representing the interests of the public by investigating and addressing complaints of mal-administration or a violation of rights.

The typical duties of an ombuds are to investigate complaints and attempt to resolve them, usually through recommendations or mediation. Ombudsmen also aim to identify systemic issues leading to poor service or breaches of people's rights.

More specifically, the public advocate should receive and investigate complaints related to:

- (1) The conduct of elected and appointed public officials (see below)
- (2) The administration of city business
- (3) The possible violation of citizen's rights

The office of the ombud should have the following characteristics:

- The ombud is used to resolve complaints made by less powerful citizens against more powerful elected or appointed officials or the city administration.
- Ombuds resolve complaints. They are not regulators, though some of their decisions may be seen as precedents and have wider effect.
- Ombud procedures are designed to redress the difference between the resources and expertise available to the citizen and those available to the city administration and elected and appointed officials.
- The citizen first complains to the city administration or to the public or appointed official, accessing the ombud if dissatisfied with the response, or if they do not respond within a reasonable time, or if the citizen fears retribution if they complain directly to the city or official.

- The focus of the ombud is on resolving the conflict or problem, and not assigning blame. Therefore anonymity of both the complainant and the complaine (if applicable) is maintained to the maximum extent practical. (Note: in the context of Washington State's Public Records Act, this may mean that complaints in regards to a specific individuals behavior should only be made over the phone.)
- Access to the ombud is free for citizens, and they are not at risk of an order for costs. Ombuds handle enquiries as well as complaints, because dealing with an enquiry may head off a complaint (for example, by resolving a misunderstanding)
- When dealing with complaints, ombuds seek to achieve a fair resolution at the earliest possible stage – rather than working towards an assumed future hearing.
- Ombuds use flexible and informal procedures – resolving cases by mediation, recommendation or decision as appropriate.
- Ombuds do not just rely on the evidence the parties volunteer. They actively investigate cases (using their specialist expertise) – calling for the information they require. So the outcome is not affected by how well either of the parties presents their case, and representation by lawyers (or others) is not necessary.
- Ombud recommendations are based on what is fair in the circumstances, taking account of good practice as well as law.
- The Ombud provides regular publicly feedback as to the general lessons from cases they have handled, so elected officials and the administration can take steps to improve things for the future
- Because there is a flexible and informal process, and representation is not necessary, the costs of an average ombuds case are significantly less than an equivalent case in a court.

* * * * *

Code of Conduct for Elected and Appointed Officials of the City of Bainbridge Island

A. Preamble

The City of Bainbridge Island has adopted this Code of Conduct, which consists of the Core Values detailed below, to promote and maintain the highest standards of personal and professional conduct among City Councilmembers and members of City Committees and Commissions. The optimal operation of democratic government requires that the City's government be fair and accountable to the people it serves. This Code of Conduct articulated in Article I applies to Councilmembers and members of City Committees and Commissions.

B. Core Values

1. Service, Helpfulness, Innovation

We are committed to providing service to the people of Bainbridge Island and to each other that is courteous, cost effective, and continuously improving.

2. Integrity

We treat one another with honesty and integrity, recognizing that trust is hard won and easily lost. We pledge to promote balanced, consistent, and lawful policies and directives, in keeping with that integrity and the highest standards of this community.

3. Equality, Fairness, Mutual Respect

We pledge to act with the standard of fairness and impartiality in the application of policies and directives and that of equality and mutual respect with regard to interpersonal conduct.

4. Responsibility, Stewardship, Recognition

We accept our responsibility for the stewardship of public resources, and our accountability for the results of our efforts, and we pledge to give recognition for exemplary work.

C. Obligations

1. Obligations to the Public

Following the highest standards of public service, Councilmembers and members of City Committees and Commissions act to promote the public good and preserve the public's trust. In practice, this principle looks like transparency and honesty (how is this measured?) in all public statements and written communications.

2. Obligations to Others

In order to sustain a culture of integrity, Councilmembers and members of City Committees and Commissions treat each other and the public with respect. Operationally, this means that:

- a. Councilmembers and members of City Committees and Commissions shall familiarize themselves with the codes of conduct governing them (including the Governance Manual, Robert's Rules of Order, the Code of Conduct outlined in this resolution and 42.23 RCW) and obtain periodic education regarding such rules.
- b. Councilmembers and members of City Committees and Commissions shall, in all their interactions, conduct themselves in a manner that demonstrates civility and respect for others (this is problematic because one person's civility is another's disrespect).

3. Obligations Regarding the Use of Public Resources

In recognition of the importance of stewardship, Councilmembers and members of City Committees and Commissions use and allocate public monies, property, and other resources in a responsible manner that takes into consideration both present and future

needs of the community. In practice, this principle looks like:

- a. Councilmembers and members of City Committees and Commissions shall, to the extent possible, seek guidance regarding the use of public resources from staff and other experts, including legal advice from the City Attorney as appropriate, in order to ensure that public resources are used and conserved for the public good.
- b. Councilmembers and members of City Committees and Commissions shall ensure that paid experts and consultants who provide guidance regarding the use of Public resources shall be impartial and free of conflicts of interest.



**Office of the City Attorney
Memorandum**

Date: January 31, 2020

To: City Council; Morgan Smith, City Manager

From: Robbie Sepler, Deputy City Attorney

Re: Outstanding Council Discussion Point from November 26, 2019 Council Meeting

On November 26, 2019, the Council adopted Resolution No. 2019-26, updating the City's Code of Conduct and Ethics Program.

Prior to adopting Resolution No. 2019-26, the Council, on November 26, 2019, discussed, but did not vote, on five motions presented by then-Councilmember Ron Peltier. At that time, the Council indicated its intent to review the motions at a later date.

A copy of the five motions provided by then-Councilmember Peltier during the meeting is included as **Attachment A** to this memorandum (then-Councilmember Peltier's proposed changes are in **green**; the language indicated in **blue** was adopted via Resolution No. 2019-26).

In summary, the five motions collectively attempted to amend the Code of Conduct and Ethics Program to allow individuals to submit a complaint alleging that the actions of a member of the Ethics Board violated either:

- Article III, setting out the procedures through which complaints and requests are reviewed under the Code of Conduct and Ethics Program; or
- Article V, relating to the composition and duties of the Ethics Board.

As adopted on November 26, 2019, the Code of Conduct and Ethics Program allows individuals to only submit complaints alleging either a violation of Article I (Code of Conduct) or a violation of Article II (Code of Ethics). While it does not provide a process through which complaints alleging violations of Articles III or V may be filed or reviewed, Article V, Subsection (A)(5)(b), of the Code of Conduct and Ethics Program does authorize the removal of a member of the Ethics Board by the City Council for inappropriate conduct as follows:

The City Council may remove a member for inappropriate conduct before the expiration of the member's term. Before removing a member, the City Council shall specify the cause for removal and shall give the member the opportunity to make a personal explanation.

In most circumstances, failure by a member of the Ethics Board to follow the requirements of Article III or V would likely constitute "inappropriate conduct" that would be grounds for removal of that member from the Ethics Board.

In addition, if the review procedures of Article III were not followed, the City Council also has inherent authority under state law to take legislative action to ensure that the proper review procedure is followed for complaints or requests submitted under the Code of Conduct and Ethics Program.

Attachment A

Former Councilmember Peltier's
Proposed Motions Regarding Resolution No. 2019-26
From November 26, 2019 Council Meeting.

Proposed motions Regarding Resolution 2019-26 revising the City of Bainbridge Island's Ethics Program
By Council Member Peltier, 11/26/19

MOTION #1: I move to amend Article III. C.1. of the Ethics Program, per Resolution 2019-26, to read as follows (proposed language in green):

C. Review of Article II, **III, and V Complaints**

1. The City Clerk shall refer to the **Ethics Board** complaints alleging one or more violations of the Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission, except for complaints concerning members of the Ethics Board, to the Ethics Board for review in accordance with Subsections (2)-(7) below. The City Clerk shall refer complaints alleging one or more violations of the Code of Ethics (Article II), **Enforcement of the Ethics Program (Article III), and/or Ethics Board (Article V)** by a member of the Ethics Board to the Hearing Examiner for review in accordance with Subsections (8)-(12) below.

MOTION #2: I move to amend Article III. C.10. of the Ethics Program, per Resolution 2019-26, to read as follows (proposed language in green):

10. After reviewing the complaint and the response, if one was submitted, the Hearing Examiner shall take one or more of the following actions and inform the complainant, the respondent, and the City Clerk accordingly:

- a. Refer the complaint back to the City Clerk if the complaint alleges violations of the Code of Conduct (Article I) rather than alleged violations of the Code of Ethics (Article II), **Enforcement of the Ethics Program (Article III), and/or Ethics Board (Article V)**;
- b. Determine that the complaint lacks reasonable credibility;
- c. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics (Article II), **Enforcement of the Ethics Program (Article III), and/or Ethics Board (Article V)**;
- d. Determine that the facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any possible violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics (Article II);
- e. Hold the complaint for action at a future time if the matter is the subject of litigation; or
- f. Determine that, based on the submissions of the complainant and the respondent, further proceedings under Article IV are warranted.

MOTION #3: I move to amend Article IV.A.1. of the Ethics Program, per Resolution 2019-26, to read as follows (proposed language in green):

A. Hearing Examiner Review of Article II Complaints

1. The City Clerk shall provide written notification to the complainant and the

respondent of the time, date, and place of the hearing before the Hearing Examiner at which the complaint concerning alleged violations of the Code of Ethics (Article II), Enforcement of the Ethics Program (Article III), and/or Ethics Board (Article V) will be reviewed.

MOTION #4: I move to amend Article IV.A.4. of the Ethics Program, per Resolution 2019-26, to read as follows (proposed language in green):

A. Hearing Examiner Review of Article II Complaints

4. Within 20 business days after the conclusion of the hearing, the Hearing Examiner shall, based upon a standard of proof of clear and convincing evidence, make findings of fact and conclusions of law. If the Hearing Examiner determines that the alleged Code of Ethics), Enforcement of the Ethics Program (Article III), and/or Ethics Board (Article V) violation(s) have not been proven, the Hearing Examiner shall dismiss the complaint. If the Hearing Examiner determines that one or more Code of Ethics), Enforcement of the Ethics Program (Article III), and/or Ethics Board (Article V) violation(s) are proven, the Hearing Examiner shall forward the matter to the City Council for a determination regarding the appropriate level of sanctions to be imposed for the Code of Ethics (Article II), Enforcement of the Ethics Program (Article III), and/or Ethics Board (Article V) violations. In either event, a copy of the findings and conclusions shall be forwarded to the City Clerk, for distribution to the City Council, and, by registered mail, to the person who made the complaint and to the respondent at addresses as given by such persons to the Hearing Examiner.

MOTION #5: I move to amend Article IV.B.1. and 2. of the Ethics Program, per Resolution 2019-26, to read as follows (proposed language in green):

B. Action by City Council upon Hearing Examiner's Findings and Conclusion

1. Within 45 business days of receipt of the Hearing Examiner's findings and conclusions that sustain a Code of Ethics, Enforcement of the Ethics Program (Article III), and/or Ethics Board (Article V) violation, the City Council shall schedule an executive session to consider the findings and conclusions, hear from the respondent, and deliberate upon the appropriate level of civil sanction(s) to be imposed, if any, except to the extent that the respondent requests that they be heard in open public session.

2. The Council may take no formal action or, by majority vote of the Council (not including the respondent, if a Councilmember, who shall not participate in said vote) at an open public meeting, may impose any of the following sanctions in response to a sustained violation of the Code of Ethics, Enforcement of the Ethics Program (Article III), and Ethics Board (Article V):

a. Admonition: An admonition shall be a verbal non-public statement made by the Mayor, Deputy Mayor, or Mayor Pro Tem to the Councilmember or member of a City Committee or Commission who has violated the Code of Ethics, Enforcement of the Ethics Program (Article III), and/or Ethics Board (Article V).

b. Reprimand: A reprimand shall be a letter prepared by the City Council, signed

by the Mayor, Deputy Mayor, or Mayor Pro Tem, and directed to the Councilmember or member of a City Committee or Commission who has violated the Code of Ethics, Enforcement of the Ethics Program (Article III), and/or Ethics Board (Article V).

c. Censure: A censure shall be a written statement administered personally by the Mayor, Deputy Mayor, or Mayor Pro Tem to the Councilmember or member of a Committee or Commission who has violated the Code of Ethics, Enforcement of the Ethics Program (Article III), and/or Ethics Board (Article V) violation. The Councilmember or member of a City Committee or Commission shall appear at a time and place directed by the City Council to receive the censure. The censure shall be given publicly and the official who has violated the Code shall not make any statement in support or opposition thereto or in mitigation. A censure shall be deemed administered at the time it is scheduled whether or not the Councilmember or member of a City Committee or Commission appears as required.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (7:55 PM) Police and Court Building Project Professional Services Agreement Amendment - Executive,

SUMMARY:

Proposed PSA amendment to incorporate analysis of Sustainability Features and LEED Certification into project design.

AGENDA CATEGORY: Contract

PROPOSED BY: Executive

RECOMMENDED MOTION:

I move to forward Amendment No. 2 to the Professional Services Agreement with Coates Design, Inc., for approval with the February 25, 2020 Consent Agenda.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

Amount:	\$63,161.00
Ongoing Cost:	
One-Time Cost:	\$63,161.00
Included in Current Budget?	No

BACKGROUND: The project was presented to the Design Review Board on June 3, 2019, and the DRB suggested that the City "think about sustainability and improving the performance of the building (e.g., Increasing the R-value of insulation.)" There was a discussion at the City Council on October 15, 2019 in which design plans, sustainability features, and options were discussed, and the commitment was made to return at a later date to present any additional recommendations. The project was presented again to the DRB at their December, 2, 2019 meeting and was approved by the DRB. At their December 10, 2019, meeting, the City Council directed staff to return with analysis for increasing the project budget by \$800,000 to achieve LEED Gold certification. At their January 21, 2020 meeting City Council was presented more information on the benefits and costs of pursuing LEED certification and directed the City Manager to bring back a professional services agreement to hire a consultant to investigate LEED certification.

ATTACHMENTS:

[Amendment No. 2 to PSA with Coates for Police & Court Building Project Design](#)

FISCAL DETAILS: The project has a current approved budget of \$20.0 million which includes design, site acquisition, construction, and project management. Pursuing LEED or other certification for the building will increase design and construction costs and was not included in the current budget estimate.

Roughly \$10 million has been spent on the purchase of the property and previous work on site assessments and design options. Roughly \$10 million remains available to complete the project construction.

Fund Name(s): Capital Construction Fund

Coding:

**AMENDMENT NO. 2 TO
AGREEMENT FOR PROFESSIONAL SERVICES**

THIS AMENDMENT NO. 2 TO THE AGREEMENT FOR PROFESSIONAL SERVICES ("Amendment") amends the Agreement for Professional Services ("Agreement") entered into on May 23, 2019, by the City of Bainbridge Island, a Washington State municipal corporation, ("City") and Coates Design, Inc., a Washington State corporation, ("Consultant").

WHEREAS, the City and the Consultant entered into the Agreement to provide services related Architectural Services for New Police Station and Municipal Court; and

WHEREAS, on December 4, 2019, the City and the Consultant executed Amendment No. 1 to the Agreement, increasing the services provided under the Agreement and, correspondingly, increasing the maximum amount payable under the Agreement by \$37,700.00 to compensate the Consultant for the increased services; and

WHEREAS, the City now desires to further increase the services provided under the Agreement to include new services related to LEED certification and to correspondingly increase the maximum amount payable under the Agreement by \$63,161.00 to compensate the Consultant for the increased services.

NOW, THEREFORE, the City and the Consultant agree to amend the Agreement as follows:

1. Section 3.A is hereby amended to read as follows:

A. The City shall pay the Consultant for such services: (check one)

☒ Hourly, plus actual expenses, in accordance with Attachment A, but not more than a total of ~~Seven Hundred Ten Thousand Three Hundred Twenty-Eight Dollars (\$710,328.00)~~ Seven Hundred Seventy-Three Thousand Four Hundred Eighty-Nine Dollars (\$773,489.00);

☐ Fixed Sum: _____;

☐ Other: \$_____, for all services performed and incurred under this Agreement, to be billed monthly in equal amounts.

2. Attachment A, Scope of Services, is hereby amended to include the additional tasks set forth on attached **Exhibit A**, which is hereby incorporated into this Amendment as if set forth in full.

3. Except as modified herein, all other terms and conditions to the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment to the Agreement as of the later of the signature dates included below.

COATES DESIGN, INC.

CITY OF BAINBRIDGE ISLAND

Date:_____

Date:_____

By:_____

By:_____

Name_____

Morgan Smith, City Manager

Title_____

Tax I.D. #_____

City Bus. Lic. #_____

Exhibit A

Task 1: LEED Silver Plan and Cost Estimate (Coates, PAE, O'Brien360, Robinson, maybe Civil and Landscape)

1. Design team members review preliminary scorecard and conduct any initial analysis necessary to prepare for a LEED working session. See attached LEED Plan for detail.
2. Attend (or call-in for design team members with a limited number of credits to address) LEED working session to agree on a LEED Silver scorecard to recommend for the project. Robinson attend to understand and inform plan.
3. Prepare any narratives or other information necessary for Robinson to prepare cost estimate.
4. Robinson provide cost estimate

Task 2: Benefits of LEED (PAE)

1. Prepare estimates, calculations, or other data to quantify some of the benefits of the recommended LEED scorecard.
 - a. Energy cost savings – compared to both existing building and heat pump system.
 - b. Possible utility incentives – for both options, if any
 - c. Operational carbon footprint reduction – for both options
 - d. Simple pay back and description of maintenance involved with each option

Task 3: Alternatives (PAE and O'Brien360)

1. Prepare high-level estimates of alternative uses of funds for LEED certification/LEED strategies and the amount of energy and carbon these would save or off-set compared to investing in the building.
 - a. On-island PV system
 - b. Green power/carbon off-sets
 - c. Forest preservation/tree planting
2. Equate these savings to other benchmarks used to compare the building such as Architecture 2030.

Task 4: Council Presentation (O'Brien360, PAE, Coates)

1. Prepare slides, graphs, and charts to contribute to City Council presentation
 2. Prepare draft presentation
 3. Review presentation on a phone call with City representative
 4. Prepare final presentation with notes
 5. Present to BI City Council
-

COBI Police and Court LEED/Sustainability Initial Analysis

4-Feb-20

Task/Fee Proposal

Tasks	Coates Design Architecture				PAE MEP Engineering				Obrien Sustainability Consulting				Robinson Company Estimating				Browne & Wheeler Civil				Murase Landscape			
	SR. PRINC.	SR. ARCHT	ARCH TECH	TOTAL	ALLOWANCE			TOTAL	ALLOWANCE			TOTAL	ALLOWANCE			TOTAL	ALLOWANCE			TOTAL	ALLOWANCE			TOTAL
Task 1: LEED Silver Plan & Cost Estimate								\$ 3,000	Allow			\$ 5,360	Allow			\$ 4,350					Allow			\$ 1,160
subtask 1		4	16	20																				
subtask 2	1	4		5																				
subtask3		3		3																				
subtask 4		6	8	14																				
Task 2: Benefits of LEED								\$ 1,000																
subtask 1																								
a.																								
b.																								
c.																								
d.																								
Task 3: Alternatives								\$ 3,000																
subtask 1																								
a.																								
b.																								
c.																								
subtask 2																								
Task 4: Council Presentation								\$ 4,000																
subtask 1	1	6	4	11																				
subtask 2	1	2	2	5																				
subtask 3	1	2		3																				
subtask 4	1	1		2																				
subtask 5	2	2		4																				
TOTAL HOURS	7	30	30	67																				
AVERAGED HOURLY RATE	\$180	\$160	\$120	\$144.18																				
SUBTOTAL SERVICES COST (Add to Expended Amount Below)	\$1,260	\$4,800	\$3,600	\$9,660				\$ 11,000				\$ 5,360				\$ 4,350				\$ -				\$ 1,160

Expended as of 1.21.20 for prior Council presentation materials

\$9,000

\$ 9,000

\$ 5,040

\$ -

\$ -

\$ -

Consultant Markup at 10%

\$ 3,591

Fee Contingency

\$ 5,000

Total Fee (expended + new fee)

\$63,161

Reimbursable Allowances

Printing Allowance

Travel Time Per Diem (per individual)

NA

NA



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 20 Minutes

AGENDA ITEM: (8:05 PM) Discussion of BIMC 18.12.030 relating to Floor Area Ratio Bonus Density Options,

SUMMARY: There are various options for achieving bonus density in the Winslow Mixed Use Town Center and High School Road Districts, each providing a full or partial option for acquisition. For example, 100% density can be achieved by providing affordable housing or by purchasing development rights. A portion of density can be achieved by providing public amenities and/or infrastructure, and/or by preserving heritage trees on site, and/or via a transfer of development rights. The Ferry Terminal District has two additional options which include providing community open space and ferry related parking.

AGENDA CATEGORY: Discussion

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION: I move to direct the City Manager to develop an ordinance to revise the City Code to remove the fee in lieu option as a mechanism to achieve Floor Area Ratio Bonus Density.

I move to direct the City Manager to develop an ordinance to revise the City Code to remove the option for Floor Area Ratio Bonus Density.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND: At the Feb. 4, 2019 study session, councilmembers expressed an interest in discussing whether to eliminate the option to purchase bonus Floor Area Ratio ("FAR"). The fees for FAR have been established by resolution (Resolution Nos. 2001-02 & 2006-50) and are included within in the City's Fee Schedule. The fees are \$18 per square foot for residential development, \$25 per square foot for mixed use development, and \$34 per square foot for commercial development. The funds are split between public amenities (40%) and farm/agriculture (60%).

Legal and operational issues related to the proposed changes have not yet been assessed by City staff.

An amendment to remove the bonus FAR option from the Bainbridge Island Municipal Code ("BIMC") would require a review and recommendation by the Planning Commission and City Council consideration, including a public hearing and the adoption of an ordinance to amend the BIMC.

ATTACHMENTS:

[BIMC 18.12.030 FAR BONUS OPTIONS.docx](#)

FISCAL DETAILS: There is roughly \$85,000 in the FAR Farmland Preservation fund at the end of 2019 and \$15,000 in the FAR Winslow Amenities fund.

Fund Name(s):

Coding:

BIMC 18.12.030.E. Bonus Density in Winslow Mixed Use and High School Road Districts. Eligible properties may achieve a maximum level of development above the base FAR, as provided for in Table 18.12.020-3, by using one, or a combination of, the following FAR bonus provisions. The FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total commercial, residential or mixed use FAR exceed the maximum FAR as provided for in Table 18.12.020-3.

1. Optional Affordable Housing.

a. FAR Bonus. Up to 100 percent of the maximum residential FAR bonus may come from providing affordable housing as defined in Chapter [18.36](#) BIMC; provided, that the difference between the base residential FAR and the maximum residential FAR shall be dedicated to affordable housing. A portion of the total floor area that is of common use and benefit to the entire residential development (for example, interior halls, stairwells, laundry rooms, exercise rooms) may be included in the calculation of the affordable housing component. This portion shall be the same percentage as the affordable housing provided. For example, if 20 percent of the living unit floor area is for affordable housing, then 20 percent of the common floor area may be included in the total affordable housing calculation. Development of the optional affordable housing shall be in accordance with Chapter [18.21](#) BIMC and Table 18.12.030.

Table 18.12.030: Optional Affordable Housing Bonus Summary Table

Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
Affordable Housing FAR Bonus	Must provide 100 percent of bonus square footage for extremely low, very low, or moderate income groups.	Must comply with following ratios: (a) 100 percent of bonus for all moderate; OR (b) 0.2 of bonus for extremely low, very	Must comply with following ratios: 0.1 of bonus for extremely low, very low or low income groups; 0.6 of bonus for moderate income group; and

Table 18.12.030: Optional Affordable Housing Bonus Summary Table

Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
		low, or low income groups; 0.5 of bonus for moderate income group; and 0.3 of bonus for middle income group.	0.3 of bonus for middle income group.

b. Preservation of the Islander Mobile Home Park. Preservation of the Islander Mobile Home Park as an existing park site for manufactured homes shall be encouraged through the following provisions.

i. Unused FAR from the parcel on which the mobile home park is located may be transferred to another parcel or parcels within the Mixed Use Town Center. For example, the base FAR for the mobile home park would be calculated, less the FAR of the mobile homes. In exchange for permanently preserving the mobile home park, the owner of the property may transfer the unused FAR to another parcel or parcels in the Mixed Use Town Center, where it may be used as bonus FAR above the base FAR for that district.

ii. Permanent preservation of the mobile home park may be used as an affordable housing bonus on another parcel or parcels within the Mixed Use Town Center. For example, in exchange for preserving the mobile home park, the owner of the property would be deemed to have met the affordable housing bonus provisions of subsection A.1 of this section, and could achieve the maximum FAR bonus for residential development on another parcel or parcels in the Mixed Use Town Center. The owner of the mobile home park may either apply the FAR bonus to another parcel(s) he or she owns, or transfer or sell the bonus to another property owner in the Mixed Use Town Center.

2. Purchase of Development Rights. Up to 100 percent of the maximum residential, commercial or mixed use FAR bonus may come from the purchase of development rights as provided for in Chapter [18.27](#) BIMC. The cost of development rights shall be established by resolution of the city council.

3. Public Amenities and/or Infrastructure. At the applicant's option, a portion of the bonus may be earned through the provision of public amenities, infrastructure, and/or preservation of a heritage tree(s) on site, pursuant to an adopted city council resolution clarifying the amount of credit awarded for different provision of different public amenities and/or infrastructure, as follows:

a. Up to 40 percent of the maximum residential, commercial or mixed use FAR bonus may come from monetary contributions toward public amenities and/or infrastructure beyond that required for SEPA mitigation. The amount of the contribution shall be established by resolution of the city council. Funds contributed to the public amenities and/or infrastructure shall be used exclusively in the Mixed Use Town Center or High School Road districts, for projects identified in the six-year capital facilities program, or approved by the city.

b. In lieu of the contribution of funds as provided for in subsection E.3.a of this section, and subject to approval by the director or designee, the public amenities FAR bonus may be achieved by the preservation of a heritage tree(s) on site, construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six-year capital facilities program, or approved by the city.

4. Community Open Space. In the ferry terminal district, up to 60 percent of the maximum residential, commercial or mixed use FAR bonus may be achieved by providing community open space of one acre, or 20 percent of the parcel area, whichever is greater. The community open space shall be located in or in the immediate vicinity of locations identified in Figure 4.1 of the Winslow master plan. The open space must be located on the same parcel that is being developed, and must be on land that would be otherwise buildable. Adequate public access to the community open space must be provided. The city shall consider approving the bonus, taking into consideration the configuration, public use and accessibility of the proposed open space. In cases where a development project utilizes the community open space bonus provision in conjunction with the purchase of development rights bonus provision, all funds collected from the purchase of development rights shall go toward the preservation of agricultural lands fund.

5. Winslow Town Center Mixed Use/High School Road FAR Transfers. Up to 20 percent of the maximum residential, commercial or mixed use FAR bonus may come from transfers of FAR from parcels within the Mixed Use Town Center and the High School Road districts. The transfer shall create permanent open space through open space preservation covenants on sending parcels that contain critical areas as defined in Chapter [16.20](#) BIMC. For example, development potential in the ravine of the gateway district may be shifted to the upland area; provided, that the requirements of Chapter [16.20](#) BIMC are satisfied.

6. Historic Structure Preservation. When an historic structure is preserved on site, the FAR of that historic structure shall not be included in the calculation of total FAR for the site. The historic structure must be included on a state, local or federal register.

7. Ferry-Related Parking. In the ferry terminal district, an additional 0.2 FAR may be achieved by relocating existing legal surface ferry commuter parking on site (as shown on Figure 6.2 of the Winslow master plan) to under-building or below-grade parking. The percentage of the additional FAR that is achieved shall be dependent upon the percentage of parking that is relocated. For example, if 50 percent of existing surface ferry commuter parking on site is relocated under-building or below grade, then 50 percent of the total additional FAR (or 0.1 FAR) may be achieved. (Ord. 2017-02 § 1, 2017; Ord. 2015-04 § 1, 2015; Ord. 2014-04 § 6 (Exh. 4 § 1), 2014; Ord. 2011-02 § 2 (Exh. A), 2011)



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 20 Minutes

AGENDA ITEM: (8:25 PM) Ordinance 2020-03 "Housekeeping" Changes: Revising Chapters 2.14, 2.16, 18.09, 18.12, 18.15, and 18.36 BIMC - Planning,

SUMMARY:

Ordinance 2020-03 (formerly 2019-33) makes updates and clarifications throughout the development code. Exhibit A contains Title 2 (Administration) changes, Exhibit B amends BIMC 18.09.030 (Use Table) to add the new use "temporary construction staging," and Exhibit C contains additional changes to Title 18 Zoning.

AGENDA CATEGORY: Ordinance

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION:

I move to forward Ordinance No. 2020-03 to the February 25, 2020 Consent Agenda for consideration of approval.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

The Department of Planning and Community Development staff and the City Attorney's office have identified text in the development code (Chapters 2.14, 2.16, and Title 18 BIMC) that should be clarified, updated, or otherwise revised. In addition to such revisions, Ordinance 2020-03 adds a new use, "temporary construction staging," including a definition (BIMC 18.36.030; see EXHIBIT C) and use specific standards (BIMC 18.09.030.J.; see EXHIBIT C). The proposed updates have been discussed by the Planning Commission at their March 28, April 25, May 23, June 27, and October 10 and 24, 2019 meetings. After closing the public hearing on the draft ordinance on October 24, 2019, the Planning Commission made a recommendation of approval to the City Council related to these housekeeping changes, Ordinance 2019-33 (now Ordinance 2020-03). (See attached Planning Commission minutes.)

ATTACHMENTS:

[Staff Memorandum 021120](#)

[Ordinance No. 2020-03](#)

[Exhibit A Title 2 Housekeeping Changes](#)

[Exhibit B BIMC 18.09.020 Use Table Excerpt Temporary Uses](#)

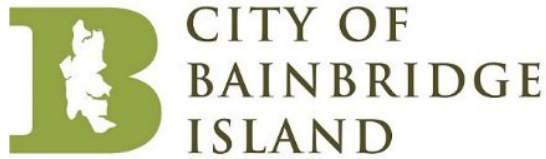
[Exhibit C Title 18 Housekeeping Changes](#)

[PLANNING COMMISSION MINUTES 102419.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



Department of Planning and Community Development

Memorandum

Date: February 11, 2020
To: City Manager
City Council
From: Jennifer Sutton, AICP
Senior Planner
Subject: Ordinance 2020-03 (formerly 2019-33): "Housekeeping" Changes: Revising Chapters 2.14, 2.16, 18.09, 18.12, 18.15, and 18.36 of the Bainbridge Island Municipal Code

I. BACKGROUND

The Department of Planning and Community Development staff, in coordination with the City Attorney's office, have identified areas of the development code ([Chapters 2.14, 2.16, and various provisions in Title 18 BIMC](#)) that should be clarified, updated, or otherwise revised.

In addition to such revisions, Ordinance 2020-03 adds a new use, "temporary construction staging," including a definition (BIMC 18.36.030, see below and page 11 EXHIBIT C) and use specific standards and temporary permit requirements (BIMC 18.09.030.J., pages 1-2 EXHIBIT C). "Temporary construction staging" is a use when construction staging (i.e., vehicles, materials) is needed on private property that is NOT under development and/or outside of the City right-of-way. The absence of this use was discovered during the City construction of the Sound-to-Olympics trail. City staff proposes to add the use to the use table, define the use, and proposes new use specific standards.

XX. NEW USE/DEFINITION "Temporary Construction Staging" means an area on a property that is not under construction where construction related equipment, small temporary buildings, vehicles, or materials are stored during a private or public construction project. Temporary Construction Staging is located outside of the city right-of-way on individual properties, and may be permitted when there is no available space on a construction site for staging.

All code changes are **highlighted** in the attachments with this agenda item to make them easier to identify in the documents.

II. PLANNING COMMISSION REVIEW

The Planning Commission considered these changes at their March 28, April 25, May 23, June 27, and October 10 and 24, 2019 meetings. After closing the public hearing on October 24, 2019, the Commission made a final recommendation to the City Council on these housekeeping changes, Ordinance 2019-33 (now Ordinance 2020-03). Also attached with this agenda item are the minutes from the Planning Commission's October 24, 2019 meeting.

ORDINANCE NO. 2020-03
(Formerly Draft Ordinance No. 2019-33)

AN ORDINANCE of the City of Bainbridge Island, Washington, related to updating and clarifying land use regulations, revising Chapters 2.14, 2.16, 18.09, 18.12, 18.15, and 18.36 of the Bainbridge Island Municipal Code.

WHEREAS, City staff have compiled a set of changes to land use regulations of the Bainbridge Island Municipal Code (“BIMC”) to update and clarify certain provisions; and

WHEREAS, this includes adding a new use, “temporary construction staging,” including new use specific standards; and

WHEREAS, the changes were organized into BIMC *Title 2* and *Title 18* changes, and the Planning Commission discussed the proposed changes on March 28, April 25, May 23, June 27, and October 10, 2019; and

WHEREAS, the Planning Commission held a public hearing on Ordinance 2019-33 (now Ordinance 2020-03) on October 24, 2019, and after closing the public hearing, made a recommendation of approval of Ordinance 2019-33 to the City Council; and

WHEREAS, notice was given on November 8, 2019, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, the City Council considered this ordinance at its meeting on February 11, 2020; and

WHEREAS, the City Council considered Ordinance 2020-03 further on February 25, 2020.

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

Section 1. Chapters 2.14 and 2.16 of the Bainbridge Island Municipal Code are hereby amended as shown in Exhibit A.

Section 2. Table 18.09.020, *Use Table*, of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit B.

Section 3. Chapters 18.09, 18.12, 18.15, and 18.36 of the Bainbridge Island Municipal Code are hereby amended as shown in Exhibit C.

Section 4. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

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

PASSED by the City Council this ____ day of _____, 2020.

APPROVED by the Mayor this ____ day of _____, 2020.

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	February 7, 2020
PASSED BY THE CITY COUNCIL:	_____, 2020
PUBLISHED:	_____, 2020
EFFECTIVE DATE:	_____, 2020
ORDINANCE NUMBER:	2020-03

2.14.020 Planning commission.

A. Purpose and Role of the Planning Commission. The Bainbridge Island planning commission serves as an advisory body to the city council, and provides recommendations to the director of planning, the hearing examiner and/or the city council. The commission's role is to consider legislative, as well as quasi-judicial matters, depending upon the action before it. Pursuant to Chapter 35A.63 RCW, the commission has primary responsibility for preparing, reviewing and updating the comprehensive plan.

B. Duties and Responsibilities. Pursuant to the provisions of Chapter 35A.63 RCW, there is established within the city a planning commission. The title "planning commission" is substituted for the title "planning agency" in all city ordinances and other documents approved prior to the effective date of the ordinance codified in this chapter. The planning commission shall have the following duties and responsibilities:

1. Participate in the preparation and review of the comprehensive plan for the city;
2. Consider the location, character, extent, and effect of any proposed dedication of any street or other area for public use, including parks, public ways, public buildings, or public structures, with reference to the comprehensive plan, pursuant to RCW 35A.63.080;
3. Review and make recommendations on all applications for amendments to the comprehensive plan, official zoning map and official zoning ordinance of the city pursuant to Table 2.16.010-1;
4. Review and make recommendations on all housing design demonstration project applications pursuant to BIMC 2.16.020.S, including those housing design demonstration project applications involving land subdivision, based on a comprehensive review of the project at a public meeting;
5. Review and make recommendations on preliminary short subdivisions if requested by the director;
6. Review and make recommendations on all preliminary large lot subdivisions, preliminary long subdivisions, major site plan and design reviews, major conditional use permits, and major shoreline conditional use permits, taking into consideration the recommendation from the design review board and a comprehensive review of the project at a public meeting;
7. Such other advisory duties as may be assigned to it by the city council, or as specified in the BIMC;
8. Create the planning commission agenda prior to its publication in consultation with the director.

C. Composition – Appointments – Terms – Residency – Chairpersons.

1. The commission shall consist of seven members appointed by the mayor and confirmed by the city council. All seven members of the commission shall be residents of the city. 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 commission shall reflect the diverse perspectives, work experiences and backgrounds represented in the community. Each commissioner shall endeavor to understand and agree to uphold the city's adopted comprehensive plan.
2. All members shall serve without compensation for three-year terms, which begin on July 1st and end on June 30th 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. Members may be reappointed to additional terms. No member shall serve more than three consecutive terms on the commission unless the city council determines that special expertise is required or there are no other qualified applicants.

3. The officers of the commission shall consist of a chairperson and a vice chairperson elected by the members of the commission for a one-year term. The election of officers shall take place at the first meeting of the year. In the event of the vacancy of the chair, the chairperson would be replaced by the vice chairperson, and the vice chairperson would be replaced by a vote of the members of the commission. Demotion of the chairperson or vice chairperson shall be governed by Chapter 2.01 BIMC.

4. The chairperson shall preside over meetings of the commission and may exercise all the powers usually incident to the office. Duties of the chairperson shall include, but not be limited to, committees of the whole, handling meeting items and discussion, conflict of interest, suspension of meetings, timing or discussion of issues, and clarification of issues and questions. The chairperson shall sign all approved commission minutes, reports or other official documents.

5. In the absence of the chairperson, the vice chairperson shall perform all the duties incumbent upon the chairperson. The chairperson and the vice chairperson both being absent, the members present may elect for the meeting a temporary chairperson who shall have the full powers of the chairperson during the absence of the chairperson and the vice chairperson.

6. The ~~chair-Planning Commission~~ shall have full power to create subcommittees that would include up to three commissioners. Standing or temporary committees may be charged with such duties, examinations, investigations and inquiries relative to one or more subjects of interest to the commission. ~~No committee shall have the power to commit the commission to the endorsement of any plan or program without the approval of a quorum of the commission.~~

D. Removal and Resignation.

1. The removal and resignation of members appointed to the commission shall be governed by Chapter 2.01 BIMC.

2. Any unexpired term of a vacant office shall be filled by a qualified person appointed by the mayor and confirmed by the city council in accordance with the city's appointment cycle.

E. Meetings.

1. The planning commission shall meet on the second and fourth Thursday of each month and may hold such special meetings as the planning commission may determine necessary. All regularly scheduled meetings shall begin at 7:00 p.m. and shall endeavor to adjourn by 9:00 p.m.; provided, that the hours of a regular meeting may be modified for exceptional purposes, as determined by the chairperson.

2. Planning commission meetings shall be held at the city of Bainbridge Island City Hall. Under special circumstances, regular and special meetings and retreats may be held in other locations as publicly noticed.

3. The planning commission shall give public notice of its meetings as provided by law. Notice for a public hearing shall be provided at least 10 days in advance of said hearing.

4. All meetings of the planning commission shall be open to the public and held in accordance with the Open Public Meetings Act (Chapter 42.30 RCW). In the event a regular meeting falls upon a legal holiday, the meeting shall be held on the following business day.

5. All meetings shall be conducted according to Robert's Rules of Order.

6. The planning commission shall review and approve rules of procedure and code of conduct annually.

F. Quorum and Voting.

1. A simple majority of the appointed members shall constitute a quorum for the transaction of business.

~~2. The chairperson shall be entitled to vote on a matter when it is necessary to break a tie or to make a quorum.~~

~~2~~ 3. When a commissioner has stepped down because of a potential conflict of interest, he or she shall not be counted for purposes of establishing a quorum during considerations undertaken while he or she is not sitting with the commission.

G. Public Meetings and Hearings. The planning commission will consider land use applications at a public meeting and shall recommend approval, approval with conditions, or denial of an application. For legislative decisions, the planning commission will hold a public hearing and shall recommend approval, approval with conditions, or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria of this code, the comprehensive plan, all other applicable law, any necessary documents and approvals, and any testimony presented verbally or in writing at the public meeting. If the applicable criteria are not met, the planning commission shall recommend the proposal be subject to conditions or denied. A planning commission recommendation is not a final decision and is not subject to appeal. The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the director, the city council, and/or the hearing examiner, as applicable.

H. Public Records. 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 planning commission, and shall include findings of fact and conclusions where applicable to support the planning commission's recommendation. The meeting minutes shall be posted on the city's web site.

I. Consultants. Upon approval of the city council, the planning commission may recommend the retention of a planning consultant who assists the planning commission in its deliberations. The consultant shall be hired by the city.

J. Conflict of Interest. Planning commission members shall sign a conflict of interest statement in accordance with the city's ethics program upon appointment and any reappointment. If a planning commission member has a financial interest in or is an applicant, or if a planning commission member is a paid or unpaid advocate, agent or representative for an applicant on a comprehensive plan amendment or land use application that will be reviewed or considered by the planning commission, the planning commission member shall not participate in a decision or recommendation on the application, and he or she will be asked to leave the meeting facility prior to commencement of discussion of that agenda item.

K. Support Staff. The planning staff shall perform the following roles in its work with the planning commission:

1. Provide the initial record that includes the standards of review, relevant municipal code and comprehensive plan provisions and provisions of other permitting agencies. The staff report shall include findings of fact and conclusions of law based on evidence in the record; and

2. Provide technical information and research, prepare documents and maintain records. This includes drafting transmittal memos, preparing alternative findings and conclusions when appropriate, and obtaining legal opinions from the city attorney; and

3. Respond to questions and discussion of procedures; and

4. Assist the commission in articulating their collective will; and

5. Provide upon request formal opinions or recommendations from the city attorney, city engineer, public works director or the director of planning and community development on any matter that is pending before the planning commission; and

6. Arrange for the provision of city email accounts to commission members and related training on the use of email accounts, including personal computer privacy expectations while serving on the commission.

2.14.030 Hearing examiner.

A. Policy. The conduct of public hearings in quasi-judicial matters generally involves disputed issues. It is in the best interest of the residents of the city to create officers designated in this chapter as “hearing examiners,” whose duties shall be judicial in nature. Whenever any ordinance of the city requires a public hearing to be conducted by the hearing examiner, the hearing shall be conducted in accordance with the procedures established in Chapter 2.16 BIMC.

B. Qualifications – Appointment – Term – Removal. Each hearing examiner shall be appointed by the city manager, confirmed by the city council, and shall serve for a term of two years. As required by WAC 242-02-040, each appointed hearing examiner shall be someone who has a demonstrated knowledge of land use planning and law and shall meet any additional qualifications specified by city council resolution. The appointed hearing examiner shall be removed only (1) upon conviction of a gross misdemeanor or felony, (2) because of physical or mental disability rendering the hearing examiner incapable of performing the duties of the office, (3) upon conviction of a violation of subsection D of this section, or (4) upon conviction of a violation of Chapter 42.23 RCW, the violation of which shall constitute a misdemeanor under this code.

C. Hearing Examiner Responsibilities and Duties.¹

1. 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 shall issue decisions or recommendations based on relevant ordinances, regulations, policies, statutes, and other authorities.

2. Duties. In addition to any other duty established by ordinance or resolution, the hearing examiner:

a. Supervises and evaluates the work of employees as required;

b. Develops ~~procedural rules~~ rules of procedure for the scheduling and conduct of hearings and related matters, which shall be adopted by the city council by resolution. Such rules of procedure may be amended from time to time by resolution of the city council. ~~Such rules shall and will be published on the City's website and available from the office of the city clerk upon request;~~

c. Reviews properties that are the subject of hearings to become familiar with the terrain and relationships to other properties;

d. Receives and examines hearing related documents, and reviews case files, city codes and policies, environmental impact statements, plot plans and topographical maps;

- e. Evaluates testimony and evidence, prepares records, enters final written findings, and imposes conditions to conform projects to city ordinances and land use policies;
- f. Maintains knowledge of current relevant state and city land use laws, policies and related state and federal court decisions;
- g. Prepares reports and correspondence to the city manager, city council, and planning commission as requested;
- h. Prepares and submits annual written reports to the city manager and city council, including how many hearings have been conducted, the final outcome of hearings, the time required to issue decisions and the cost of hearings;
- i. Meets with the city manager, city council, planning commission and staff as requested, to identify conflicts in the code; and
- j. When necessary, recommends candidates for pro tem hearing examiner, for approval by the city manager.

D. Noninterference in Performance of Duties. No person shall attempt to influence the hearing examiner in the performance of duties. The hearing examiner shall not discuss the merits of any case considered by the hearing examiner until all city review and court appeals have been concluded and a final decision has been rendered. Any violation of this provision shall be deemed a misdemeanor and may be punished pursuant to Chapter 1.24 BIMC.

E. Legal Counsel for Hearing Examiner. General legal advice to the hearing examiner will be provided by the city attorney, except that in a contested case where the city will be represented by the city attorney, the mayor may appoint independent counsel to render legal advice to the hearing examiner, the cost of which shall be borne by the city.

F. Disqualification of Hearing Examiner.

1. The hearing examiner on his or her own initiative may enter an order of disqualification in the event of personal bias or prejudice or to preserve the appearance of fairness.
2. Prior to any hearing on a matter, a party may file an affidavit, which is a sworn statement in writing and under oath, stating that such party cannot have a fair and impartial hearing by reason of the hearing examiner's personal bias or prejudice. The hearing examiner shall rule on the affidavit prior to making other ruling and prior to the hearing. No party shall be permitted to file more than one such affidavit under this section in regard to any one proceeding. (Ord. 2011-23 § 1, 2011; Ord. 2011-02 § 2 (Exh. A), 2011)

2.16.010 Land use procedures summary table.

Table 2.16.010-1: Summary Table of Land Use Procedures

R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing						
	DRB	Planning Comm.	Director	Hearing Examiner	City Council	Courts
Administrative Approvals						
Clearing Permit Tree Removal/Vegetation Maintenance Permit			D	A		
Conversion Option Harvest Plan Permit			D	A		
Minor Conditional Use	(R)	(R)	D	A		
Minor Variance		(R)	D	A		
Agricultural Conditional Use			D	A		
Large Lot Subdivisions (Prelim) (Final)	R	R	D D	A		A
Minor Shoreline Variance [1]		(R)	D	A		A [2]
Minor Shoreline Conditional Use [1]		(R)	D	A		A [2]
Public Works Administrative Decisions			D			A
SEPA Determinations			D	A		
Shoreline Substantial Development Exemption [1]			D	A		
Shoreline Substantial Development [1]		(R)	D	A		A [2]

R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing						
	DRB	Planning Comm.	Director	Hearing Examiner	City Council	Courts
Short Subdivisions (Prelim)	(R)	(R)	D	A		
(Final)			D	A		A
Sign Permits			D			A
Minor Site Plan and Design Review	(R)	(R)	D	A		
Major Site Plan and Design Review	R	R	D	A		
Critical Area Permit – Major and Minor			D	A		
All other administrative decisions: This includes agricultural retail plans, boundary line adjustments (See BIMC 2.16.090), building and other construction permits, building administrative decisions, clearing permits, BIMC interpretations, vegetation management permit, extension of construction noise hours (See BIMC 16.16.025), and any other administrative land use decision authorized by this code to be made by the director.						
Quasi-Judicial Decisions by the Hearing Examiner						
Conditional Use Permits	R	R	R	D/P		A
Variances		(R)	R	D/P		A
Reasonable Use Exception (See BIMC 16.20.080)		(R)	R	D/P		A
Major Shoreline Variances [1]		(R)	R	D/P		A [2]
Major Shoreline Conditional Use Permits [1]	R	R	R	D/P		A [2]
Long Subdivisions (Prelim)	R	R	R	D		A
Quasi-Judicial Decisions by City Council						
Long Subdivisions (Final)			R		D	A
Site-Specific Rezones		(R)	R	R/P	D	A

R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing						
	DRB	Planning Comm.	Director	Hearing Examiner	City Council	Courts
Consolidated Project Review						
See BIMC 2.16.170						
Legislative Approvals						
Adoption or Amendment of Development Regulations		R/P	R		D (P)	A
Comprehensive Plan Amendments		R/P	R		D (P)	A
Legislative Area-Wide Rezones		R/P	R		D (P)	A
Special Area Plans		R/P	R		D (P)	A

[1] City decisions on shoreline variances, shoreline substantial development permits, and shoreline conditional use permits must be reviewed by the Washington Department of Ecology pursuant to WAC 173-27-130 and RCW 90.58.140(10). The Department of Ecology may approve, approve with conditions, or deny the application.

[2] The hearing examiner's decision is forwarded to the Department of Ecology (DOE) for decision. The DOE decision is then appealable to the Shoreline Hearings Board. (See BIMC 2.16.165.I.)

2.16.020 General provisions.

2.16.020.M. Notice Requirements.

1. Land Use Notice Summary Table.

Table 2.16.020-1 Land Use Notice Summary Table **[1]**

	Mail, Fax, E-mail, or Other to Applicant	Mail, Fax, or E-mail to Depts., Public, and Others	Publishing in Newspaper	Posting Notice at Official Locations	Posting Sign on the Property
Notice of Complete Application	X				
Notice of Application and Public Comment Period*		X	X	X	X
Notice of Public Hearing	X	X	X	X	X
Notice of Decision and Appeal Period	X	X **			

[1] Additional noticing may be required by other Titles of the BIMC.

* May be combined with SEPA notice.

** **Notice only goes to parties that commented during the public comment period and any agencies with jurisdiction; if the application includes SEPA, notice of decision goes to SEPA agencies also.**

~~2. Types of Notifications for Land Use Decisions. All applications, except those exempted in subsection M.2 of this section, require the following notifications:~~

- ~~a. Notice of complete application; and~~
- ~~b. Notice of application and public comment period*; and~~
- ~~c. Notice of public hearing, if a public hearing is required; and~~
- ~~d. Notice of decision and appeal period.~~

~~* If the optional process is used pursuant to subsection M.8 of this section, this will include SEPA comment period.~~

~~2. 3. Exemptions from Public Notice Requirements on Land Use Decisions. The following land use applications do not require a notice of application and public comment period or notice of decision:~~

- ~~a. A building permit or other construction permit, unless a notice of intent to construct in geologically hazardous areas is required under BIMC 16.20.140.~~
- b. An administrative decision that is categorically exempt under SEPA (Chapter 43.21C RCW), unless the permit application procedures require a public comment period or public hearing. Flexible lot design short or long plats are not exempt from notice requirements.

~~3. 4. Notice of Complete Land Use Decision Application.~~

- a. Within 28 days after receiving a land use permit application, the department director shall ~~either mail, fax, or otherwise~~ provide to the applicant a written determination, stating either that the application is complete or that the application is incomplete and what is necessary to make the application complete. If the application is determined to be incomplete, the department director will request additional information in writing.
- b. Within 14 days after an applicant has submitted all additional information identified by the department director as being necessary for a complete application, the department director shall notify the applicant whether the application is complete or what additional information is necessary.
- c. If the department director does not provide a written determination as to whether the application is complete within the 28 days, the application shall be deemed complete as of the twenty-eighth day.

4. ~~5.~~ Notice of Application and Public Comment Period.

- a. Time of Notice. Within 14 days of a notice of complete application, the department director shall issue a notice of application for any land use application except for those applications that are exempted pursuant to subsection M.3 of this section. The notice of application shall provide a minimum comment period of 21 days. However, for projects requiring review under the State Environmental Policy Act (SEPA), the notice of application shall provide a minimum comment period of 14 days; the SEPA threshold determination shall not be issued prior to the expiration of the notice of application comment period.
- b. Method of Notice. The notice of application shall be provided to the public and other government agencies with jurisdiction over some aspect of the application by the following means:
 - i. Distributing written notice to property owners at addresses listed on the property tax records of Kitsap County within 500 feet of any boundary of the subject property and including any property within 500 feet of any contiguous property in the applicant's ownership;
 - ii. Posting notice in the official posting places of the city, including the city website;
 - iii. Publishing notice in the official newspaper of the city;
 - iv. Posting the subject property in a manner prescribed by the city; and
 - v. Distributing notices to government agencies.
- c. Notice of Application Contents. The content of the notice shall comply with the requirements of state law and shall contain that information set forth in the administrative manual.
- d. Transportation Notice. If the application is for a short subdivision or a large lot subdivision that is adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport, not later than 10 days after the short subdivision application is filed, the director shall provide a notice of the application, including a legal description and location map, to the State Secretary of Transportation. The Department of Transportation shall, within 15 days after receiving the notice, submit a statement to the director who furnished the notice,

including any information that the Department of Transportation deems to be relevant about the effect of the proposed short subdivision or large lot subdivision upon the legal access to the state highway, the traffic carrying capacity of the state highway and the safety of the users of the state highway. If comments are not received within 15 days, the director may extend the comment period by an additional 15 days to allow for Department of Transportation comments.

5. 6. Notice of Public Hearing. Notice for an application requiring a public hearing shall be provided in the following manner:

a. Time of Notice. The hearing examiner shall provide notice of the public hearing at least 15 days prior to the hearing or as otherwise provided by law.

b. Method of Notice. The hearing examiner shall provide notice of an appeal hearing as provided in this subsection M.6.b and shall provide public notice for any other public hearing by:

i. Posting notice in the official posting places of the city, including the city website; and

ii. Publishing notice in the official newspaper of the city at least 14 days prior to the hearing or as otherwise provided by law; and

iii. Distributing notice to the applicant and appellant, if applicable; and

iv. Distributing written notice to property owners at addresses listed on the property tax records of Kitsap County within 500 feet of any boundary of the subject property and including any property within 500 feet of any contiguous property in the applicant's ownership; and

v. Distributing notice to any person who has submitted a written request for notice of the hearing; and

vi. Posting the subject property in a manner prescribed by the city.

c. Public Hearing Notice Contents. The content of the notice shall comply with the requirements of state law and shall contain that information set forth in the administrative manual.

6. 7. Notice of Land Use Decision and Appeal Period. A notice of decision shall be issued upon a final decision on a land use application. The decision-maker shall distribute the notice of decision to the applicant, the applicable department director and any persons requesting notice or submitting comments on the application prior to the decision. Notice of decision shall include:

a. A statement indicating that the application is approved, approved with conditions, denied, or remanded; and

b. A statement of any conditions included as part of a decision for approval or approval with conditions; and

c. A statement of facts upon which the decision, including any conditions, is based and the conclusions of law derived from those facts; and

d. The SEPA threshold determination and mitigation conditions as specified in Chapter 16.04 BIMC, if applicable; and

e. Procedures for appeal under subsection R of this section if applicable.

7. 8. Combining Public Notices on Land Use Applications. If a land use application is subject to environmental review under Chapter 16.04 BIMC (Chapter 43.21C RCW) and requires a SEPA threshold determination, the SEPA public notice and notice of SEPA public comment period, if any, shall be combined with other land use application notices when possible. A combined notice shall include a statement that a single comment letter may be submitted to the SEPA official, addressing impacts as well as other issues subject to review under the decision criteria for the land use application.

8. 9. Notice Required for Legislative Review Procedures. Unless subsection M.10 or 11 of this section requires otherwise, notice of the date, time and place of any scheduled hearing shall be provided to the public by the following means:

a. Publishing notice in the official newspaper of the city at least 10 calendar days prior to the public hearing.

b. Posting notice in the official posting places of the city.

9. 10. Notice Required for Adoption and Amendment of Land Use Regulations.

a. The city shall give notice of the public hearing in a way that is reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, and organizations. Examples of reasonable notice include:

i. Posting the property for site-specific proposals;

ii. Publishing notice in the official newspaper of the city;

iii. Notifying public or private groups who have notified the city of an interest in a certain proposal or in the type of proposal being considered.

b. Notice of the public hearing shall state when the public may submit written comments on the proposed development regulation; provided, that the public shall be given at least 10 days prior to the scheduled public hearing to submit written comments to the city.

c. Errors in exact compliance with this chapter shall not render the development regulation invalid if the spirit of the procedures established by this chapter is observed.

10. 11. Notice Required for Special Area Plan Process. The interdepartmental staff team described in BIMC 2.16.210.D shall provide notice to the public of the initial public meeting by (a) mailing notice, by regular mail, at least 10 days prior to the date of the meeting, to all interested persons and groups identified by the interdepartmental staff team, and to all persons requesting such notice; and (b) publishing notice in the city's official newspaper at least 10 days prior to the date of the meeting.

2.16.020.R. Appeals.

1. Appeal of an Administrative Review Decision.

a. Applicability. All administrative decisions, departmental rulings and interpretations made in accordance with administrative review procedures of BIMC 2.16.030 and administrative decisions made under BIMC 1.26.070 may be appealed to a hearing examiner. Administrative decisions of the public works director and decisions on sign permits may not be appealed to the hearing examiner.

b. SEPA Appeals. Appeals of decisions made in accordance with Chapter 16.04 BIMC, the city's SEPA rules, shall be made according to the procedures in that chapter. Where the appeal concerns a substantive approval, denial, or conditional approval of a development application based on a SEPA determination (a "substantive SEPA appeal"), the appeal hearing shall be pursuant to subsection R.1.i of this section. Where the appeal concerns a threshold determination regarding the applicability of SEPA or the level of SEPA review required (a "procedural SEPA appeal"), the appeal shall also be pursuant to subsection R.1.i of this section, but, if heard on the same date, the procedural SEPA appeal shall be heard first and the record of the proceeding closed before the substantive appeals are heard.

c. Rules. The rules of procedure adopted under BIMC 2.14.030.C.2.b. shall address appeal hearings before the hearing examiner. Any Such rules of procedure for appeal hearings adopted by the hearing examiner shall will be kept published on the City's website and available from on file with the office of the city clerk and shall be provided to any person filing an appeal upon request.

d. Timing. An appeal of an administrative decision shall be filed with the city clerk within 14 days of the date of the decision. This provision applies when the application (i) is exempt from SEPA or (ii) is subject to SEPA and uses the "optional process." An appeal of an administrative decision shall be filed with the city clerk within 21 days of the date of decision when the project is subject to SEPA and requires a SEPA threshold determination public comment period pursuant to WAC 197-11-340.

e. Written Appeal Required. All appeals shall be filed in writing with the city clerk, shall identify the decision appealed and the date of the decision, and shall contain a summary of the grounds for the appeal.

f. Content of Appeal. Appeal hearings shall be limited to the issues specified in the written appeal.

g. Hearing Date. Following receipt of a notice of appeal and payment of the appropriate fee, a public hearing shall be set by the hearing examiner.

h. Related Documents. All written comments and related documents received prior to the appeal hearing shall be transmitted to the hearing examiner no later than the hearing date. In the case of complex or controversial appeals, the city may require that some or all materials be submitted two or more days in advance of the hearing date.

i. Appeal Hearing. As stated in RCW 43.21C.075, because a major purpose of SEPA is to combine environmental considerations with public decisions, any appeal brought under this section shall

be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action. The appeal shall be heard in accordance with RCW 43.21C.075. The appeal shall be held at an open record public hearing. Participation in an appeal hearing is limited to the applicant, the applicant's representative, the appellant, the appellant's representative, appropriate city staff and consultants, any witnesses called by each and any nonparty who submitted written comments during the public comment period if the hearing examiner determines that the testimony will be relevant to the issue on appeal and nonrepetitive of the testimony of other witnesses.

i. In a SEPA procedural appeal, the procedural determination by the city's SEPA official shall carry substantial weight.

ii. In an appeal of a substantive decision made by the city, the criteria shall be whether (A) the proceedings were materially affected by failure to comply with adopted procedures, or (B) the decision is inconsistent with the BIMC criteria for that type of approval, or (C) the evidence in the record was not adequate to support the decision.

iii. In an appeal on the substance of a SEPA determination, or substantive conditions attached to an approval through the SEPA review process, the determination by the city's SEPA official shall carry substantial weight.

j. Continuation of Hearing. A hearing may be continued to a date certain without additional notice.

k. Decision. Upon completion of the appeal hearing, the hearing examiner shall (i) affirm the decision, (ii) reverse the decision, (iii) affirm the decision with conditions, or (iv) remand the decision to the department director for further consideration of identified issues. The decision of the director shall be accorded substantial weight by the hearing examiner. The hearing examiner may include conditions as part of a decision granting or granting with conditions an appeal to ensure conformance with BIMC, the city's comprehensive plan and other applicable laws or regulations.

l. Timing of Written Decision. The hearing examiner shall issue a written decision on the appeal within 20 working days after completion of the public hearing unless the appellant and the hearing examiner have consented to an extension of time. The written decision shall include (i) the decision of the hearing examiner granting or denying the appeal in whole or in part; (ii) any conditions included as part of the decision on the appeal; (iii) findings of facts upon which the decision, including any conditions, is based and the conclusions of law derived from those facts; and (iv) a statement of the right of a person with standing to appeal the decision of the hearing examiner in accordance with Chapter 36.70C RCW.

m. Distribution. The hearing examiner or designee body shall provide a copy of the written decision to the applicant, the appellant, the applicable department director, and any person requesting the written decision or who submitted substantive comments on the application prior to the decision.

2. Appeal of a Decision of the Hearing Examiner. The decision of the hearing examiner shall be final unless, within 21 days after issuance of a decision, a person with standing appeals the decision in accordance with Chapter 36.70C RCW or its successor.

3. Appeal of a City Council Decision on a Quasi-Judicial Matter. The decision of the city council shall be final unless, within 21 days after issuance of a decision, a person with standing appeals the decision in accordance with Chapter 36.70C RCW or its successor.

4. Appeals of a City Council Decision on a Legislative Matter. Appeal of a city council decision on a development regulation, area-wide rezone and comprehensive plan amendment is governed by state law.

2.16.030 Administrative review – In general.

A. Purpose. The purpose of this section is to establish procedures for administrative decision-making on land use applications. These provisions apply when BIMC does not describe more detailed administrative procedures for a specific type of application, and also supplement those more specific administrative procedures where they exist. If there is an inconsistency between these general administrative provisions and more detailed administrative provisions for a specific type of application elsewhere in the BIMC, the more specific provisions shall govern.

B. Applicability. This section applies generally each time a provision of the BIMC authorizes administrative review of a land use application. Permit specific review requirements are in relevant subsections, except site plan and design review (which is covered under BIMC 2.16.040), including those administrative approvals described in Chapter 16.12 BIMC, with the exception of shoreline substantial development permit applications, shoreline conditional use permit applications, and shoreline variance applications, which must go to the Washington Department of Ecology pursuant to WAC 173-27-130 and RCW 90.58.140(10) for a 21-day appeal period. The specific types of applications subject to administrative review are listed in the table in BIMC 2.16.010. When an application requires both an administrative approval under BIMC Title 17 or Title 18 and also a shoreline jurisdiction approval under Chapter 16.12 BIMC, those approvals may be processed simultaneously.

C. Public Comment. Any person may comment on a proposed application by submitting written comments prior to the end of the notice of application 21-day comment period (except for those applications for which no notice is required under BIMC 2.16.020.M).

D. Decision Procedures.

1. Criteria for Decision. In making the decision, the department director shall consider the applicable decision criteria of this code, all other applicable law, and any necessary documents and approvals. When no other criteria are specified, the director shall apply the following criteria:

- a. The application must comply with all applicable requirements of the BIMC as well as state and federal law.
- b. The application is consistent with the adopted comprehensive plan, and specifically with the character or intended character of the area in which the property is located, as described in the comprehensive plan.

2. Environmental Review. For a land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, a SEPA threshold determination may be issued simultaneously with the final decision of the land use application.

3. Planning Commission Recommendation. When written public comments are received during the public comment period concerning the effect of the land use application on the comprehensive plan, shoreline master program or matters not addressed by specific provisions of this code, the director may request the planning commission to review an application and make a written recommendation prior to the director making a decision. The planning commission will consider the land use application at a public meeting. The planning commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria of this code, all other applicable law, and any necessary documents and approvals. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation. The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the director.

E. Single Report.

1. The department director shall prepare a single consolidated report setting forth all the recommendations and decisions made on the application as of the date of the report.
2. The report shall state any mitigation required or proposed under the development regulations or as required through SEPA, Chapter 43.21C RCW. The report shall include the SEPA determination if a determination has not previously been issued.
3. If an administrative shoreline master program permit is required for the project pursuant to Chapter 16.12 BIMC, the report shall address the requirements of that chapter.

F. Department Director Decision. The department director may approve, approve with conditions, or deny the application based on the decision criteria, findings of fact, recommendations of the planning commission and design review board as applicable, and any necessary documents and approvals.

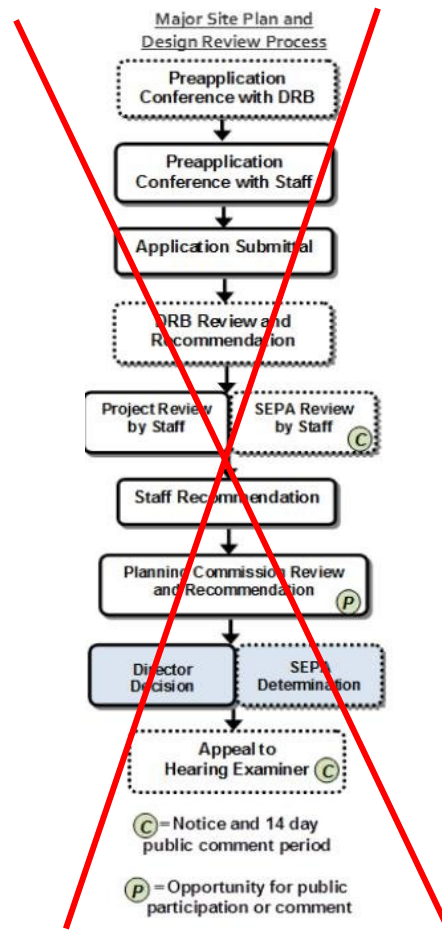
G. Corrections or Clarification. The department director may amend the decision at any time to correct clerical errors clearly identifiable from the public record. Such a correction does not affect any time limit provided for in this chapter. The department director may clarify a statement in the written decision at any time as long as the clarification does not materially alter the decision.

H. Effect of Decision. The decision of the department director is the final decision of the city, subject to the appeal provisions in BIMC 2.16.020.R.

I. Revocation of Administrative Approvals. An administrative approval may be revoked by the director upon the finding of any one or more of the following:

1. That the approval was obtained by deception, fraud or other intentional or misleading representation; or
2. That the use for which approval was granted has been changed; or

3. In the case of minor conditional use permits, that the use has at any time been discontinued for a year or more; or
4. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of the code; or
5. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety.



2.16.060 Minor variance.

A. Purpose. Variances are the mechanism by which the city may grant relief from the provisions of the zoning ordinance ~~or the City of Bainbridge Island engineering and development standards~~ where practical difficulty renders compliance with certain provisions of the code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of the comprehensive plan is fulfilled. ~~A variance is authorized only for lot coverage, size of setbacks and/or technical engineering standards. Variances are not authorized for changes in density requirements, building or structure height requirements, open space requirements, or expanding a use otherwise prohibited.~~

B. Applicability.

1. A variance is authorized only for lot coverage, size of structure, or size of setbacks. Variances are not authorized for changes in density requirements, building or structure height requirements, open space requirements, or expanding a use otherwise prohibited.

~~2~~ 2. The minor variance process may be used for minor deviations from zoning standards in BIMC Title 18 as determined by the director. Minor projects should be limited to: (a) projects that are exempt from review under the State Environmental Policy Act (SEPA), or (b) proposals for less than a 25 percent encroachment in required yards, ~~or~~ (c) proposals ~~of for~~ less than a 25 percent increase in lot coverage, or (d) proposals related to single-family residences on an existing lot. All other variances shall be processed using the procedures set forth in BIMC 2.16.120.

~~2~~ 3. This process may also be used for minor variation(s) from the engineering requirements of the adopted city of Bainbridge Island engineering and development standards if the requested variation will further the purposes of the BIMC and is approved by the department director, after recommendation by the city engineer and/or the fire marshal.

~~3~~ 4. For projects participating in a housing design demonstration project pursuant to BIMC 2.16.020.S, design guidelines may be varied if the applicant can demonstrate that deviation from the guidelines will facilitate meeting goals of the housing design demonstration program.

~~4~~ 5. This procedure is not available to obtain variances from subdivision standards in BIMC Title 17 or to obtain variances from BIMC Title 18 zoning standards cross-referenced in BIMC Title 17 as part of a short subdivision, long subdivision, or large lot subdivision approval or amendment process, except for those engineering standards covered by subsection B.2 of this section.

~~5~~ 6. This procedure is not available to allow the siting for an accessory dwelling unit where it would not otherwise be permitted.

~~6~~ 7. A variance shall not be granted solely because of the presence of nonconformities in the vicinity of the subject site.

~~7~~ 8. The provisions of this section shall supplement those of BIMC 2.16.020 and 2.16.030. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.030 and this section, the provisions of this section shall govern.

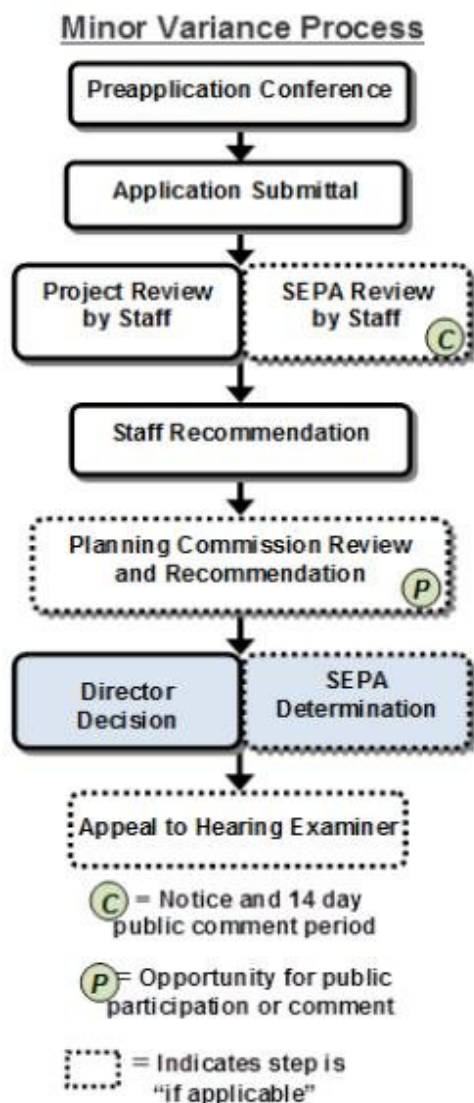
C. Procedures. Minor variances shall be approved through the general administrative review procedures described in BIMC 2.16.030 except as described below. Application materials for minor variances can be found in the administrative manual.

D. Decision Criteria.

1. A minor variance may be approved or approved with conditions if:

- a. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is located; and
- b. The variance is requested because of special circumstances related to the size, shape, topography, trees, groundcover, location or surroundings of the subject property, or factors necessary for the successful installation of a solar energy system such as a particular orientation of a building for the purposes of providing solar access; and
- c. The need for a variance has not arisen from previous actions taken or proposed by the applicant; and
- d. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, but that is denied to the property in question because of special circumstances on the property in question, and will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the vicinity in which the property is located; and
- e. The variance is consistent with all other provisions of this code, except those provisions that are subject to the variance, and is in accord with the comprehensive plan.

2. A variance may be approved with conditions. If no reasonable conditions can be imposed that ensure the application meets the decision criteria in subsection D.1 of this section, then the application shall be denied.



E. Conversion to Major Variance. If a minor variance application has received written public comments during the notice of application comment period concerning the effect on the land use application of the comprehensive plan, shoreline master program or matters not addressed by specific provisions of the BIMC, the director may determine that the application be processed as a major variance. (Ord. 2011-02 § 2 (Exh. A), 2011)

2.16.100 Quasi-judicial review by hearing examiner – In general.

A. Purpose. The purpose of this section is to describe those general procedures that apply whenever state law or the BIMC require a public hearing before a hearing examiner and a recommendation or decision by the hearing examiner.

B. Applicability. This section applies each time a provision of this code authorizes a recommendation or a final decision by the hearing examiner. The specific types of applications subject to review by the hearing examiner are listed in the table in BIMC 2.16.010. The provisions of this section are supplemented by more detailed provisions in BIMC 2.16.110, 2.16.120, 2.16.160, 2.16.165, and/or 16.20.080.

C. Procedures.

1. SEPA Environmental Review. For a land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, the SEPA threshold determination shall be issued and any required public comment period shall be completed prior to a public hearing.

2. Planning Commission Review and Recommendation. When written public comments are received during the public comment period concerning the effect of the land use application on the comprehensive plan, the shoreline master program, or matters not addressed by specific provisions of this code, the director or the hearing examiner may request planning commission review and recommendation pursuant to the procedures in BIMC 2.14.020.G prior to the final decision.

3. Single Report.

a. The director shall prepare a single consolidated report setting forth all the recommendations and decisions made on the application as of the date of the report.

b. The report shall state any mitigation required or proposed under the development regulations or as required by SEPA, Chapter 43.21C RCW, and shall include the SEPA determination if a determination has not previously been issued.

c. If a shoreline master program permit is required for the project pursuant to Chapter 16.12 BIMC, the report shall address the requirements of that section.

d. The director's report shall be presented to the hearing examiner at the public hearing.

4. Public Hearing. The hearing examiner shall hold a public hearing prior to issuing a decision. The purpose of the public hearing is to review a proposed project for consistency with the BIMC, appropriate elements of the comprehensive plan and all other applicable law, and to provide an opportunity for the public to comment on the project and its compliance with the municipal code, the comprehensive plan and all other applicable law. The hearing examiner shall maintain a record of the exhibits presented and a recording of the testimony and arguments presented, which shall be kept by the city clerk. Any rules of procedure for hearings adopted by the City Council hearing examiner shall will be published on the City's website and available from kept on file with the office of the city clerk upon request. A hearing may be continued to a date certain without additional notice.

5. Participation in the Public Hearing. Any person may participate in the public hearing. The hearing examiner has discretion to limit testimony to relevant, nonrepetitive comments and to set time limits.

6. Hearing Examiner Action.

a. The hearing examiner may approve, approve with conditions, deny, or remand an application.

b. In making a decision, the hearing examiner shall consider the applicable decision criteria of this code, all other applicable laws, recommendations of the planning commission and design review board, testimony presented at the hearing, and any necessary documents and approvals. In the case of decisions involving properties subject to the shoreline jurisdiction of Chapter 16.12 BIMC, the hearing examiner shall also consider consistency with the requirements of the shoreline master program.

c. The hearing examiner shall issue a written decision in accordance with BIMC 2.16.020.M.7, within 10 working days of the public hearing, unless a longer period is agreed upon by the hearing examiner and the applicant or appellant. If the hearing examiner and the applicant or appellant agree on a longer period for issuance of the written decision, the examiner shall provide notice of the extension to the applicant or appellant, the city, and any person who testified at the hearing or submitted written testimony for consideration at the hearing.

d. The hearing examiner shall file the decision with the city clerk's office.

7. Motion for Reconsideration. The rules of procedure adopted under BIMC 2.14.030.C.2.b. shall allow a party of record to file, within a reasonable period of time specified by such rules, a motion for reconsideration of a recommendation or decision issued by the hearing examiner. A motion for reconsideration may be filed to correct substantive errors. Such motion shall be filed in writing 10 days from the date the hearing examiner's decision was filed. The motion shall be decided on the record unless, at the hearing examiner's discretion, further public hearing is necessary. If a timely and appropriate request for reconsideration is filed, the appeal period shall begin from the date the decision on the reconsideration is issued.

8. Corrections or Clarification. The hearing examiner at any time may amend the decision to correct clerical errors clearly identifiable from the public record. Such correction does not affect any time limit provided for in this chapter. The hearing examiner may clarify a statement in the written decision as long as the clarification does not materially alter the decision.

9. Effect of Decision.

a. On matters that do not involve shoreline conditional uses or shoreline variances, the decision of the hearing examiner is the final decision of the city, subject to the appeal provisions in BIMC 2.16.020.R.2.

b. Pursuant to RCW 90.58.140(10) and WAC 173-27-130, final decisions involving shoreline conditional use permits and shoreline variances are made by the Washington State Department of Ecology. For these types of applications, the hearing examiner's decision is a recommendation subject to approval, approval with conditions, or denial by that department.

10. Revocation of Quasi-judicial Approvals. An approval or permit granted by the hearing examiner may be revoked by the hearing examiner following the procedures in this section upon the finding of any one or more of the following:

- a. That the approval was obtained by deception, fraud or other intentional or misleading representation; or
- b. That the use for which approval was granted has been changed; or
- c. In the case of major conditional use permits, that the use has at any time been discontinued for a year or more; or
- d. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of the BIMC; or
- e. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety. (Ord. 2011-21 § 4, 2011: Ord. 2011-02 § 2 (Exh. A), 2011)

2.16.165 Shoreline master program administration.

E. Statement of Exemption from Shoreline Substantial Development Permit.

1. Purpose and Applicability. Certain development activities identified in WAC 173-27-040 are exempt from the requirement to secure a shoreline substantial development permit; however, a shoreline variance or shoreline conditional use permit may still be required. State law requires that exemptions be construed narrowly. Exemption from substantial development permit procedures does not constitute exemption from compliance with the policies and use regulations of the SMA (Chapter 90.58 RCW), the provisions of the master program, or applicable city, state or federal permit requirements. Applicants shall have the burden to demonstrate that the proposal complies with the requirements for the exemptions sought as described under WAC 173-27-040 or its successor. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project, pursuant to WAC 173-27-040(d) or its successor.

2. Procedure.

- a. In the case of an emergency, the administrator may waive this requirement and authorize the use or activity orally or in writing. If authorized orally, the applicant shall submit a required application as soon as possible.
- b. The administrator shall decide requests for a statement of exemption based on WAC 173-27-040 or its successor and the provisions of the Shoreline Management Act and the master program.
- c. Before determining that a proposal is exempt, the administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria.
- d. Exempt developments and activities shall comply with the Shoreline Management Act and the master program. The administrator shall condition statements of exemption to ensure the exempt development or activity complies with the Shoreline Management Act and the master program.

e. In the case of development subject to the policies and regulations of the master program, but exempt from the substantial development permit process, shoreline management requirements may be made conditions of the building permits and/or other permits and approvals. For example, the approval of a building permit for a single-family residence can be conditioned with provisions from the master program.

f. Whenever a development falls within the exemptions stated in WAC 173-27-040 or its successor, **but is still subject to those permits listed in WAC 173-27-040 (as amended)**, a letter exempting the development from the substantial development permit requirements of Chapter 90.58 RCW or its successor shall be given to the applicant and Department of Ecology.

3. Decision Criteria.

a. Exemptions shall be narrowly construed. When making the determination, the administrator shall grant a statement of exemption only when the development proposed is consistent with the following:

i. The applicable policies, guidelines, and regulations of the Shoreline Management Act of 1971; Chapter 90.58 RCW, as amended; and Chapters 173-26 and 173-27 WAC or their successors;

ii. The goals, policies, objectives and regulations of the city of Bainbridge Island shoreline master program;

iii. The city of Bainbridge Island comprehensive plan and municipal code; all other applicable law; and any related documents and approvals.

4. Action of Administrator. The administrator may grant, deny, or conditionally approve the shoreline exemption request. The approval or conditional approval will become conditions of approval for any related development permit, and no development permit will be issued unless it is consistent with the statement of exemption. A copy of the city's statement of exemption shall be filed with the Department of Ecology.

5. Application Time Frame. The approval for a shoreline exemption shall be the same as the expiration date of the development permit. All conditions of the approval for a shoreline exemption shall be included in the conditions of approval granted for the development permit.

6. Appeal. Any person aggrieved by the administrator's determination on a shoreline exemption request may be appealed, except as stated below, using the applicable appeal provision of subsection I of this section. If a proposed development activity also requires approval through other permit procedures, any appeal of a shoreline exemption requires will be heard as part of that other process.

F. Shoreline Substantial Development Permit.

1. Purpose and Applicability. Substantial development is any development of which the total cost or fair market value exceeds **\$6,416 as established by WAC 173-27-040 (see city's fee schedule)** or any development which materially interferes with the normal public use of the waters or shorelines of the state, except those exempted developments set forth in subsection E of this section, consistent with WAC 173-27-040 or its successor.

2. Procedure. Shoreline substantial development permits shall be approved through the general administrative review procedures described in BIMC 2.16.030 except as described below. Application materials for shoreline substantial development permits can be found in the Administrative Manual.

a. Public Comment. The city shall not make a decision on the permit until after the end of the comment period.

i. A 30-day public comment period shall be given for shoreline permits.

ii. The public comment period shall be 20 days for substantial development permits for a limited utility extension or for erosion control measures to protect a single-family residence and its appurtenant structures. (See shoreline master program definition of "limited utility extension," Chapter 16.12 BIMC.)

iii. SEPA review shall be conducted as provided by Chapter 16.04 BIMC, Environmental Policy, or its successor. The required SEPA notices should be included with the shoreline notices when possible. The SEPA documents should be circulated with permit documents where possible.

3. Decision and Criteria. After the 30-day comment period has ended, the administrator shall issue a decision on the application.

a. The administrator may approve, approve with modifications, or deny any substantial development permit.

b. Decision Criteria.

i. In making the decision, the administrator shall grant a substantial development permit only when the development proposed is consistent with the following:

(A) The applicable policies, guidelines, and regulations of the Shoreline Management Act of 1971; Chapter 90.58 RCW, as amended; and Chapters 173-26 and 173-27 WAC or their successors;

(B) The goals, policies, objectives and regulations of the city of Bainbridge Island shoreline master program;

(C) The city of Bainbridge Island comprehensive plan and municipal code; all other applicable law; and any related documents and approvals.

ii. The administrator shall also consider whether the cumulative impact of additional past and future requests that reasonably may be made in accordance with the comprehensive plan, or similar planning document, for like actions in the area will result in substantial adverse effects on the shoreline environment and shoreline resources.

c. The applicant(s) shall have the burden of proving that a proposed development is consistent with the approval criteria and master program policies and regulations (WAC 90.58.140(7) or its successor).

d. The administrator may require additional information if necessary.

e. The administrator shall issue a written decision which contains the following:

i. A statement indicating the application is approved, approved with modifications, or denied;

ii. A statement of any conditions included as part of an approval or approval with modifications;

iii. A statement of facts upon which the decision, including any conditions, is based, and the conclusions derived from those facts; and

iv. A statement of the right of any person to appeal the decision of the administrator pursuant to subsection I of this section.

f. The administrator may refer the application to the planning commission for review and recommendations prior to deciding the application. The application shall also be referred to the planning commission for a recommendation at the request of the applicant. The planning commission makes its recommendation following its review of the proposal, the environmental checklist, and the tentative threshold determination.

g. The permit, whether approved or denied, shall be in the form required by WAC 173-27-120 or its successor.

4. Distribution/Notification of Administrative Decision.

a. The administrator shall mail the applicant the original of the completed permit form and the findings and conclusions.

b. All persons who submitted comments on the application during the comment period (see subsection F.2 of this section) and anyone else requesting notification in writing shall be notified in a timely manner of the decision and shall be mailed a copy of the decision. Pursuant to WAC 173-27-130, the decision shall be filed with the Washington State Department of Ecology and the Washington State Office of the Attorney General.

5. Application Time Frame.

a. Substantial Progress.

i. Substantial progress towards completion of a permitted activity shall be undertaken within two years after approval of the permit (WAC 173-27-090 or its successor). See definition of "substantial progress" in BIMC 16.12.080.

ii. The administrator may, with prior notice to parties of record and to Ecology, grant one extension of the two-year time period for substantial progress for up to one year based on reasonable factors which would justify the extension, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction (WAC 173-27-090 or its successor). The request for the extension must be filed with the administrator before the end of the time limit.

b. Five Year Permit Authorization.

- i. The authorization granted by an approved permit to construct any structure or conduct any use or activity shall terminate five years after the date the permit is approved by the city, except that the permit may be authorized for a lesser period of fixed duration.
 - ii. Where an approved permit authorizes construction, the use and maintenance of the structure or facility may continue after the five-year period, provided the structure was completed during the five-year time limit or any approved extension.
 - iii. Where an approved permit authorizes a use or activity which does not require a structure, such as mining or maintenance dredging, the use or activity shall cease at the end of the five-year limit or any extension as granted in subsection F.4.b.iv of this section.
 - iv. The administrator may, with prior notice to parties of record and to Ecology, grant one time extension of up to one year based on reasonable factors which would justify the extension. The request for the extension must be filed with the administrator before the end of the time limit.
- c. The application time limits shall not include the time during which an activity was not actually pursued due to the pendency of reasonably related administrative appeals or litigation.
- d. When a permit is conditioned, the conditions shall be satisfied prior to occupancy or use of a structure, or prior to commencement of a nonstructural activity, provided an alternative compliance limit may be specified in the permit.
- e. Revisions to permits may be authorized after the original permit has expired under subsection F.5.b of this section, provided this procedure shall not be used to extend the original permit time requirements (WAC 173-27-060 or its successor).

6. Adjustments to Approved Shoreline Substantial Development Permits.

- a. Minor adjustments to an approved shoreline substantial development permit may be made after review by the administrator. The applicant must submit detailed plans and text describing the proposed changes. If the administrator determines that the revisions proposed are within the scope and intent of the original permit, consistent with WAC 173-27-100 or its successor, the administrator may approve the revision as a minor adjustment.
- b. A minor adjustment entails a revision that is within the scope and intent of the original permit, which means all of the following:
 - i. No additional over-water construction is involved, except that pier, dock, or float construction may be increased by 500 square feet or 10 percent, whichever is less;
 - ii. Ground area coverage and height is not increased more than 10 percent;
 - iii. Additional structures located landward and not within required buffer or setback areas do not exceed a total of 250 square feet;
 - iv. The revision does not authorize development to exceed height, setback, lot coverage, or any other requirement of the city of Bainbridge Island shoreline master program;

- v. Additional landscaping is consistent with conditions, if any, attached to the original permit and with the applicable master program provisions;
 - vi. The use authorized pursuant to the original permit is not changed; and
 - vii. No adverse, environmental impact will be caused by the project revision (WAC 173-27-064(2)(a) through (g) as amended).
- c. If the sum of the proposed revision and any previously approved revisions do not meet the criteria above, the revision shall be reviewed through a major adjustment process. This shall be processed in the same manner as a new shoreline substantial development permit application. If the adjustment involves a conditional use or shoreline variance which was conditioned by the Department of Ecology, the adjustment also must be reviewed and approved by Ecology (WAC 173-27-064 or its successor).
- d. A city or Ecology decision on a minor or major adjustment to the permit may be appealed within 21 days of such decision, in accordance with RCW 90.58.180 or its successor, and WAC 173-27-064 or its successor.
- e. Construction allowed by the revised permit that is not authorized under the original permit is undertaken at the applicant's risk until the expiration of the appeals deadline.

7. Appeal. The decision of the administrator may be appealed to the hearing examiner following the procedures of subsection I of this section.

H. Shoreline Conditional Use Permits. Where a development includes several uses or activities and one or more uses or activities require a shoreline conditional use permit, all uses and activities shall be processed and decided following the shoreline conditional use procedures.

1. Purpose. The purpose of a shoreline conditional use permit is to allow greater flexibility in applying the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020 or its successor; provided, that shoreline conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of state policy enumerated in RCW 90.58.020 or its successor. In authorizing a conditional use, special conditions may be attached to the permit by the city or the State Department of Ecology to prevent undesirable effects of the proposed use. Uses which are specifically prohibited by the master program may not be authorized with approval of a shoreline conditional use permit.

2. Applicability.

- a. Minor Conditional Use. As determined by the director, this procedure shall apply to (i) all minor conditional uses identified in Chapter 16.12 BIMC; (ii) where the director determines that the anticipated impacts of those conditional uses will be minor or minimal; or (iii) uses that are clearly consistent and compatible with other uses in the same zone or vicinity.
- b. Major Conditional Use. As determined by the administrator, a major conditional use permit shall be secured from the city prior to establishing or expanding a use according to situations that include, but are not limited to: (i) the proposed use or expansion covers 50 percent or greater of the total lot area; (ii) the proposed use is accessed by a local or private road; (iii) the proposed use or expansion generates more than 36 total trips per day; (iv) the proposed use or

expansion contains four or more units in a multifamily dwelling; or (v) requests for additional nonresidential building height pursuant to Chapter 16.12 BIMC.

3. Procedure.

a. Application. An application for a shoreline conditional use permit shall be submitted on a form provided by the city. The application should be accompanied by maps, a completed environmental checklist, applicable fees, and any other information specified in the master program or requested by the administrator.

b. Minor Shoreline Conditional Use.

i. The administrator shall review a minor shoreline variance conditional use application following procedures in subsection F.2 of this section.

c. Minor Shoreline Conditional Use. Applications for shoreline variances conditional uses that are more intensive than the minor shoreline variance conditional use as determined by the administrator shall be decided by the hearing examiner following the procedures in BIMC 2.16.100, or its successor, supplemented by the following provisions:

i. The decision of the hearing examiner shall be the final city decision, and may be appealed in accordance with subsection I of this section.

d. Notice of Application and Comment Period. In addition to the notice of application content established in BIMC 2.16.020.M, notice of application for shoreline conditional use permits must also contain the information required under WAC 173-27-110.

e. Notice of Hearing. When a public hearing is required, the procedures of BIMC 2.16.020.M.6 shall apply.

f. The administrator shall mail the final city decision to the applicant, the State Department of Ecology, and the State Attorney General. The permit must be received by Ecology within eight days of the date of the decision. Within eight days of the date of the decision, the administrator shall also mail the decision to any person who requested notice of the decision.

g. The State Department of Ecology shall approve, approve with conditions, or deny all shoreline conditional use permits approved by the city. Ecology's decision must be made within 30 days of the date the permit and other information required by WAC 173-14-090 or its successor are received by Ecology and the Washington State Attorney General. Ecology will send a letter to the applicant and the city informing them of the decision. Upon receipt of the Ecology decision, the administrator shall notify those interested persons who requested notification.

4. Decision Criteria – Conditional Use Permit.

a. Uses classified as conditional uses may be authorized; provided, that pursuant to WAC 173-27-140 and 173-27-160 or their successors, the applicant can demonstrate all of the following:

i. The proposed use will be consistent with the policies of RCW 90.58.020 or its successor and the policies of the master program;

- ii. The proposed use will not interfere with the normal public use of the public shorelines;
 - iii. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - iv. The proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is located;
 - v. The public interest suffers no substantial detrimental effect (WAC 173-14-140(1) or its successor); and
 - vi. The proposed use is consistent with the provisions of the zoning ordinance (BIMC Title 18).
- b. Other uses which are not listed in the master program as permitted or conditional uses and are also not prohibited may be authorized as conditional uses, provided the applicant can demonstrate, in addition to the criteria set forth in subsection H.4.a of this section, that (i) extraordinary circumstances preclude reasonable economic use of the property in a manner consistent with the policies of RCW 90.58.020, or its successor, and that (ii) the proposed use would not produce significant adverse effects on the shoreline environment.
- c. In the granting of all shoreline conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.
5. Time Frame. Construction and activities authorized by a shoreline conditional use permit are subject to the time limitations in subsection F.5 of this section (WAC 173-27-090 or its successor).
6. Adjustments to Approved Shoreline Conditional Use Permit.
- a. A permit revision is required whenever an applicant proposes substantive changes to the design, terms or conditions of a project from that approved as a shoreline conditional use permit. When a revision of a shoreline conditional use permit is sought, the applicant shall submit detailed plans and text describing the proposed changes in the permit and demonstrating compliance with the following minimum standards pursuant to Chapter 173-27 WAC.
 - b. If the proposed changes are determined by the administrator to be within the scope and intent of the original permit, and are consistent with the SMA (Chapter 90.58 RCW), the shoreline guidelines (Chapter 173-26 WAC), and the shoreline master program, the revisions may be approved as a minor adjustment.
 - c. A minor adjustment entails a revision that is within the scope and intent of the original permit, which means all of the following:
 - i. No additional over-water construction is involved except that a pier, dock or floating structure may be increased by 10 percent or 500 square feet, whichever is less, over that approved under the original approval;
 - ii. Ground area coverage and/or height may be increased a maximum of 10 percent over that approved under the original approval; provided, that the revised approval does not

authorize development to exceed the height, impervious surface, setback or any other requirements of this program except as authorized under a variance granted for the original development;

iii. Additional or revised landscaping is consistent with any conditions attached to the original approval and with this program;

iv. The use authorized pursuant to the original approval is not changed; and

v. The revision will not cause adverse environmental impacts.

d. Revisions to shoreline permits and statements of exemption may be authorized after the original authorization has expired. Revisions made after the expiration of the original approval shall be limited to changes that are consistent with this program and that would not require a permit under this program. If the proposed change is a substantial development as defined by this program, then a new permit is required. The provisions of this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits or scope of the original approval.

e. A new permit shall be required if the proposed revision and any previously approved revisions in combination would constitute development beyond the scope and intent of the original approval.

f. Upon approval of a revision, the decision maker shall file a copy of the revised site plan and a detailed description of the authorized changes to the original permit with the Department of Ecology together with a final ruling and findings supporting the decision based on the requirements of this section. In addition, the decision maker shall notify parties of record of the action.

g. If the proposed revision is to a development for which a shoreline conditional use or variance was issued, the decision maker shall submit the revision to the Department of Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. Under the requirements of WAC 173-27-110(6), the Department shall render and transmit to the decision maker and the applicant/proponent its final decision within 15 days of the date of the Department's receipt of the submittal from the decision maker. The decision maker shall notify parties on record of the Department's final decision.

7. Appeal of Decision on Conditional Use Permit. The decision of the hearing examiner may be appealed to the following the procedures of subsection I of this section.

Table 18.09.020 Use Table

“P” = Permitted Use				“A” = Accessory Use								Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties								
“C” = Conditional Use				“CA” = Conditional Accessory Use																
Blank = Prohibited Use				“T” = Temporary Use																
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]					
TEMPORARY USES																				
Temporary Construction Building	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-1	
Temporary Construction Staging	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	J-2	
Temporary Container Storage	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-2 3	
Temporary Commercial Parking											T	T	T	T	T				J-3 4	
Temporary Public Events or Gatherings	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		J-4 5	
Temporary Ferry Commuter Parking											T			T	T				J-5 6	
Temporary Noncommuter Parking														T					J-6 7	
Temporary Seasonal Sales	T	T	T								T				T	T	T		J-7 8	
Temporary Homeless Encampment	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-8 9	

18.09.030 Use-specific standards.

Regardless of whether a use is allowed as a permitted (“P”) use or as a conditional (“C”) use and regardless of the zoning district in which the use is located there may be additional standards that are applicable to the use, and the use must comply with such standards except as authorized by this code. The existence of these use specific standards is noted in the column headed “Use Specific Standards” in Table 18.09.020, which cross-references the section of the code that imposes the additional standard.

18.09.030.B. Residential.

3. Commercial/Residential Mixed Use Development. Principal and accessory uses shall comply with the all applicable development standards and performance standards of BIMC Title 18 of the NC district as well as the other standards listed here.

a. *Repealed by Ord. 2018-13.*

~~b.~~ In the NC district, residential units must be located above the ground floor if the building is located on a collector or secondary arterial or higher road classification; however, for mixed use projects, if the building fronts on a local or private street, residential units can be located on the ground floor. Density for mixed use projects in the NC district shall be calculated pursuant to BIMC 18.12.030.D.

18.09.030.D. Commercial Sales and Service.

7. Professional Services.

a. In the ferry terminal overlay district, professional services may be located anywhere south of Winslow Way.

b. In the ferry terminal overlay district, north of Winslow Way, professional services are permitted only along Winslow Way, within 100 feet north of Winslow Way. Buildings shall have customer entrances on Winslow Way.

c. In the B/I district, professional offices shall be limited to those that do not provide services directly to the general public or attract customers from the general public. For example, accountants’, lawyers’, and architects’ offices are not permitted. Establishments that provide professional services to other businesses are permitted, such as civil, mechanical, or electrical engineers and research and development establishments

18.09.030.J. Temporary Uses

2. Temporary Construction Staging **[NOTE: NEW USE]**

a. A temporary construction staging permit must be issued by the Department of Planning and Community prior to staging activities commencing. Staging on publicly-owned property, such as property owned by the city or the Bainbridge Island Metropolitan Park and Recreation District, is exempt from the staging permit requirement.

b. For construction that requires a development permit, such as a grading or building permit, the temporary construction staging permit cannot be issued until all related development permits are issued. Temporary construction staging shall be exempt from site plan and

- design review pursuant to BIMC 2.16.040. The application shall be processed as an administrative approval under BIMC 2.16.020, including noticing requirements.
- c. The staging area and the access to the temporary construction staging property must comply with any applicable regulations of the BIMC and the Design and Construction Standards Manual in order to minimize the inconvenience to neighboring properties, and to protect public health, safety, and the environment.
 - d. Any temporary structures must not be permanently affixed to the lot.
 - e. Temporary construction staging shall not interfere with public non-motorized pathways including sidewalks.
 - f. Temporary construction staging may not exceed 9 months. This time limitation does not apply to publicly-owned properties or public construction projects. To prevent serial use of a property as temporary construction staging, a property shall not be utilized for temporary construction staging for more than eighteen months within a 5-year period. The department may grant one extension of a permit authorizing temporary construction staging for a period not to exceed 180 days if:
 - i. A request for an extension is received by the department no later than 30 days prior to the expiration of the permit;
 - ii. Termination of the permit would result in an unreasonable hardship to the applicant; and
 - iii. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.
 - g. Temporary construction staging shall be removed and the property restored to pre-construction conditions to the satisfaction of the city within 30 days after related construction is complete. The city may request that the applicant submit a restoration surety to ensure compliance.
 - h. The use of any temporary construction staging shall comply with the air quality emissions performance standards of BIMC 18.06.030.B.2.

18.12.020 Tables of dimensional standards.

Tables 18.12.020-1, 18.12.020-2, and 18.12.020-3 set forth applicable dimensional standards. Where a property is located in more than one zone district, units permitted by density calculations within each zone district must be constructed on the portion of the property located within that zone district and required setbacks for each zone district must be met. Permitted densities are not “blended” across the zone district line.

Table 18.12.020-2 Standard Lot Dimensional Standards for Residential Zone Districts

[Numbers in brackets indicate additional requirements listed at the end of the table]

ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
DIMENSIONAL STANDARD										
MINIMUM SETBACKS										
Note: Landscaped areas may serve as setbacks (i.e., setbacks are not in addition to landscaped areas), and some encroachments into setback areas are permitted pursuant to BIMC 18.12.040.										
Note: Additional setbacks may be required by:										
(a) Chapter 16.08 or 16.12 BIMC, or										
(b) Chapter 16.20 BIMC, Critical Areas, or										
(c) BIMC 16.28.040, mining regulations, or										
(d) BIMC 18.09.030, Use Specific Standards, or										
(e) BIMC 18.12.030.F 16.12.030.B.3.i., Shoreline Structure Setbacks, or										
(f) BIMC 18.15.010, Landscaping and Screening.										
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 18.12.030.F 16.12.030.B.3.i., Shoreline Structure Setbacks.									
MAXIMUM BUILDING AND STRUCTURE HEIGHT [4]										
Note: Bonus may not be available in the shoreline jurisdiction										

Table 18.12.020-2 Standard Lot Dimensional Standards for Residential Zone Districts
 [Numbers in brackets indicate additional requirements listed at the end of the table]

ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
Exemption	Alternative height limits may apply for nonresidential uses if additional conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040.									
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC <u>18.12.030.F 16.12.030.B.3.i.</u> , Shoreline Structure Setbacks.									

[4] For community and educational facilities (as listed in Table 18.09.020), spires, towers and other vertical features with horizontal cross-sections no more than five percent of the footprint of the primary structure may have a maximum height of 10 feet above the maximum base height, and shall be reviewed through a conditional use permit.

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT DIMENSIONAL STANDARD	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
SETBACKS (Minimum required unless otherwise noted) [4] Note: Landscaped areas may serve as setbacks and, in some cases, may exceed the setback requirements. Note: Additional setbacks may be required by: (a) Chapter 16.12 BIMC, Shoreline Master Program; or (b) Chapter 16.20 BIMC, Critical Areas; or (c) BIMC 16.28.040, mining regulations; or (d) BIMC 18.09.030, Use Specific Standards; or (e) BIMC <u>18.12.030.F 16.12.030.B.3.i.</u> , Shoreline Structure Setbacks.									

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
DIMENSIONAL STANDARD	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 18.12.030.F <u>16.12.030.B.3.i.</u> , Shoreline Structure Setback <u>Lines</u>								
MAXIMUM BUILDING <u>AND STRUCTURE</u> HEIGHT [5]									
Note: Bonus may not be available in the shoreline jurisdiction									
Base	35 ft.; 25 ft. max. south of Parfitt	25 ft.; 35 ft. north of High School Road	25 ft.	35 ft.	BIMC 18.12.030.C standard height north of Winslow Way; 35 ft. south of Winslow Way	35 ft.	35 ft.	35 ft.	35 ft. except that Chapter 16.12 BIMC applies within shoreline jurisdiction
Bonus 1 if parking under building [6]	45 ft.; 35 ft. south of Parfitt	35 ft.; 45 ft. north of High School Road	35 ft.	45 ft.	BIMC 18.12.030.C optional height north of Winslow Way; 45 ft. south of Winslow Way	45 ft.			
Bonus 2 for Nonresidential Uses with Major Conditional Use Permit							45 ft.	45 ft.	45 ft.
Bonus 3 Structure Height	Alternative height limits may apply if the conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040.								

[4] When property adjoins a single-family residential zone, building setback shall be in accordance with the landscape ordinance perimeter landscaping requirements.

[5] When property adjoins a lower density residential zone, except in the ferry terminal district, north of Winslow Way, for the first 30 feet of the building from the property line of an adjoining lower density residential zone, the building height shall be the building height of the adjoining lower density residential zone. Optional building height allowed in the adjoining lower density residential district through a conditional use permit may be requested for projects within the Mixed Use Town Center and High School Road zones through the site plan review process. For building height requirements in the ferry terminal district, north of Winslow Way, reference BIMC 18.12.030.C.

[6] The bonus height is ~~only~~ available when parking is located underground or under the occupiable space of the planned building for the entire building if parking is located under more than 50 percent of the building footprint. If parking is located under 50 percent or less of the building footprint occupiable space, the bonus may only be used for a portion of the building footprint twice as large as the area with parking located beneath.

18.12.040 Modifications to required setbacks and heights.

A. Permitted Setback/Height Modifications. Minimum and maximum setbacks and maximum heights established in Tables 18.12.020-1, 18.12.020-2, and 18.12.020-3 and in BIMC 18.12.030 may be encroached as set forth in Table 18.12.040 and may also be modified by applicable provisions of adopted fire codes, the shoreline master program, and/or the building code. These modifications are not permitted in required perimeter or roadside buffers.

Table 18.12.040: Permitted Setback/Height Modifications

Type of Encroachment	Encroachment Permitted	Conditions
Permitted Setback Modifications		
Fence or combined fence and berm up to 6 feet high	In any required setback subject to applicable regulations in BIMC Title 15	Except as provided in BIMC 18.12.040.B and Chapter 16.12 BIMC
Nonscreening fences or combined nonscreening fence and berm up to 8 feet high	In any required setback subject to applicable regulations in BIMC Title 15	Except as provided in Chapter 16.12 BIMC
Chimneys, flues, awnings, bay windows, and greenhouse windows	Up to 18 inches into any required setback	
Covered porches, bay windows and eaves within the Ericksen Avenue overlay district	Up to 5 feet into the front yard	Bay windows must be cantilevered outward from the wall, and may not result in any portion of the building floor area extending into the setback

Table 18.12.040: Permitted Setback/Height Modifications

Type of Encroachment	Encroachment Permitted	Conditions
Any structures, including but not limited to uncovered steps, porches, and decks less than or equal to 30 inches in height	Up to 2 feet into front and side setbacks. Up to 5 feet into required rear setbacks.	
Eaves	May extend up to 24 inches in any required setback except shoreline structure setback	
At or near grade structures such as uncovered patios, sidewalks, and driveways	In any required setback	May not exceed 4 inches in height
Signs	In any required setback	Must conform to Chapter 15.08 BIMC
Overhead or underground accessory utilities accessory to a single-family residence	In any required setback, perimeter or roadside buffer	Must conform to Chapters 16.12 and 16.20 BIMC. Does not apply to above ground utilities such as propane tanks.
Composting bins	In side or rear setback areas	
Bioretention/rain gardens	In any required setback	In accordance with Chapter 15.20 BIMC
Rain barrels/cisterns	In any required setback	In accordance with Chapter 15.20 BIMC
Wall-mounted on-demand hot water heaters	Up to 18 inches into side or rear setbacks	Permitted if buffered or enclosed to prevent noise impacts to neighboring properties
Below-ground geothermal equipment	In any required setback, perimeter or roadside buffer	Must conform to Chapters 16.12 and 16.20 BIMC. Permitted if any excavated areas are promptly re-landscaped after installation is complete
Rockerries and retaining walls less than 4 feet in height	In any required setback	Rockerries and retaining walls greater than 4 feet in height may be permitted with Qualified geotechnical engineer determination, and city concurrence, that it is necessary for slope stabilization
Public communications tower	In any required setback subject to applicable regulations in BIMC Title 15	Must conform to Chapters 16.12 and 16.20 BIMC

Table 18.12.040: Permitted Setback/Height Modifications

Type of Encroachment	Encroachment Permitted	Conditions
Permitted Height Modifications		
Small wind energy generators	Up to 18 inches above the maximum building height in the district	
Solar panels	Up to 18 inches above the maximum building height in the district	
Noncommercial, nonparabolic antennas affixed to noncommercial communication towers	Up to 50 feet in height above grade	
One flagpole per parcel	Up to 45 feet in height above grade	
Public communications tower	Up to 120 feet in height above grade	A building permit is required for a public communications tower. A conditional use permit shall be required for a public communications tower to be constructed between 71 feet and 120 feet above grade. A public communications tower shall not exceed 120 feet in height.
Distribution utility poles	Up to 55 feet in height above grade	Replacement poles over 55 feet in height, see BIMC 18.09.030.F.2.b. For new distribution utility facilities or corridors, see Table 18.09.020. Poles shall not be moved more than 20 feet from the original location unless permitted under BIMC 18.09.030.F.2.b.
Transmission utility poles	Up to a 25 percent increase above existing pole height above grade with a maximum height of 100 feet	Replacement poles over the 25 percent increase or 100 feet in height, see BIMC 18.09.030.F.2.b. For new transmission utility facilities or corridors, see Table 18.09.020. Poles shall not be moved more than 20 feet from the original location unless permitted under BIMC 18.09.030.F.2.b.
Utility structures existing on the effective date of the ordinance codified in this subsection	Existing height	May also be replaced or modified; provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location

18.12.050 Rules of measurement.

The following rules of measurement shall apply in determining compliance with the requirements of this title. When a required calculation results in a fraction greater than or equal to one-half, the requirement shall be rounded up to the next whole number.

G. Floor Area Ratio (FAR). "Floor area ratio" is a figure that expresses the total floor area as a multiple of the lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area prior to removal of lot area for dedication. Portions of parking located underground or underneath occupiable space a building footprint are not counted in floor area ratio calculations.

I. Grade. "Grade" (adjacent ground elevation) is the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building. On waterfront parcels as defined in the shoreline master program, the definition of average grade level from the shoreline master programs shall be used (WAC 173-27-14-030(3)).

18.15.020 Parking and loading.

Table 18.15.020-2: Off-Street Parking Spaces Required in Mixed Use Town Center Districts and High School Road Districts [1]

Land Use	Spaces Required					
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay	High School Road I and II
Commuter-Oriented Retail	Not Permitted				1 space per peak shift employee	Not Permitted
Other Commercial and Nonresidential Uses						
Minimum spaces per 1,000 sq. ft. [2]	2, except 3 in the Parfitt-Waterfront area	4			1	4
Entertainment facilities	1 per 4 fixed seats	Not Permitted				1 per 4 fixed seats
Maximum above-ground spaces per 1,000 sq. ft.	5				3	5

18.36.030 Definitions.

For the purposes of Title 18 and Chapters 2.14 and 2.16 BIMC, the following definitions shall apply unless the context clearly requires otherwise.

1. “Abutting” means bordering or touching, such as sharing a common lot line. Lots that are separated by a street or right-of-way are not abutting; they are adjoining.

5. “Accessory agricultural retail” includes community kitchens and stables, and also means the sale of (a) crops grown or livestock raised by a farmer, or (b) value-added products made from crops grown or livestock raised by the farmer, and (c) incidental associated agricultural products sold on site where agricultural crops or livestock are grown or raised that is subordinate to the actual agriculture on-site. Products sold shall be (a) primarily Island-grown crops, (b) value-added products if the defining ingredient was Island-grown, and (c) associated products that are incidental to the agricultural activity on the site.

a. “Accessory agricultural retail, minor” means agricultural retail that (1) generates less than 36 round trips per day on average, and (2) does not conduct more than four non-agricultural special events each year. This category includes farm stands and joint use of farm stands by multiple producers and the use of retail sites for pick-up of community-supported agricultural deliveries. See “Farm stand.”

b. “Accessory agricultural retail, major” means agricultural retail that is more intensive than minor agricultural retail.

6. “Accessory agricultural tourism” means agriculturally related accessory uses that are subordinate to the growing of crops or the raising of livestock, designed to bring the public to the farm on a temporary or continuous basis, such as U-pick farm sales, farm mazes, pumpkin patches, farm animal viewing and petting, wagon rides, farmland and facility tours, horticulture nurseries and associated display gardens, cider pressing, classes or workshops, wine or cheese tasting, etc. Accessory agricultural tourism does not include overnight stays for guests such as a bed and breakfast or farm-stay type use.

XX. “Adjacent” means that which is near or close; for example, a property located across the road or highway shall be considered as adjacent. [NOTE: Same definition in SMP BIMC 16.12.080.]

14. “Adjoining” means immediately abutting or separated only by a street or right-of-way.

XX. “Commercial/Residential Mixed Use” means having commercial and residential uses on the same property.

69. “Day care center” means a building or structure in which an agency, person, or persons regularly provide care for 13 or more people in any 24-hour period and could include a public or private school. Businesses that offer care only before and after school are considered educational facilities.

168. “Motor vehicle sales lot” means any land or buildings used primarily for the sale of new or used motor vehicles fit for transportation.

191. “Parfitt-Waterfront area” is defined as that area south of the boundary created by the following parcels and streets; starting at the northern property line of 272502-4-1130-2000; proceeding eastward along Blue Bjune Drive to its western intersection with Brien Drive; proceeding eastward along Brien

Drive to its intersection with Bjune and Shannon Drives; and proceeding southward along Shannon Drive to the south property line of 4114-005-001-0003; and proceeding eastward to Winslow Ravine.

192. Park, Active Recreation. “Active recreation park” means a park where the primary uses are athletic fields, playgrounds, swimming facilities, sports courts, **camping**, or other activities that require specialized fields or equipment.

XX. “Temporary Construction Staging” means an area on a property that is not under construction where construction related equipment, small temporary buildings, vehicles, or materials are stored during a private or public construction project. Temporary Construction Staging is located outside of the city right-of-way on individual properties, and may be permitted when there is no available space on a construction site for staging.



CITY OF
BAINBRIDGE ISLAND

PLANNING COMMISSION PUBLIC PARTICIPATION MEETING OCTOBER 24, 2019

MEETING MINUTES

1) **CALL TO ORDER/ROLL CALL**

Chair William Chester called the meeting to order at 5:59 PM.

2) **PUBLIC PARTICIPATION MEETING**

Chair Chester introduced the public participation meeting process introducing Senior Planner Kelly Tayara who facilitated both public participation meetings.

2.A **Bainbridge Disposal Transfer Station Redevelopment** **Cover Page**

Mr. Miles Yanick presented the proposed project.

2.B **McGraw Short Subdivision (PLN51569 PRE)** **Cover Page** **PLN51569 PRE McGraw site plan**

Ms. Nora McGraw introduced the proposed subdivision.

3) **PLANNING COMMISSION MEETING MINUTES**

3.A **October 10, 2019 Planning Commission Meeting Minutes** **Cover Page** **Planning Commission Minutes DRAFT 101019.docx**

Motion: I'll move approval of the minutes from the Planning Commission meeting on October 10, moving approval as distributed.

Quitslund/Paar: Passed Unanimously

4) **PUBLIC COMMENT ON OFF AGENDA ITEMS - 7:10 PM**

None.

5) **PUBLIC HEARING**

5.A **Ordinance 2019-33 "Housekeeping" Changes: Revising BIMC Title 2 Administration,...and Land Use Procedures and Title 18 Zoning** **Cover Page** **PC Staff Memo** **DRAFT Ord 2019-33** **Exhibit A Title 2 Housekeeping Changes.pdf** **Exhibit B BIMC 18.09.020 Use Table Excerpt Temporary Uses**

Exhibit C Title 18 Housekeeping Changes

Senior Planner Jennifer Sutton reviewed the changes made by the Commission previously.

The Public Hearing was opened and closed at 7:13 PM.

MOTION: I move to recommend approval of Ordinance 2019-33 to the City Council with the exception of changes related to amending subdivisions, highlighted in green and located on pages 13, 18, 28, 30, 33, 34, 37, 43, 46 and 47 of Exhibit A.

Quitslund/Paar: The motion carried unanimously.

6) UNFINISHED BUSINESS

6.A Ordinance No. 2019-38, Adopting Small Wireless Facilities Design Standards

Cover Page

Ordinance No. 2019-38, Adopting Small Wireless Design Standards - 10/24 Draft for PC Review

Ordinance No. 2019-15, Adopting Interim Small Wireless Facilities Design Standards

Industry Comments on Interim SWFs Design Standards (Ordinance No. 2019-15)

T-Mobile Comment Regarding BIMC 18.10A.040.B

Deputy City Attorney Robbie Sepler introduced Mr. Daniel Kenney who reviewed the code revisions.

Public Comment:

Kim Allen spoke for additional work being done on the proposed code.

Bob Russell spoke in favor of antennas as frequently as needed.

Chair called a recess at 8:15 PM.

Meeting reconvened at 8:22 PM.

7) NEW BUSINESS

7.A Ordinance No. 2019-32 Amending BIMC 2.16.020.S. Housing Design Demonstration Projects (HDDP) Program

Cover Page

DRAFT ORD 2019-32 HDDP Program

PLANNING COMMISSION MINUTES 062118.pdf

Ordinance No. 2018-31 Limiting the Housing Design Demonstration Project Program to Affordable Housing Approved 082818

HDDP Program Summary for PC

BIMC 2.16.020.S HDDP Program

Senior Planner Jennifer Sutton facilitated the discussion.

Public Comment:

Herb Hethcote spoke in favor of continuing only Tier 3 of HDDP program.

Kirsten Hytopoulos spoke about the boundary of the area allowed for HDDP and in favor of affordability in perpetuity.

Ron Peltier spoke about the HDDP program not being consistent with the Comprehensive Plan.

Michael Gray spoke against extending the HDDP program.

Erica Shriner spoke against extending the HDDP program.

Sarah Blossom spoke in support of extending the HDDP program.

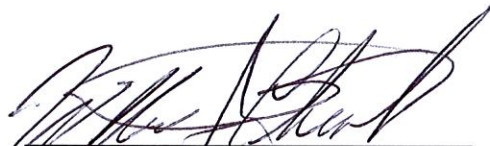
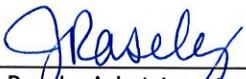
8) PLANNING DIRECTOR'S REPORT

Planning Director Heather Wright provided an update on City Council actions of interest to the Planning Commission.

9) FUTURE PLANNING COMMISSION AGENDAS

10) ADJOURNMENT

Meeting was adjourned at 9:52 PM.


William Chester, Chair
Jane Rasely, Administrative Specialist



CITY OF
BAINBRIDGE ISLAND

Planning Commission Public Participation Meeting
and Special Meeting
Thursday, October 24, 2019
6:00 pm – 9:00 pm

PLEASE PRINT

Name	Address	E-Mail	Receive Notes from PPM	Join ListServ Yes/No
Heather Church	3300	Heatherchurch@comcast.net		
DANNY RODRIGUEZ	6677 KODJIMA	ISLAND WINDOW WORKS	X	
BILL MOORE	6630 WPT RD	BI		
Carolyn Sheets	6789 NE Vineyard Rd	historykat@gmail.com	X	
Kathryn Lafond	6685 KODJIMA AVE. NE	kela fond@gmail.com	X	
George Breaks	6685 Kodjima Ave. NE	george@compacts.com	X	
Nora McGraw	6800 Blue Sky Ln. NE	noraugray@hotmail.com	✓	
Herb Hethcote	1866 Commodore Ln			

Housing Design Demonstration Project (HDDP) Program

OVERVIEW

- **2009 3-year Pilot Program applies in the greater Winslow area Revised in 2013; Revised in 2016 to reflect LID requirements, extended until 2019.**
- **Promotes green building, sustainable site development, and housing diversity & affordability using development standard flexibility & density incentives**
- **4 Tiers: Density incentives scaled to amount of Green Building and Infrastructure, and Housing Diversity**
- **1,600 square foot maximum dwelling unit size for all HDDP units**
- **2018 Recommendation by Planning Commission: Ordinance 2018-31 limited HDDP to those with 100% affordable housing until subdivision regulations updated.**

- in the WMP Study Area
or
- in the Winslow Sewer Service Area

- in the WMP Study Area
or
- in the Winslow Sewer Service Area



Excerpt Table 2.16.020.Q-1: Housing Design Demonstration Project Scoring System		
Density Incentives	Requirements to Receive Incentives	
	Green Building and Innovative Site Development	Housing Diversity
Tier 4		
2.5 x Base Density OR Max. Bonus Mixed-Use FAR	Living Building Challenge (ILFI) OR Passive House (Passive House Institute US/International)	Home size not greater than 1,600 sq. ft.
	30 Points in Innovative Site Development Practices	10 pts/10% of units affordable housing
Tier 3		
2.5 x Base Density OR Max. Bonus Mixed-Use FAR	LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development	50% affordable housing
	25 Points in Innovative Site Development Practices	Home size not larger than 1,600 sq. ft.
Tier 2		
1.5 x Base Density (R-8 and R-14); OR	LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development	Home size not larger than 1,600 sq. ft.
2.0 x Base Density not to exceed R-8 density (R-2, R-2.9, R-3.5, and R-4.3); OR		10% of units affordable housing
Max. Bonus Mixed-Use FAR	25 Points in Innovative Site Development Practices	Projects with ≥ 20 units must get 3 points in “Unit Type” category
Tier 1		
No Density Bonus	LEED Certification, BuiltGreen 4, or Evergreen Sustainable Development	•Home size not larger than 1,600 sq. ft.
		•4 points (projects with < 20 units) in “Housing Diversity” category
	14 Points in Innovative Site Development Practices	•5 points (projects with ≥ 20 units) i 196 “Housing Diversity” category
		•Projects with ≥ 20 units must get 2 points in “Unit Type” category

Table 2.16.020.S-2 Housing Diversity Scoring Method

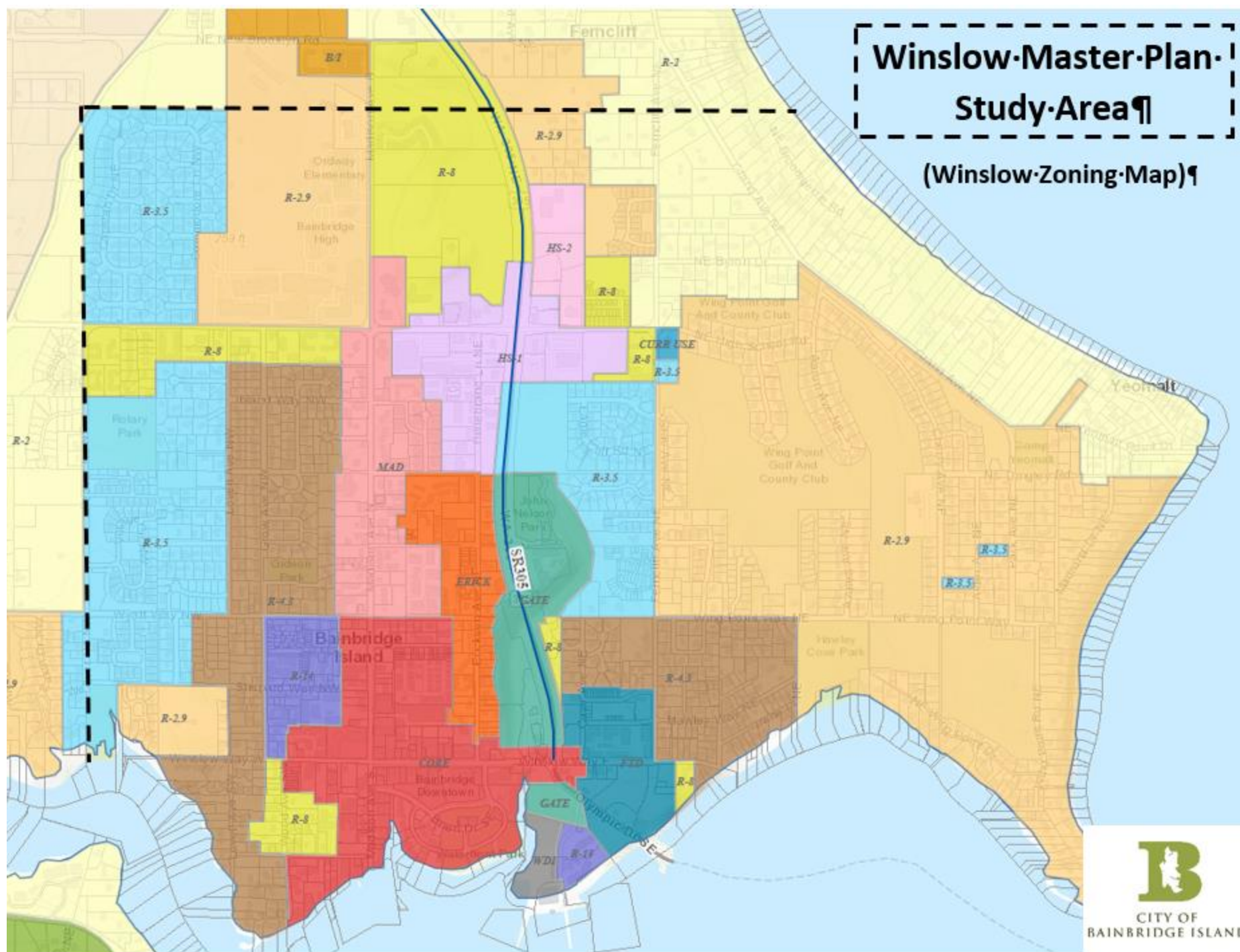
		Affordable Housing			Unit Size		Unit Type	
		Project includes a number of housing units that are designated affordable for a period of 50 years to the spectrum of income levels as defined by BIMC 18.36.030.16 and 18.21.020.A. Rental housing is encouraged by awarding more points for the creation of rental housing.			Project includes a variety of unit sizes, excluding garages, that provide for a broad mix of income levels and family size. In order to score a point in a unit size range, the project shall provide at least 10% of the total number of units in that range. For example, in a 40-unit development, at least 4 units sized between 1,001 and 1,200 ft ² would be needed to score points in that range.		Unit type: Project includes a variety of housing unit types (i.e., single-family style, townhouse, flat, age-in-place, ADUs, cottages) or innovative type of housing. In order to score points for different unit types, the project shall provide at least 10% of the total number units of that type. For example, in a 40-unit development of townhomes and duplexes, at least 4 units of townhomes would be needed to score points for having 2 different unit types.	
TIER	Total Housing Diversity Points Required	Affordable Units	Ownership Value	Rental Value	Unit Size Range	Value	Number of Different Unit Types	Value
		10%	10	12	< 800 ft ²	1	2	2
		11 – 15%	12	14	801 – 1,000 ft ²	1	3	3
		16 – 20%	14	16	1,001 – 1,200 ft ²	1	4	4
		21 – 25%	16	18	1,201 – 1,400 ft ²	1	5	5
		> than 25%	20	22	1,401 – 1,600 ft ²	1	Min. Pts. Required	
		Minimum % Required			Size Requirement	Min. Pts. Required		
4	10 pts	10%			Max. home size 1,600 ft ²	NA	NA	
3	20 pts	50%			Max. home size 1,600 ft ²	NA	NA	
2	12 pts (projects < 20 units) 15 pts (projects ≥ 20 units)	10%			Max. home size 1,600 ft ²	NA	Projects ≥ 20 units must get 3 pts in “unit type”	
1	4 pts (projects < 20 units) 5 pts (projects ≥ 20 units)	NA			Max. home size 1,600 ft ²	NA	Projects ≥ 20 units must get 2 pts in “unit type”	

Table 2.16.020.S-3 Innovative Site Development Scoring Method

TIER	Minimum Site Development Point Requirement	WATER QUALITY & CONSERVATION		LANDSCAPING & OPEN SPACE			TRANSPORTATION	
		Projects use methods to decrease water usage and improve stormwater runoff quality through an integrated approach to stormwater management such as greywater use, stormwater collection in cisterns, green roofs and covered parking. All HDDP projects will follow the stormwater manual adopted in Chapter 15.20 BIMC.		Project provides well-designed common open space, with at least 5 percent of the gross land area, set aside as open space and designed as an integrated part of the project rather than an isolated element. The common open space must be outside of critical areas and their buffers and required roadside buffers. Appropriate community amenities such as playgrounds, composting and neighborhood gardens promoting the production of locally grown food are encouraged. Resident neighborhood community gardens can be in common open space areas, and shall be appropriately located for solar exposure, and include water availability, soil amenities, and storage for garden tools. Required growing space for neighborhood gardens is 60 square feet per dwelling unit, not including any existing orchard area. Open space dedicated to the public pursuant to the standards of BIMC Sections 17.12.030. A1, A2, A3, A6 & A7 is encouraged.			Project design provides enhanced sensitivity to pedestrian and bicycle travel to promote the people getting around without a car, a reduced carbon footprint, improved health of humans, and lower pollution levels. Project internally preserves existing informal internal connection to external non-motorized facilities, furthering the Island-wide Transportation Plan (IWTP) and using such solutions as woonerfs, green streets, and natural trails and paths. Project reduces reliance on automobiles and trip counts, and promotes alternative transportation, such as integrating parking and charging facilities for electric cars, or bus shelters.	
4	30	REQUIREMENT	VALUE					
		Number of dwelling units that integrate greywater reuse components into building design:		% OF OPEN SPACE	VALUE	VALUE IF PUBLIC	TRANSPORTATION COMPONENTS	VALUE
3	25	10%	1	5-10%	2	4	Project preserves, creates or integrates internal and external non-motorized connections.	2
		11-20%	2	11-15%	4	6	Provides public walkways, separated paths, or bike lanes. No points for facilities required by IWTP.	3
		21-30%	3	16-20%	6	8	On-site car sharing program	1 per each car
		Over 31%	4	21-25%	8	10	Electric vehicle charging stations for 3% of vehicle parking capacity.	3
		Percentage of total roof area qualifying as "green roofs":		Greater than 25%	10	12	Covered, consolidated bike parking for subdivisions	3
2	25	15-30%	2	Incorporates neighborhood garden	2		Bus Shelter	2
		Over 31%	4	Preserves tree that qualifies as a "Heritage tree" under City Program. The tree is not otherwise required to be preserved.	2 per tree			
		Project integrates cisterns: % of total roof area directed to cisterns:		All Private yard areas ≤ 20% turf	4			
1	14	15-30%	2	Project landscaping integrates at least 60% native or drought tolerant plants	4			
		Over 31%	4					
		Percentage of total parking spaces that are covered (i.e. parking garage, carport):						
		5-20%	1					
		21-40%	2					
		41-60%	3					
		61-80%	4					
		Over 81%	5					

Summary of HDDP Projects							
HDDP Project	Tier	Zone	Max. Base Density	# & Type of Dwelling units	Green Building Certification Requirement	# of Affordable (AH) Units	Status
**Ferncliff Village (HRB)	3	R-3.5	20	40: Single-family (SF) & Townhomes (TH)	Evergreen Sustainable Development	40	Completed
**Grow Community	2	R-14	112	149: SF, Apartments (Apts.), Condos & Townhomes	Built Green 5	0	Mostly Built
Ericksen Urban Cottages	1	MUTC/ Ericksen	0.6 Res. FAR	16 SF	LEED Certified Required, Achieved LEED Platinum	0	Completed
Madrona Townhomes (The Walk)	1	MUTC/ Core	1.0 Res. FAR	52 SF TH & ADUs	LEED Certified	5	Under Construction
Bainbridge Landing	1	MUTC/ Ferry TD	1.1 Res. FAR	140: SF TH, Apts.& Age-in-Place	LEED Certified or Built Green 4	0	Under Construction
**Wallace Cottages	2	R-4.3	10	19 SF & Age-in-Place	LEED Silver or Built Green 4	2	Under Construction
Madison Place	1	MUTC/ Madison	0.6 Res. FAR	18 SF & Duplexes	LEED Certified or Built Green 4	0	Under Construction
Ericksen Gardens	1	MUTC/ Ericksen	0.6 Res. FAR	5 SF (including 1 ADU)	LEED Certified or Built Green 4	0	Under ¹⁹⁹ Construction
Total HDDP Units Permitted				439	Total Designated AH Units	47	
**# of Bonus Units Achieved Through HDDP				66			

(Winslow-Zoning-Map)¶



October 24, 2019

Planning Commissioners:

I am speaking for myself and not on behalf the City Council.

Comments have been made that suggest that HDDP is not an appropriate program to use for the Suzuki project, or other affordable housing projects, and that is not correct. My familiarity with HDDP predates its adoption in 2009 and I think it's important for everyone who will be working on this to understand its origins. At our Council Meeting on Tuesday I provided some history of the HDDP program and I wanted to provide that to the Planning Commission as well.

Affordable housing was the impetus for the creation of the Housing Design Demonstration Project, more commonly known as HDDP. Back in 2007 there were two affordable housing developments being proposed. One of those was on a six-acre parcel on Ferncliff Avenue that had been donated by Lois Curtis. The other was a piece of City owned property at the corner of New Brooklyn and Sportsman Club; that property is referred to as the Suzuki property.

I'm going to provide you with an overview of the first "Suzuki Task Force" recommendations from 2008 because that is where this all started. The Task Force recommended that the City first rezone the Suzuki property to R-3.5 and then sell the it through an RFP process that included a scoring system that addressed community goals such as a varied housing mix, permanent affordability, green and sustainable construction, open space, community gardens, buffers and trails. Does any of this look familiar to you? If you have even a basic understanding of HDDP, it should.

The Task Force also recommended that the City not sell the property until an Inclusive Housing Ordinance, which would provide a density bonus for affordable housing, was adopted because the existing R-2 zoning made it economically infeasible to build affordable housing there. One proposal was to have a 15% affordable housing requirement, plus a 20% bonus.¹

In addition to discussing an Inclusive Housing Ordinance, the Task Force also suggested that the project could be developed under an Innovative Housing Demonstration Project ordinance. Hopefully, you realize at this point that this is the genesis of HDDP, because when you combine the concept of bonus density for affordable housing, the scoring matrix described above, and the name "Innovative Housing Demonstration Project", HDDP is what you get. In case it's not obvious yet – ~~Innovative~~ Housing [Design](#) Demonstration Project.

The concept of HDDP really picked up steam in 2009. I was not a City Councilmember then, but I was paying attention and I was a critic. I fully supported the use of a program like HDDP to provide bonus density for affordable housing, but I did not like what it became. The bonus density allowed by HDDP caught the eye of for-profit developers and this program, which was intended to allow not-for-profit developers, like Housing Resources Bainbridge, to build communities like Ferncliff Village, quickly

¹ Under the R-3.5 zoning base that was recommended 83 units could have been built on the Suzuki property –49 market rate units and 34 affordable units. That is a lower ratio of affordable units than the 50% that was required as part of a Tier 3 HDDP project.

became something else. What was ultimately adopted allowed developers to choose between two paths to get their bonus density, green building and affordable housing. To those of us who were critical of HDDP, it didn't make sense to allow the bonus densities that HDDP allowed for green building, without an affordable housing component, for a couple of reasons. First, building and development regulations were already on track to require much of what was being incentivized. Second, green building was very trendy and a lot of developers on the Island were building green anyway because of its marketability. HDDP was revised in 2013 to eliminate the separate paths and require an affordability component for any tier that allowed a density bonus.

The majority of HDDP projects have used Tiers 1 (no affordable housing requirement) and 2 (10% affordable housing requirement) and it is true that those tiers have provided, or will provide, very few affordable units. So far, Ferncliff Village is the only community built using Tier 3 of HDDP. The 40 units of permanently affordable housing at Ferncliff Village is a significant number of affordable units for Bainbridge Island.

The fact that Ferncliff Village is the only development built using Tier 3 should not come as a surprise to anyone who understands HDDP. No developer is going to make any money using Tier 3, so they aren't going to use it and we won't get any affordable units from for-profit developers. However, a not-for-profit developer can use it to build a community that provides a significant number of affordable housing units. Why would you want to eliminate that possibility?

I hope this helps to address the question of whether HDDP is an appropriate tool for Suzuki, or other potential affordable housing projects. Really, it's coming full circle. HDDP started with Suzuki, why wouldn't it be appropriate to use it there.

I do not think that this is as complicated as some would like you to believe. In fact, I think there is a very simple solution that addresses everyone's concerns: Eliminate Tiers 1 and 2 completely but retain Tier 3 with a 50% affordability requirement.

I understand that there are concerns about HDDP and I understand why, but you can't deny its usefulness for not-for-profit development of affordable housing. I think that some of angst is about the Suzuki project. Because of that I think it's important for the Planning Commission to be aware of some recent developments. I don't want to go into that right now because I was hoping to keep this to one page, but I will be at your meeting tonight and I am happy to provide that update should you wish to hear it.

Thank you for taking the time to read this.

Sarah Blossom



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (8:45 PM) Front Broom Sweeper Procurement - Public Works,

SUMMARY:

Public Works staff uses a front broom sweeper to remove debris accumulation and prevent unsafe travel conditions on the Island's roadways and bike lanes. Staff is requesting that the City Council forward procurement of the new front broom sweeper to the February 25, 2020 Consent Agenda for approval.

AGENDA CATEGORY: Contract

PROPOSED BY: City Council

RECOMMENDED MOTION:

I move to forward the Front Broom Sweeper procurement, in the amount of \$73,377.85, for approval with the February 25, 2020 Consent Agenda.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	\$73,377.85
Ongoing Cost:	
One-Time Cost:	\$73,377.85
Included in Current Budget?	Yes

BACKGROUND: Public Works staff uses a sweeper to remove debris accumulation on the Island's roadways and bike lanes to prevent unsafe travel conditions for both motorized and non-motorized modes of transportation

Public Works staff has researched equipment and procurement options for the purchase of a front broom sweeper and recommending the 2020 Superior Broom SM74J in the amount of \$73,377.85 be purchased from Pape Machinery (See attachment) through the Cities' Master Contract Usage agreement with the Washington State Department of Enterprise Services Contract #02613 (expires 08/27/2021).

The 2020 Superior Broom SM74J comes with a John Deere 4.5-liter 74 HP engine using renewable diesel or B20 to comply with RCW 43.19.648, which requires municipalities to purchase and use equipment that can run on renewable or biofuel to the maximum extent possible.

Upon approval by City Council, Operations & Maintenance staff will prepare a purchase order for the City Manager's signature.

ATTACHMENTS:

[Front Broom Sweeper Sales Order.xls](#)

FISCAL DETAILS: This is a planned purchase with \$96,000 in funds budgeted and approved in CIP Equipment. After the purchase, there will be \$22,622 remaining in budget for this item.

Fund Name(s): Streets Fund

Coding:



SALES ORDER

2-1700 E (3/11)

REFERENCE
NUMBER

BILL TO		SIC Code: _____		SHIP TO		Name: _____				
Buyer: <u>CITY OF BAINBRIDGE</u>				Address: _____						
Address: _____				City, State: _____ Zip: _____						
City: _____ State: <u>WA</u> Zip: _____				County: _____						
County: _____ Customer No.: _____				DELIVERY DATE (EST): _____						
Ph. No. _____		Fax No. _____		P.O. No. _____						
EQUIPMENT		MAKE	MODEL <u>SM74J</u>		EQUIP.#	TRANSACTION		INVENTORY		
<u>SUPERIOR</u>			SER.#			SALE	RPO	NEW	USED	RENT
						☒	☐	☒	☐	☐
Description:		<u>NEW 2020 SUPERIOR BROOM SM74J EQUIPPED AS SPECIFIED IN STATE OF WASHINGTON (DES)</u>						<u>\$64,974.00</u>		
CONTRACT#		<u>02613 SEE ATTACHMENT OF OPTIONAL PRICES TO BE ADDED ABOVE STANDARD STATE SPECS</u>								
<u>LED STROBE LIGHT</u>								<u>\$63.00</u>		
<u>NIGHT LIGHT GROUP</u>								<u>\$488.00</u>		
<u>AM/FM/CD STEREO</u>								<u>\$670.00</u>		
<u>DELUXE SUSPENSION SEAT</u>								<u>\$608.00</u>		
<u>BACKUP CAMERA</u>								<u>\$590.00</u>		
Del'y / F.O.B.					AGREED PRICE \$		<u>\$66,853.00</u>			
TRADE	YEAR	MAKE	MODEL	SERIAL NUMBER	If Tax Exempt, Provide Certificate or enter Rate Below					
<u>NA</u>					Sales Tax (%)		<u>\$0.00</u>			
Lienholder:					Total Price		<u>\$66,853.00</u>			
Trade-in Allowance: <u>\$0.00</u> Less (Est.) Payoff: <u>\$0.00</u>					Net Trade in		<u>\$0.00</u>			
BILL OF SALE: FOR TRADE -IN DESCRIBED HEREIN. WE CERTIFY THAT THERE IS NO LIEN, CLAIM, DEBT, MORTGAGE OR ENCUMBRANCE OF ANY KIND, NATURE OR DESCRIPTION AGAINST THIS PROPERTY NOW EXISTING, OF RECORD OR OTHERWISE AND THAT SAME IS FREE AND CLEAR AND IS MY/ OUR SOLE AND ABSOLUTE PROPERTY EXCEPT AS NOTED ABOVE. BUYER'S SIGNATURE: X					Sales Tax (<u>9</u> %)		<u>\$6,016.77</u>			
					Balance Due		<u>\$72,869.77</u>			
					Down Payment		<u>\$0.00</u>			
					DES FEE		<u>\$508.08</u>			
FINANCE ☐ FINANCED ☐ ON ACCOUNT ☒ CASH/COD					Approx License Fee		<u>\$0.00</u>			
TERMS (SUBJECT TO APPROVAL):					Amount to Finance		<u>\$73,377.85</u>			
					Length of Term					
					Est. PMT. W/ Ins.					
INSURANCE AGENT:					Est. Pmt. W/O Ins.					
WARRANTY		☒ NEW BASIC _____ (DESCRIBE)			☐ AS IS / NO WARRANTY					
		☐ NEW EXTENDED _____ (DESCRIBE)			☐ USED _____ (DESCRIBE)					
This Sales Order is subject to additional terms and conditions on the reverse side of this document. The undersigned Buyer agrees that it has read and understands the terms and conditions, warranty disclaimers, and limitations of liability set out in the additional terms and conditions on the reverse side of this document and that the same are included in and are part of this Sales Order as if set forth on the face hereof.										
PAPÉ MACHINERY, Inc. (Store Address): <u>3607 - 20th Street East</u> <u>TACOMA, WA 98424</u>					BUYER					
By: _____ Title: <u>Territory Mgr</u> Date: _____					By: _____ Title: _____					
					Date: _____					



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (8:50 PM) Police Vehicle Procurement - Public Works,

SUMMARY:

Public Works is requesting a purchase of three (3) police vehicles from Columbia Ford in the amount of \$127,160, using the Washington State Department of Enterprise Services statewide master contract.

AGENDA CATEGORY: Contract

PROPOSED BY: Public Works

RECOMMENDED MOTION:

I move to forward the procurement of three (3) Police Vehicles from Columbia Ford, in the amount of \$127,159.70, for approval with the February 25, 2020 Consent Agenda.

STRATEGIC PRIORITY: Safe City

FISCAL IMPACT:

Amount:	\$127,160
Ongoing Cost:	
One-Time Cost:	\$127,160
Included in Current Budget?	Yes

BACKGROUND: Public Works staff is working with Columbia Ford, through the Washington State Department of Enterprise Services statewide master contract, for the purchase of three (3) 2020 Ford Interceptor hybrid vehicles in the combined amount of \$127,160.

The City Police vehicle replacement schedule is 10 years or 100,000 miles which roughly equals three new vehicles per year. In 2019 Police added two new officer positions that required two new vehicles in addition to the three planned replacement vehicles. In 2019 five Police vehicles were purchased. In 2020 three more vehicles are planned for purchase, and six vehicles will be surplus.

RCW 43.19.648 generally requires that, to the extent practicable, local governmental vehicles must be fueled by electricity or biofuel. However, police vehicles for emergency response are exempt.

ATTACHMENTS:

[Columbia Ford Vehicle Quote.pdf](#)

FISCAL DETAILS: There is \$208,000 in the 2020 general fund fleet and equipment CIP for these police vehicles. There will be \$80,840 left after these vehicles are purchased which will be applied to AB 54 Item 10D upfitting charges.

Fund Name(s): General Fund

Coding:

Aaron Claiborne

From: NOREPLY@des.wa.gov
Sent: Monday, January 06, 2020 1:59 PM
To: Aaron Claiborne
Cc: Steve.Hatfield@des.wa.gov
Subject: Vehicle Quote - 2020-1-98 - BAINBRIDGE ISLAND, CITY OF - 21804

Vehicle Quote Number: 2020-1-98[Create Purchase Request](#)[View organization purchase requests](#)

This is a **quote** only. You must create a purchase request to order this vehicle(s)

Contract & Dealer Information

Contract #: 05916

Dealer: Columbia Ford (W403)
 700 7th Avenue
 Longview WA 98632

Dealer Contact: Marie Tellinghuisen
 Dealer Phone: (360) 423-4321 Ext: 187
 Dealer Email: orders@colford.com

Organization Information

Organization: BAINBRIDGE ISLAND, CITY OF - 21804

Email: aclaiborne@bainbridgewa.gov

Quote Notes:

Vehicle Location: BAINBRIDGE ISLAND

Color Options & Qty

Agate Black (UM) - 3

Tax Exempt: N

Vehicle Options

Order Code	Option Description	Qty	Unit Price	Ext. Price
2020-0521-001	2020 Ford Police Interceptor AWD Pursuit-Rated Utility/SUV (K8A/500A)	3	\$32,800.00	\$98,400.00
2020-0521-012	NEW - Alternative Hybrid (HEV) Engine System [318 HP (combined system HP), 285 HP (gas engine) @ 6500 RPM, 260 lb.-ft. Torque @ 4000 RPM] (6840# GVWR, 1670 # Payload, 5000# Towing Capacity, 7.4in Ground Clearance) [Includes 3.3L V6 Direct-Injection Hybrid Engine System, Lithium-Ion Battery Pack (does not intrude into the cargo area), police calibrated high-performance regenerative braking system, DC/DC converter 220-Amp (in lieu of alternator), H7 AGM Battery - 800 CCA / 80-Amp, 19-Gallon Fuel Tank, 8-Year/100,000-Mile Hybrid Unique Component Warranty] (Not compatible with 3.0L V6 EcoBoost option) (99W/44B)	3	\$3,302.00	\$9,906.00
2020-0521-017	Tail Lamp/Housing Only (Includes pre-existing holes with standard twist lock sealed capability) (does not include LED strobe) (Not available with Tail Lamp Lighting Solution #66B or Ready for the Road Package #67H) (86T)	3	\$61.00	\$183.00
2020-0521-027	Pre-Wiring for Grille LED Lights, Siren and Speaker (60A)	3	\$52.00	\$156.00
2020-0521-029	Noise Suppression Bonds (Ground Straps)(60R)	3	\$100.00	\$300.00
2020-0521-032	Dark Car Feature (courtesy lamp disable when any door is opened) (Not available with Daytime Running Lights #942) (43D)	3	\$25.00	\$75.00
2020-0521-033	Police Engine Idle Feature (when activated, allows the key to be removed from ignition while vehicle remains idling, which allows driver to leave the engine running and prevents vehicle from unauthorized use when driver is outside of the vehicle) (47A)	3	\$260.00	\$780.00

2020-0521-035 BLIS Blind Spot Monitoring with Cross-Traffic Alert (Includes manual fold-away heated mirrors) (55B/54Z)	3	\$543.00	\$1,629.00
2020-0521-038 NEW - Doors/Locks: Hidden Door Lock Plunger with Rear Door Controls Inoperable - locks, handles and windows (locks/windows operable from drivers door switches) (included with Ready for the Road Package #67H) (52P)	3	\$161.00	\$483.00
2020-0521-042 Reverse Sensing System (76R)	3	\$274.00	\$822.00
2020-0521-043 Perimeter Anti-Theft Alarm (activated by hood, door or liftgate - when unauthorized entry occurs, system will flash the headlamps, parking lamps and sound the horn) (Must also order Remote Keyless Entry #55F) (Not available with Fleet Keyed Alike option) (593)	3	\$120.00	\$360.00
2020-0521-045 NEW - Pre-Collision Assist with Pedestrian Detection (Includes Forward Collision Warning and Automatic Emergency Braking and unique disable switch for Law Enforcement use) (Not available with Front Interior Visor Lightbar #96W) (76P)	3	\$144.00	\$432.00
2020-0521-047 Remote Keyless Entry with Four (4) FOBS/Transmitters (includes Liftgate Release Button) (Does not include Keyless Entry Door Keypad) (If ordered with Fleet Keyed Alike option, fobs are unique and are not fobbed-alike) (55F)	3	\$338.00	\$1,014.00
2020-0521-049 Rear Console Plate (wiring conduit from front console plate to rear seat) (Included with Ready for the Road Pkg #67H) (Not available with Interior Upgrade Pkg #65U or Front Console Plate Delete #85D) (85R)	3	\$44.00	\$132.00
2020-0521-051 Spot Lamp, LED Bulb, Driver Only (Whelen) (51T)	3	\$419.00	\$1,257.00
2020-0521-060 Underbody Deflector Plate (engine and transmission shield) (76D)	3	\$334.00	\$1,002.00
2020-0521-063 NEW - Rear Center Seat Delete (Includes center seat delete tray) (Not available with Interior Upgrade Pkg #65U or Vinyl Rear Seat) (No credit) (85S)	3	\$0.00	\$0.00
2020-0521-207 Undercoating (wheel wells) (DLR)	3	\$125.00	\$375.00

Quote Totals

Total Vehicles:	3
Sub Total:	\$117,306.00
8.4 % Sales Tax:	\$9,853.70
Quote Total:	\$127,159.70



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (8:55 PM) Police Vehicle Equipment Upfitting Service Agreement- Public Works,

SUMMARY:

The Agreement for Purchased Services with Financial Consultants International, Inc. is for the upfit of five (5) police vehicles purchased in 2019 and three (3) police vehicles to be purchased in 2020 for a total of eight (8) police vehicles.

AGENDA CATEGORY: Contract

PROPOSED BY: Public Works

RECOMMENDED MOTION:

I move to forward the Agreement for Purchased Services with Financial Consultants International, Inc. in the amount of \$180,190.32 for approval with the February 25, 2020 Consent Agenda.

STRATEGIC PRIORITY: Safe City

FISCAL IMPACT:

Amount:	\$180,190
Ongoing Cost:	
One-Time Cost:	\$180,190
Included in Current Budget?	Yes

BACKGROUND: In July 2019, the City Council approved the purchase of five (5) Ford Interceptor hybrid vehicles and those vehicles are scheduled for delivery in March 2020. The July 2019 purchase did not include equipment upfitting; therefore, this proposed service contract with Financial Consultants, Inc., includes upfitting the five (5) police vehicles purchased in 2019 as well as the three (3) police vehicles to be purchased in 2020 for a total of eight police vehicles to be upfitted.

City staff solicited competitive quotes for police vehicle upfitting services and two quotes were received. Staff reviewed the vendors' qualifications and selected Financial Consultants International, Inc., in the amount of \$180,190.

Police vehicle upfitting includes push bumper, lights, radio, radar, partitions, prisoner seats, etc. The remaining balance will be used for vehicle licensing fees, decals, and in-vehicle camera system.

ATTACHMENTS:

[Police Vehicle Upfitting Agreement for Purchased Services.docx](#)

FISCAL DETAILS: There is budget in 2019 of \$330,000 with \$212,421 spent which includes the 2019 outstanding orders of the five (5) police Ford Interceptor hybrid vehicles. The 2019 remaining balance of \$117,579 is intended to be carried over into 2020 and combined with an additional 2020 budget of \$208,000 for a total of \$325,579 in budgeted funds to pay for these upfitting charges along with the three (3) additional planned police vehicle purchases requested in AB 54 Item 10C that total \$127,160. The remaining 2020 balance after all eight (8) police vehicles are purchased and upfitted is \$18,229.

Fund Name(s): General Fund

Coding:

AGREEMENT FOR PURCHASED SERVICES

THIS AGREEMENT FOR PURCHASED SERVICES (“Agreement”) is entered into between the City of Bainbridge Island, a Washington State municipal corporation, (“City”) and Financial Consultants International, Inc., a Washington State corporation (“Vendor”).

WHEREAS, the City needs purchased services in connection with police vehicle equipment upfitting and

WHEREAS, the Vendor has the expertise and experience to provide said services and is willing to do so in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, promises, and agreements set forth herein, it is agreed by and between the City and the Vendor as follows:

1. SERVICES BY VENDOR

The Vendor shall provide the purchased services as defined in this Agreement and as necessary to accomplish the scope of services attached hereto as **Attachment A** and incorporated herein by this reference as if set forth in full. The Vendor shall furnish all services, labor, and related equipment to conduct and complete the work, except as specifically noted otherwise in this Agreement.

2. TERM AND TERMINATION OF AGREEMENT

A. This Agreement shall become effective upon execution by both parties and shall continue in full force and effect until December 31, 2020 unless sooner terminated by either party as provided below.

B. This Agreement may be terminated by either party without cause upon thirty (30) days’ written notice to the other party. In the event of termination, all finished or unfinished documents, reports, or other material or work of the Vendor pursuant to this Agreement shall be submitted to the City, and the Vendor shall be entitled to just and equitable compensation at the rate set forth in Section 3 for any satisfactory work completed prior to the date of termination.

3. PAYMENT

A. The City shall pay the Vendor for such services: (check one)

☐ Hourly, plus equipment cost plus markup, in accordance with **Attachment A**, but not more than a total of [write out the total payment for services] (\$_____) per year;

☒ Fixed Sum: a total amount of \$180,190.32 for eight vehicles or \$22,523.79 per vehicle;

☐ Other:

B. The Vendor shall submit, in a format acceptable to the City, monthly invoices for services performed in a previous calendar month. Each project and each task within a project shall be the subject of a separate invoice. The Vendor shall maintain time and expense records and provide them to the City upon request.

C. The City shall pay all invoices by mailing a City check within sixty (60) days of receipt of a proper invoice from the Vendor.

D. If the services rendered do not meet the requirements of this Agreement, the Vendor shall correct or modify the work to comply with this Agreement. The City may withhold payment for such work until it meets the requirements of this Agreement.

4. INSPECTION AND AUDIT

The Vendor shall maintain all books, records, documents, and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Vendor shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts, and records if necessary, to conduct or document an audit. The Vendor shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Vendor shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

5. INDEPENDENT CONTRACTOR

A. The Vendor and the City understand and expressly agree that the Vendor is an independent contractor in the performance of each and every part of this Agreement. The Vendor expressly represents, warrants, and agrees that the Vendor's status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195. The Vendor, as an

independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Vendor shall make no claim of City employment nor shall the Vendor claim any related employment benefits, social security, and/or retirement benefits.

B. The Vendor shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Vendor shall pay the same before it becomes due.

C. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Vendor performs hereunder.

D. The Vendor shall obtain a business license and, if applicable, pay business and occupation taxes pursuant to Title 5 of the Bainbridge Island Municipal Code.

6. NONDISCRIMINATION AND COMPLIANCE WITH LAWS

A. The Vendor agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, sexual orientation, age, disability, or other circumstance prohibited by federal, state, or local law or ordinance, except for a bona fide occupational qualification.

B. The Vendor shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this Agreement.

C. Violation of this Section 6 shall be a material breach of this Agreement and grounds for cancellation, termination, or suspension by the City, in whole or in part, and may result in ineligibility for further work for the City.

7. OWNERSHIP OF WORK PRODUCT

All data, materials, reports, memoranda, and other documents developed under this Agreement, whether finished or not, shall become the property of the City and shall be forwarded to the City in hard copy and in digital format that is compatible with the City's computer software programs.

8. GENERAL ADMINISTRATION AND MANAGEMENT

The City Manager of the City, or designee, shall be the City's representative, and shall oversee and approve all services to be performed, coordinate all communications, and review and approve all invoices, under this Agreement.

9. HOLD HARMLESS AND INDEMNIFICATION

A. The Vendor shall defend, indemnify, and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits including attorney fees, arising out of or resulting from the acts, errors, or omissions of the Vendor in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

B. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Vendor and the City, its officers, officials, employees, and volunteers, the Vendor's liability, including the duty and cost to defend hereunder, shall be only to the extent of the Vendor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Vendor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

C. The City's inspection or acceptance of any of the Vendor's work when completed shall not be grounds to void, nullify, and/or invalidate any of these covenants of indemnification.

D. Nothing contained in this Agreement shall be construed to create a liability or a right of indemnification in any third party.

10. INSURANCE

The Vendor shall maintain insurance as follows:

☒ Commercial General Liability as described in **Attachment B**.

☒ Professional Liability as described in **Attachment B**.

☒ Automobile Liability as described in **Attachment B**.

☒ Workers' Compensation as described in **Attachment B**.

☐ None.

11. SUBLETTING OR ASSIGNING CONTRACT

This Agreement, or any interest herein or claim hereunder, shall not be assigned or transferred in whole or in part by the Vendor to any other person or entity without the prior written consent of the City. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of the Vendor as stated herein.

12. EXTENT OF AGREEMENT/MODIFICATION

This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified, or added to only by written instrument properly signed by both parties.

13. SEVERABILITY

A. If a court of competent jurisdiction holds any part, term, or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

14. FAIR MEANING

The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

15. NON-WAIVER

A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay, or failure of either party to insist upon strict performance of any agreement, covenant, or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition, or right.

16. NOTICES

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses as follows:

To the City:

City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110
Attention: City Manager

To the Vendor:

Financial Consultants International, Inc.
45727 SE 140th Street
North Bend, WA 98045
Attention: Alan Bateman

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

17. SURVIVAL

Any provision of this Agreement which imposes an obligation after termination or expiration of this Agreement shall survive the term or expiration of this Agreement and shall be binding on the parties to this Agreement.

18. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

19. VENUE

The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Kitsap County, Washington.

20. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the later of the signature dates included below.

FINANCIAL CONSULTANTS
INTERNATIONAL, INC.

CITY OF BAINBRIDGE ISLAND

Date:_____

Date:_____

By:_____

By:_____

Name_____

Morgan Smith, City Manager

Title_____

Tax I.D. #91-0871323

SCOPE OF WORK

The City is requesting a quote to upfit up to eight (8) 2020 Ford Interceptor SUV Hybrid vehicles. Enclosed are the Washington State Department of Enterprise Services vehicle options that have been ordered through Columbia Ford. The Vendor shall purchase and install equipment listed below to produce a fully functional patrol vehicle. The basic police vehicle equipment package is shown below:

- Whelen CANTL6 Controller with Rotary Knob (1)
- Whelen Legacy WC 48" Duo Lightbar with Opticom (1)
- Whelen Cencom Carbide Siren System (1)
- Whelen 100W Siren Speaker and Bracket (1)
- Whelen Ion Duo LED red/white and blue/white in headlamp (2)
- Whelen Ion T Series red/white and blue/white visible with hatch open (2)
- Whelen Ion T Series red/white and blue/white top rear hatch window, visible when hatch is closed. (2)
- Whelen Ion T Series red/white and blue/white in rear cargo window (2)
- Whelen Hide-a-Blast 5 pak with twist lock, blue in tail lights (2)
- Whelen Headlight flasher (1)
- Setina lighted push bumper front (1) and side Whelen DUO ions (4)
- Setina Window Barrier vertical Polycarbonate (2)
- Setina Cargo Box with key lock (1)
- Kenwood Radio NX5700 (B), remote head kit, radio brick bracket and external speaker (1)
- Docking Station and hardware- Panasonic CF-Web301 (1)
- Sector Printer Brother Pocket Jet 6 (1)
- Bar Code Scanner 1900 GSR-2 (1)
- 3G/4G/GPS Antenna AP-CG-A-S11-BL (1)
- Lind Power Supply (1)
- Pelican Flashlight 8060 LED (1)
- 3" round compartment light red/white cargo area (1)
- 3" round compartment light red/white rear hatch (1)
- 3" round compartment light red/white driver dome (1)
- 3" round compartment light red/white prisoner area with switch on console (1)
- 30/40 amp relay (1)
- Triple accessory outlet with USB ports (1)
- Power distribution system for electrical accessories (1)
- Wiring harness with wires individually labeled (1)
- Ford PIU Console Solution with Cupholder arm rest, console mounted MCT, equipment bracket plate (1)
- Magnetic Mic (1)
- Setina 10 VS C RP Coated Poly Partition (1)
- Setina 12 VS 2nd Coated Poliy Partition Cargo (1)
- AEDEC Prisoner Transport Seat (1)
- Dual T rail gun mount SC5 lock and XL lock (1)

- Carbon Monoxide Detector ASA-CO-D (1)
- Decatar G2S-KDB Genius 2 Radar System (1)
- City provided Axon Fleet 2-Camera System with vehicle interphase portal.
- All other miscellaneous parts and supplies to complete the patrol vehicle.

***All equipment make/models is listed above or approved equal.**

The City will have the vehicles delivered from Columbia Ford to Vendor. The Vendor shall include labor in the quote to transport the vehicles to the City, Public Works Shop.

ATTACHMENT B INSURANCE REQUIREMENTS

A. Insurance Term

The Vendor shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Vendor, its agents, representatives, or employees.

B. No Limitation

The Vendor's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Vendor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance

The Vendor shall obtain insurance of the types and coverage described below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.
2. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap liability, independent contractors, and personal injury and advertising injury. The City shall be named as an additional insured under the Vendor's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Vendor's profession.

D. Minimum Amounts of Insurance

The Vendors shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit, as applicable.

E. Other Insurance Provision

The Vendor's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain, that they shall be primary insurance as respect to the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Vendor's insurance and shall not contribute with it.

F. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

G. Verification of Coverage

Before commencing work and services, the Vendor shall provide to the person identified in Section 8 of the Agreement a Certificate of Insurance evidencing the required insurance. The Vendor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Vendor before commencement of the work. The City reserves the right to request and receive a certified copy of all required insurance policies.

H. Notice of Cancellation

The Vendor shall provide the City with written notice of any policy cancellation within two business days of their receipt of such notice.

I. Failure to Maintain Insurance

Failure on the part of the Vendor to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five (5) business days' notice to the Vendor to correct the breach, immediately terminate this Agreement or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Vendor from the City.

J. City Full Availability of Vendor Limits

If the Vendor maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Vendor, irrespective of whether such limits maintained by the Vendor are greater than those required by this Agreement or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Vendor.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 20 Minutes

AGENDA ITEM: (9:00 PM) Ordinance No. 2020-01, Updating the City's General Code Enforcement Process Contained in Chapter 1.26 BIMC,

SUMMARY:

If approved, proposed Ordinance No. 2020-01 would update code enforcement procedure outlined in Chapter 1.26 BIMC to clarify its application to other sections of the City Code as well as to clarify the City's general code enforcement procedure.

AGENDA CATEGORY: Ordinance

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION:

I move to forward Ordinance No. 2020-01 for approval with the February 25, 2020 Consent Agenda.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND: Code enforcement was one of the City Council's top priorities for 2018. Specifically, following discussion, Council prioritized three areas of focus related to code enforcement: (1) Sign Code; (2) Animal Control Code; and (3) General Code Enforcement.

Regarding the Sign Code, following discussion during at least nine Council meetings, the Council, on September 24, 2019, referred the update to the City's Sign Code to the Planning Commission for its review, recommendation, and a public hearing. Planning Commission review has been delayed due to the volume of work before the Planning Commission, but is scheduled to begin on February 13, 2020.

Regarding the Animal Control Code, following discussion during at least five Council meetings, the Council, on June 25, 2019, passed Ordinance No. 2019-13, adopting Kitsap Humane Society's Recommended Updates to the City's Animal Control Code.

Updates to Chapter 1.26 BIMC, the City's general code enforcement procedure, were last before the Council on November 27, 2018.

Originally adopted in 1995, Chapter 1.26 BIMC contains the procedure for enforcement of specific sections of the BIMC, referred to in the chapter as the "applicable titles and chapters of this code." For details, see BIMC 1.26.010. Most of the chapter has not had a substantive update since at least 2001. The result is that the chapter contains dated language and references that create ambiguity in the code enforcement procedure. For example, while the chapter specifies the "applicable chapters and titles of this code" that are to be enforced through Chapter 1.26 BIMC, some sections of the BIMC call for enforcement through Chapter 1.26 but are not listed under the definition of "applicable chapters and titles of this code."

Attached for Council review is proposed Ordinance No. 2020-01. If approved, Ordinance No. 2020-01 would update the code enforcement procedure outlined in Chapter 1.26 BIMC to clarify its application to other sections of the City Code and revise language throughout Chapter 1.26 BIMC for clarity and to further define procedures for enforcement of repeat violations.

ATTACHMENTS:

[Ordinance No. 2020-01, Updating the City's General Code Enforcement Process Contained in Chapter 1.26 BIMC](#)

[Exhibit A to Ordinance No. 2020-01 - Redline Showing Changes from Current Ch. 1.26 BIMC](#)

FISCAL DETAILS: N/A

Fund Name(s):

Coding:

ORDINANCE NO. 2020-01

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to code enforcement; repealing and replacing Chapter 1.26 of the Bainbridge Island Municipal Code (BIMC) to revise the chapter for clarity but retain the current policy centered on first facilitating voluntary compliance to resolve code violations before assessing fines or penalties.

WHEREAS, the City's general code enforcement procedure is outlined in Chapter 1.26 BIMC; and

WHEREAS, in 2018, the City Council designated code enforcement as one of its top priorities for the year and requested that the City Manager direct staff to review the City's current code enforcement procedures; and

WHEREAS, on November 27, 2018, staff briefed the City Council on the City's current code enforcement procedures; and

WHEREAS, Chapter 1.26 BIMC was originally adopted in 1995 and has largely remained unchanged since its adoption; and

WHEREAS, the City Council now finds that it would be beneficial to update Chapter 1.26 BIMC to provide for greater clarity of the City's general code enforcement procedure while maintaining the current policy of first facilitating voluntary compliance to resolve code violations before assessing fines or penalties.

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

Section 1. Chapter 1.26 of the Bainbridge Island Municipal Code is hereby repealed in its entirety and replaced as shown on **Exhibit A**, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED by the City Council this ____ day of _____, 2020.

APPROVED by the Mayor this ____ day of _____, 2020.

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER:

2020-01

Exhibit A

Chapter 1.26

CODE ENFORCEMENT

Sections

- 1.26.010 Applicability of chapter.
- 1.26.015 Definitions.
- 1.26.020 Duty to enforce – Inspections – Duty to comply.
- 1.26.023 Investigation and notice of violation.
- 1.26.025 Notice of violation – Procedures.
- 1.26.026 Notice of infraction – Service.
- 1.26.027 Notice of infraction – Form – Contents.
- 1.26.028 Notice of infraction – Filing – Hearing in municipal court.
- 1.26.029 Notice of infraction – Determination infraction committed.
- 1.26.030 Notice of infraction – Response requesting a hearing – Failure to respond or appear – Order to set aside.
- 1.26.031 Notice, failure to sign, Nonappearance – Failure to satisfy penalty.
- 1.26.032 Representation by attorney.
- 1.26.033 Infraction – Hearing – Procedure – Burden of proof – Order – Appeal.
- 1.26.034 Infraction – Explanation of mitigating circumstances.
- 1.26.035 Judgment – Fine – Restitution – Costs – Attorneys’ fees.
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- 1.26.037 Notice of infraction does not limit further action.
- 1.26.038 Violations – Failure to provide information identifying person.
- 1.26.050 Stop work order.
- 1.26.060 Emergency order.
- 1.26.070 Review by the Director.
- 1.26.075 Time to comply, extensions, and revocations.
- 1.26.090 Civil penalty.
- 1.26.100 Criminal penalties.
- 1.26.110 Additional relief.

1.26.010 Applicability of chapter.

The provisions of this chapter shall apply to enforcement of:

- A. Chapter 2.16 BIMC;
- B. Chapter 7.01 BIMC;
- C. Chapter 8.08 BIMC;
- D. Chapter 12.40 BIMC;
- E. Chapter 13.14 BIMC;
- F. Title 15 BIMC;
- G. Title 16 BIMC;
- H. Title 17 BIMC;
- I. Title 18 BIMC; and
- J. Title 20 BIMC.

1.26.015 Definitions

Words and phrases used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

- A. “Applicable Titles and Chapters of this Code” means the titles and chapters of the Bainbridge Island Municipal Code listed in BIMC 1.26.010.
- B. “Director” means the Director of Planning and Community Development and includes all other officials duly authorized by the Director of Planning and Community Development to enforce the Applicable Titles and Chapters of this Code.
- C. “Municipal Court” means the Bainbridge Island Municipal Court or its successor.

1.26.020 Duty to enforce – Inspections – Duty to comply.

- A. It shall be the duty of the Director to enforce the Applicable Titles and Chapters of this Code. The Director may call upon other city departments and officers to assist in such enforcement.
- C. The Director may enter any building or property to perform duties imposed by the Applicable Titles and Chapters of this Code in accordance with Chapter 1.16 BIMC.

D. This chapter and the Applicable Titles and Chapters of this Code shall be enforced for the benefit of the health, safety, and welfare of the general public.

E. It is the intent of this chapter and the Applicable Titles and Chapters of this Code to place the obligation of complying with the Applicable Titles and Chapters of this Code upon the owner, occupier, or other person responsible for the condition of the land and buildings at issue.

F. No provisions of or term used in this chapter or the Applicable Titles and Chapters of this Code is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

1.26.023 Investigation and notice of violation.

A. The Director may investigate any structure or use which the Director reasonably believes does not comply with the standards and requirements of the Applicable Titles and Chapters of this Code.

B. Whenever the Director determines that a violation of the Applicable Titles and Chapters of this Code has occurred there may be served upon the responsible person either:

1. A notice of violation; or
2. A notice of infraction.

C. The Director may issue a notice of violation; provided, that a notice of infraction shall be issued if:

1. The person cited has been served with a prior notice of violation for the same violation within five (5) years;
2. The person cited has committed the same violation of the code within five (5) years;
3. The person cited has failed to comply with a stop work order or an emergency order; or

4. The violation creates an immediate threat to public health, safety, or welfare.

D. The Director may issue a stop work order or emergency order in appropriate cases without regard to whether any other enforcement action has been or will be taken.

1.26.025 Notice of violation – Procedures.

A. The notice of violation shall include the following information:

1. Each standard or requirement of the Applicable Titles and Chapters of this Code that was violated;
2. What corrective action, if any, is necessary to comply with the standards or requirements of the Applicable Titles and Chapters of this Code that were violated;
3. Set a reasonable time for compliance, in accordance with BIMC 1.26.075; and
4. Specify that any subsequent violations may result in criminal prosecution as provided in BIMC 1.26.100.

In the event of violations of the standards or requirements of Chapter 16.20 BIMC, the required corrective action shall include, if appropriate, but shall not be limited to, mitigating measures such as restoration of the area and replacement of damaged or destroyed trees.

B. The notice shall be served upon the owner, tenant, or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person.

C. As an alternative to subsection B of this section, the Director may file the notice of violation with the Municipal Court, in which case the Municipal Court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of violation at his or her address, or in accordance with subsection B of this section.

D. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person or persons is unknown or service cannot be accomplished and the Director makes an affidavit to that effect, the service of the notice upon such person or persons may be made by mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address if known or if unknown, to the address of the property involved in the proceedings. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

E. A notice of violation may be amended at any time in order to correct clerical errors, cite additional authority for a stated violation, or provide an extension of time for compliance in accordance with BIMC 1.26.075.

1.26.026 Notice of infraction – Service.

The Director shall issue a notice of infraction under the circumstances described in BIMC 1.26.023.C. A notice of infraction may be served using one of the following methods:

A. The Director serves the notice of infraction on the person named in the notice of infraction at the time of issuance; or

B. The Director files the notice of infraction with the Municipal Court , in which case the Municipal Court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of infraction at his or her address.

1.26.027 Notice of infraction – Form – Contents.

The notice of infraction shall include the following:

A. A statement that the notice represents a determination that a civil infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

B. A statement that the civil infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

C. A statement of the specific civil infraction for which the notice was issued;

- D. A statement of the monetary penalty established for the civil infraction;
- E. A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;
- F. A statement that at any hearing to contest the determination the city has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed; and that the person may subpoena witnesses, including the individual who issued and served the notice of infraction;
- G. A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person will be deemed to have committed the civil infraction and may not subpoena witnesses;
- H. A statement, which the person who has been served with the notice of infraction shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter within fifteen days;
- I. A statement that refusal to sign, as directed, the statement described in subsection H of this section is a misdemeanor and may be punished by a fine or imprisonment in jail;
- J. A statement that failure to respond to a notice of infraction or to appear at a requested hearing is a misdemeanor and may be punished by a fine or imprisonment in jail; and
- K. A statement that a person's failure to respond to a notice of infraction or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and that this failure may be referred to the City Attorney's Office for criminal prosecution for failure to respond or appear.

1.26.028 Notice of infraction – Filing – Hearing in municipal court.

A notice of infraction shall be filed in the Municipal Court within 48 hours of issuance, excluding Saturdays, Sundays, and holidays. The Municipal Court shall have jurisdiction to hear and determine these matters.

1.26.029 Notice of infraction – Determination infraction committed.

Unless contested in accordance with this chapter, the notice of infraction represents a determination that the person to whom the notice was issued committed a civil infraction.

1.26.030 Notice of infraction – Response requesting a hearing – Failure to respond or appear – Order to set aside.

A. A person who receives a notice of infraction shall respond to the notice as provided in this section within 15 days of the date the notice was served.

B. If the person named in the notice of infraction does not contest the determination that they committed the civil infraction, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the Municipal Court. A check or money order in the amount of the penalty prescribed for the civil infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the Municipal Court's records. Following entry of the order, the Municipal Court shall provide a copy of the order to the Department of Planning and Community Development.

C. If the person named in the notice of infraction wishes to contest the determination that they committed the civil infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the Municipal Court. The Municipal Court shall notify the person in writing of the time, place, and date of the hearing. The date of the hearing shall not be earlier than seven days nor more than 90 days from the date of the notice of the hearing, except by agreement.

D. If the person determined to have committed the civil infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the Municipal Court. The Municipal Court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than 90 days from the date of the notice of the hearing, except by agreement.

E. The Municipal Court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction, and may notify the City Attorney, or their designee, of the failure to respond to the notice of infraction or to appear at a requested hearing, if any person issued a notice of infraction;

1. Fails to respond to the notice of infraction as provided in subsection B, C, or D of this section; or
2. Fails to appear at a hearing requested pursuant to either subsection C or D of this section.

If a default judgment is entered, the Municipal Court shall notify the Department of Planning and Community Development of the entry of the default judgment and the reason therefor.

1.26.031 Notice, failure to sign, Nonappearance – Failure to satisfy penalty.

A. A person who fails to sign a notice of infraction is guilty of a misdemeanor.

B. Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of infraction is guilty of a misdemeanor regardless of the disposition of the notice of infraction; provided, that a written promise to appear in court or a written promise to respond to a notice of infraction may be complied with by appearance of counsel.

C. A person who willfully fails to pay a fine or to perform community service as required by a court under this chapter may be found in civil contempt of a court after notice and hearing.

1.26.032 Representation by attorney.

A. A person subject to proceedings under this chapter may appear or be represented by counsel.

B. The City Attorney, or their designee, may, but need not, appear in any proceedings under this chapter.

1.26.033 Infraction – Hearing – Procedure – Burden of proof – Order – Appeal.

A. A hearing held to contest the determination that a civil infraction has been committed shall be without a jury.

B. The Municipal Court may consider the notice of infraction and any sworn statements submitted by the individual who issued and served the notice in lieu of his or her personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the individual who has issued and served the notice, and has the right to present evidence and examine witnesses present in court.

C. The burden of proof is on the city to establish the commission of the civil infraction by a preponderance of evidence.

D. After consideration of the evidence and argument, the Municipal Court shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the Municipal Court's records. If it has been established that a civil infraction has been committed, an appropriate order shall be entered in the Municipal Court's records.

E. An appeal from the Municipal Court's determination or order shall be to the superior court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The decision of the superior court is subject only to discretionary review pursuant to the Rules of Appellate Procedure.

1.26.034 Infraction – Explanation of mitigating circumstances.

A. A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

B. After the Municipal Court has heard the explanation of the circumstances surrounding the commission of the infraction, an appropriate order shall be entered in the Municipal Court's records.

C. There shall be no appeal from the Municipal Court's determination or order.

1.26.035 Judgment – Fine – Restitution – Costs – Attorneys’ fees.

A. Upon a finding that an infraction has been committed the Municipal Court shall enter judgment requiring:

1. Payment of a fine of not more than \$500.00 for each day of noncompliance.
2. Payment of court costs as defined by rule or statute.
3. Payment to the prevailing party of its reasonable attorneys’ fees as allowed by RCW 7.80.140.

B. Whenever a fine is imposed by the Municipal Court under this chapter it is immediately payable. If the person is unable to pay at that time, the Municipal Court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the Municipal Court may proceed to collect the penalty in the same manner as other civil judgments and may notify the City Attorney’s Office of the failure to pay. The Municipal Court shall also notify the Department of Planning and Community Development of the failure to pay the penalty, and the department shall not issue the person any future permits for any work until the monetary penalty has been paid.

C. The Municipal Court may also order a person found to have committed an infraction to make restitution.

1.26.036 Order of court – Civil nature – Modification of penalty – Community service.

A. An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

B. The Municipal Court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. If the Municipal Court determines that a person has insufficient funds to pay the monetary penalty, the Municipal Court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

1.26.037 Notice of infraction does not limit further action.

Issuance or disposition of a notice of infraction shall not limit or preclude any action or proceeding pursuant to Chapter 1.24 BIMC or BIMC 1.26.050, 1.26.060, 1.26.090, or 1.26.100.

1.26.038 Violations – Failure to provide information identifying person.

Willful refusal to provide information identifying a person as required by this section is a misdemeanor.

1.26.050 Stop work order.

A. Whenever a continuing violation of the Applicable Titles and Chapters of this Code will materially impair the Director's ability to secure compliance with such titles and chapters, or when the continuing violation threatens the environment, health, or safety of the public, the Director may issue a stop work order specifying the violation and prohibiting any work or other activity at the site.

B. The stop work order shall be posted in a conspicuous place on the property, if posting is physically possible.

C. The stop work order shall be served upon the owner, tenant, or other person responsible for the violation by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person.

D. As an alternative to subsection C of this section, the Director may file the stop work order with the Municipal Court, in which case the Municipal Court shall have the stop work order served either personally or by mail, postage prepaid, on the person named in the order at his or her address, or in accordance with subsection C of this section.

E. A failure to comply with a stop work order shall constitute a violation of the Applicable Titles and Chapters of this Code.

1.26.060 Emergency order.

A. Whenever any use or activity in violation of the Applicable Titles and Chapters of this Code threatens the environment, health, or safety of the occupants of the premises or any member of the public, the Director may issue an emergency order directing that the use or activity be immediately discontinued and the condition causing the threat to the environment, health, or safety be corrected.

B. Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance and the Director is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or the person responsible or both in the manner provided by law.

C The emergency order shall be posted in a conspicuous place on the property, if posting is physically possible.

D. The emergency order shall be served upon the owner, tenant, or other person responsible for the violation by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person.

E. As an alternative to subsection D of this section, the Director may file the emergency order with the Municipal Court, in which case the Municipal Court shall have the emergency order served either personally or by mail, postage prepaid, on the person named in the order at his or her address, or in accordance with subsection D of this section.

F. A failure to comply with an emergency order shall constitute a violation of the Applicable Titles and Chapters of this Code.

1.26.070 Review by the Director.

A. Any person affected by an order issued under BIMC 1.26.050 or 1.26.060 may request a review of the order by requesting such review within seven days after service of the order. When the last day of the period so computed is a Saturday, Sunday, or federal or city holiday, the period shall run until 4:00 p.m. on the next business day. The request shall be in writing, clearly and concisely identifying the errors of the Director, or the basis for any claimed mitigation, and upon receipt of the request, the Director shall review the materials and:

1. Determine, in the sole discretion of the Director, whether a review meeting should be held; or
2. Respond in writing denying the request for review citing the reasons for the denial. A Director's review may be denied if:
 - a. The review is being requested for an obvious or flagrant violation for which fines or penalties, but no mitigation, are required;
 - b. The review is being requested solely to seek a reduction or elimination of fines and penalties;
 - c. The review is being requested to seek a waiver or reduction of the enforcement fee;
 - d. The review is being requested for any matter relating to burning violations. If the Director determines a review meeting should be held, the Director shall notify any persons served the order and the complainant, if any, of the date, time, and place set for the review, which shall be not less than 10 nor more than 20 days after the request is received. Before the date set for the review, any person affected by the order may submit any additional written material to the Director for consideration at the review. During the administrative review, the order shall be in full force and effect until the order is corrected or the decision is overturned.

B. The review will consist of an informal review meeting held at the Department of Planning and Community Development. A representative of the Director who is familiar with the case and the applicable ordinances will attend. The Director, or representative of the Director, will explain the reasons for the issuance of the order and will listen to any additional information presented by the persons attending. At or after the review, the Director may:

1. Sustain the order;
2. Withdraw the order;
3. Continue the review to a date certain for receipt of additional information; or
4. Modify the order, which may include an extension of the compliance date.

C. The Director shall issue his or her decision within 10 working days of the date of the completion of the review and shall cause the same to be mailed by regular first class mail to the person or persons named in the order, mailed to the complainant, if possible, and filed with the Municipal Court and, if necessary, with the Kitsap County Auditor for recording on the title to the property.

D. The decision of the Director may be appealed to the City of Bainbridge Island Hearing Examiner in accordance with the Hearing Examiner's rules of procedure.

E. Unless a request for review before the Director is made in accordance with this section, an order issued under BIMC 1.26.050 or 1.26.060 shall be the final order of the Director. A copy of the order may be filed with the Municipal Court.

1.26.075 Time to comply, extensions, and revocations.

A. When calculating reasonable time for compliance for the purposes of BIMC 1.26.025 or 1.26.060, the Director shall consider the following criteria:

1. The type and degree of the violation cited in the notice or order;
2. The stated intent, if any, of a responsible party to take steps to comply;
3. The procedural requirements for obtaining a permit to carry out corrective action;
4. The complexity of the corrective action, including seasonal considerations, construction requirements, and the legal prerogatives of landlords and tenants; and
5. Any other circumstances beyond the control of the responsible party.

B. The Director may grant an extension of time for compliance with any notice of violation or order issued under BIMC 1.26.025 or 1.26.060, whether pending or final, upon finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension.

C. An extension of time granted under this section may be revoked by the Director if the Director determines:

1. That the conditions at the time the extension was granted have changed;
2. That a party is not performing corrective actions as agreed; or
3. That the extension creates an adverse effect on the public.

The date of revocation shall then be considered as the compliance date. The procedures for revocation, notification of parties, and appeal of the revocation shall be established by rule.

1.26.090 Civil penalty.

A. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any of the provisions of the Applicable Titles and Chapters of this Code shall be subject to a cumulative penalty in the amount of \$1000 per day for each violation from the date set for compliance until the date of compliance.

B. The penalty imposed by this section may be collected by civil action brought in the name of the city. The Director shall notify the City Attorney's Office in writing of the name of any person subject to the penalty, and the City Attorney's Office shall, with the assistance of the Director, take all reasonable and appropriate actions to collect the penalty.

C. The violator may show as full or partial mitigation of liability that:

1. The violation giving rise to the action was caused by the willful act, neglect, or abuse of another; or
2. Correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by the inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstances beyond the control of the violator.

1.26.100 Criminal penalties.

A. In addition to any civil penalty that may be imposed, any person violating or failing to comply with the Applicable Titles and Chapters of this Code and having a judgment entered against the person pursuant to BIMC 1.26.090 within the past five years, shall be guilty of a gross misdemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment for a period not to exceed one year, or by both such fine and imprisonment. Each day of noncompliance shall constitute a separate offense.

B. In addition to any civil penalty that may be imposed, a criminal penalty, not to exceed one year imprisonment, a fine of not more than \$5,000 per violation, or by both such fine and imprisonment, may be imposed:

1. For violations of BIMC 16.20.120.D and Section 205(c) of the Uniform Building Code as amended by BIMC 15.04.030;
2. For any other violation of the Applicable Titles and Chapters of this Code e for which corrective action is not possible; and
3. For any refusal to comply with a stop work order or an emergency order.

1.26.110 Additional relief.

The City Attorney's Office may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of the Applicable Titles and Chapters of this Code when civil or criminal penalties are inadequate to effect compliance.

Chapter 1.26
CODE ENFORCEMENT

Sections

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- ~~1.26.015~~ ~~Definitions.~~
- 1.26.020 Duty to enforce – Inspections – Duty to comply.
- 1.26.023⁵ Investigation and notice of violation.
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- ~~1.26.039~~ ~~Reserved.~~
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- 1.26.090 Civil penalty.
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- 1.26.110 Additional relief.

1.26.010 Applicability of chapter.

The provisions of this chapter shall apply to enforcement of:

- A. Chapter 2.16 BIMC;
- B. Chapter 7.01 BIMC;
- C. Chapter 8.08 BIMC;
- D. Chapter 12.40 BIMC;
- E. Chapter 13.14 BIMC;
- F. Title 15 BIMC;
- G. ~~BIMC~~ Titles 16 ~~BIMC~~; and
- H. ~~BIMC~~ Title 17 BIMC;
 - ~~— BIMC Title 12 Chapter 12.40~~
 - ~~— BIMC Title 13 Chapter 13.14~~
 - ~~— BIMC Title 2 Chapter 2.16~~
- I. ~~BIMC~~ Title 18 BIMC; and
 - ~~— BIMC Title 7 Chapters 7.01 and~~
 - ~~— BIMC Title 8 Chapter 8.08~~
 - ~~— BIMC Title 15 BIMC, and specified provisions outlined in~~
- J. ~~BIMC~~ Title 20 ~~BIMC~~;

1.26.015 Definitions

Words and phrases used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

A. “Applicable Titles and Chapters of this Code” means the titles and chapters of the Bainbridge Island Municipal Code listed in BIMC 1.26.010.

B. “Director” means the Director of Planning and Community Development and includes all other officials duly authorized by the Director of Planning and Community Development to enforce the Applicable Titles and Chapters of this Code.

C. “Municipal Court” means the Bainbridge Island Municipal Court or its successor.

For purposes of this chapter, such titles and chapters shall be referred to as “the applicable titles and chapters of this code.”

1.26.020 Duty to enforce – Inspections – Duty to comply.

A. It shall be the duty of the ~~director of planning and community development~~Director to enforce the Applicable Titles and Chapters of this Code. The ~~director~~Director may call upon other city departments and officers to assist in such enforcement. ~~Whenever used in this chapter the term “director” includes the code enforcement officer or other official duly authorized by the director.~~

~~B. Code Enforcement Officer—Definition. A city official charged with the responsibility to ensure compliance with all state, city and zoning codes and ordinances as adopted by the city council.~~

C. The ~~director~~Director may enter any building or property to perform duties imposed by the Applicable Titles and Chapters of this Code~~applicable titles and chapters of this code~~ in accordance with Chapter 1.16 BIMC.

D. This chapter and the Applicable Titles and Chapters of this Code~~applicable titles and chapters of this code~~ shall be enforced for the benefit of the health, safety, and welfare of the general public, ~~and not for the benefit of any particular person or class of persons.~~

E. It is the intent of this chapter and the Applicable Titles and Chapters of this Code~~applicable title and chapters of this code~~ to place the obligation of complying with ~~their requirements the~~ Applicable Titles and Chapters of this Code upon the owner, occupier, or other person responsible for the condition of the land and buildings ~~within the scope of the at issue~~applicable titles and chapters of this code.

F. No provisions of or term used in this chapter or the Applicable Titles and Chapters of this Code~~applicable titles and chapters of this code~~ is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

1.26.0235 Investigation and notice of violation.

A. The ~~director~~Director ~~shall~~may investigate any structure or use which the ~~director~~Director reasonably believes does not comply with the standards and requirements of the Applicable Titles and Chapters of this Code~~applicable titles and chapters of this code~~.

B. Whenever the ~~director~~ Director determines that a violation of the Applicable Titles and Chapters of this Code has occurred there ~~shall~~ may be served upon the responsible person either:

1. A notice of violation ~~and corrective order~~; or
2. A notice of infraction.

C. The ~~director~~ Director ~~shall~~ may issue a notice of violation ~~and corrective order~~; provided, that a notice of infraction shall be issued if:

1. ~~The~~ The person cited has been served with a prior notice of violation for the same violation within five (5) years;
2. ~~The~~ The person cited has committed ~~prior violations~~ the same violation of the code within five (5) years;
3. ~~The~~ The person ~~is~~ is cited ~~for failing~~ has failed to comply with a stop work order or an emergency order; or
4. ~~The~~ The violation creates an immediate threat to public health, safety, or welfare.

D. The ~~director~~ Director may issue a stop work order or emergency order in appropriate cases without regard to whether any other enforcement action has been or will be taken.

1.26.025 Notice of violation – Procedures.

A. The notice of violation shall include the following information:

1. Each standard or requirement of the Applicable Titles and Chapters of this Code that was violated;
2. What corrective action, if any, is necessary to comply with the standards or requirements of the Applicable Titles and Chapters of this Code that were violated;
3. Set a reasonable time for compliance, in accordance with BIMC 1.26.075; and

4. Specify that any subsequent violations may result in criminal prosecution as provided in BIMC 1.26.100.

In the event of violations of the standards or requirements of Chapter 16.20 BIMC, the required corrective action shall include, if appropriate, but shall not be limited to, mitigating measures such as restoration of the area and replacement of damaged or destroyed trees.

B. The notice shall be served upon the owner, tenant, or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person.

C. As an alternative to subsection B of this section, the Director may file the notice of violation with the Municipal Court, in which case the Municipal Court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of violation at his or her address, or in accordance with subsection B of this section.

D. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person or persons is unknown or service cannot be accomplished and the Director makes an affidavit to that effect, the service of the notice upon such person or persons may be made by mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address if known or if unknown, to the address of the property involved in the proceedings. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

E. A notice of violation may be amended at any time in order to correct clerical errors, cite additional authority for a stated violation, or provide an extension of time for compliance in accordance with BIMC 1.26.075.

1.26.026 Notice of infraction – Service.

The Director shall issue a notice of infraction under the circumstances described in BIMC 1.26.023.C. The director may issue a notice of infraction if the director reasonably believes that a provision of the applicable titles and chapters of this code has been violated. A notice of infraction may be served either by using one of the following methods:

A. The ~~director~~ Director serves the notice of infraction on the person named in the notice of infraction at the time of issuance; or

B. The ~~director~~ Director files the notice of infraction with the Municipal Court ~~court~~, in which case the Municipal Court ~~court~~ shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of infraction at his or her address.

1.26.027 Notice of infraction – Form – Contents.

The notice of infraction shall include the following:

A. A statement that the notice represents a determination that ~~the a civil~~ a civil infraction has been committed by the person named in the notice and that the ~~d~~ determination shall be final unless contested as provided in this chapter;

B. A statement that the civil infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

C. A statement of the specific civil infraction for which the notice was issued;

D. A statement ~~that monetary penalties as set forth below have been established for each~~
~~infraction of the monetary penalty established for the civil infraction;~~

E. A statement of the options provided in this ~~chapter ordinance~~ for responding to the notice and the procedures necessary to exercise these options;

F. A statement that at any hearing to contest the determination the city has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed; and that the person may subpoena witnesses, including the ~~authorized representative individual~~ who issued and served the notice of infraction;

~~G. A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person will be deemed to have committed the civil infraction and may not subpoena witnesses;~~

~~H.~~ A statement, which the person who has been served with the notice of infraction shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter within fifteen days;

~~I.~~ A statement that refusal to sign, as directed, the ~~infraction statement described in as directed~~
~~in~~ subsection ~~H~~ of this section is a misdemeanor and may be punished by a fine or imprisonment in jail; ~~and~~

~~J. A statement that failure to respond to a notice of infraction or to appear at a requested hearing is a misdemeanor and may be punished by a fine or imprisonment in jail; and~~

~~K.~~ A statement that a person's failure to respond to a notice of infraction or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and that this failure may be referred to the City Attorney's Office for criminal prosecution for failure to respond or appear. ~~as promised is a misdemeanor and may be punishable by a fine or imprisonment in jail.~~

1.26.028 Notice of infraction – Filing – Hearing in municipal court.

A notice of infraction shall be filed in ~~the Municipal Court~~ within 48 hours of issuance, excluding Saturdays, Sundays, and holidays. ~~The Bainbridge Island Municipal Court~~ shall have jurisdiction to hear and determine these matters.

1.26.029 Notice of infraction – Determination infraction committed.

Unless contested in accordance with this chapter, the notice of infraction represents a determination that the person to whom the notice was issued committed ~~a civil~~the infraction.

1.26.030 Notice of infraction – Response requesting a hearing – Failure to respond or appear – Order to set aside.

A. A person who receives a notice of infraction shall respond to the notice as provided in this section within 15 days of the date the notice was served.

B. If the person named in the notice of infraction does not contest the determination ~~that they committed the civil infraction~~, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the ~~Municipal Court~~ specified on the notice. A check or money order in the amount of the penalty prescribed for the ~~civil~~ infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the ~~Municipal Court~~'s records. ~~Following entry of the order, the Municipal Court shall provide, and a record of the response a copy of the order shall be furnished to the Department of Planning and Community Development (DPCD).~~

C. If the person named in the notice of infraction wishes to contest the determination ~~that they committed the civil infraction~~, the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the ~~Municipal Court~~ specified on the notice. The ~~Municipal Court~~ shall notify the person in writing of the time, place, and date of the hearing. The date of the hearing shall not be earlier than seven days nor more than 90 days from the date of the notice of the hearing, except by agreement.

D. If the person determined to have committed the civil infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the ~~Municipal Court~~ specified on the notice. The ~~Municipal Court~~ shall notify the person in writing

of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than 90 days from the date of the notice of the hearing, except by agreement.

E. The ~~Municipal Court~~ shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction, and may notify the ~~prosecuting attorney~~ City Attorney, or their designee, of the failure to respond to the notice of ~~civil~~ infraction or to appear at a requested hearing, if any person issued a notice of ~~a civil~~ infraction;

1. Fails to respond to the notice of ~~civil~~ infraction as provided in subsection B, C, or D of this section; or

2. Fails to appear at a hearing requested pursuant to either subsection C or D of this section.

-If a default judgment is entered, the ~~Municipal Court~~ shall notify the ~~DPCD~~ Department of Planning and Community Development of the entry of the default judgment, and the reason therefor.

1.26.031 Notice, failure to sign, Nonappearance – Failure to satisfy penalty.

A. A person who fails to sign a notice of ~~civil~~ infraction is guilty of a misdemeanor.

B. Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of ~~civil~~ infraction is guilty of a misdemeanor regardless of the disposition of the notice of ~~civil~~ infraction; provided, that a written promise to appear in court or a written promise to respond to a notice of ~~civil~~ infraction may be complied with by appearance of counsel.

C. A person who willfully fails to pay a fine or to perform community service as required by a court under this chapter may be found in civil contempt of a court after notice and hearing.

1.26.032 Representation by attorney.

A. A person subject to proceedings under this chapter may appear or be represented by counsel.

B. The ~~city prosecutor~~ City Attorney, or their designee, may, but need not, appear in any proceedings under this chapter.

1.26.033 Infraction – Hearing – Procedure – Burden of proof – Order – Appeal.

A. A hearing held to contest the determination that a civil infraction has been committed shall be without a jury.

B. The Municipal Court may consider the notice of infraction and any sworn statements submitted by the authorized representative individual who issued and served the notice in lieu of his or her personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the authorized representative individual who has issued and served the notice, and has the right to present evidence and examine witnesses present in court.

C. The burden of proof is on the city to establish the commission of the civil infraction by a preponderance of evidence.

D. After consideration of the evidence and argument, the Municipal Court shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the Municipal Court's records. If it has been established that a civil infraction has been committed, an appropriate order shall be entered in the Municipal Court's records.

E. An appeal from the Municipal Court's determination or order shall be to the superior court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The decision of the superior court is subject only to discretionary review pursuant to the Rules of Appellate Procedure.

1.26.034 Infraction – Explanation of mitigating circumstances.

A. A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an civil infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

B. After the Municipal Court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the Municipal Court's records.

C. There shall be no appeal from the Municipal Court's determination or order.

1.26.035 Judgment – Fine – Restitution – Costs – Attorneys’ fees.

A. Upon a finding that an ~~an -civil-~~infraction has been committed the ~~Municipal Court~~ shall enter judgment requiring:

1. Payment of a fine of not more than \$500.00 for each day of noncompliance.
2. Payment of court costs as defined by rule or statute.
3. Payment to the prevailing party of its reasonable attorneys’ fees as allowed by RCW 7.80.140.

B. Whenever a fine is imposed by ~~a court~~ the Municipal Court under this chapter it is immediately payable. If the person is unable to pay at that time, the Municipal Court ~~court~~ may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the Municipal Court ~~court~~ may proceed to collect the penalty in the same manner as other civil judgments and may notify the ~~prosecuting attorney~~ City Attorney's Office of the failure to pay. The Municipal Court ~~court~~ shall also notify the ~~Department of Planning and Community Development~~ of the failure to pay the penalty, and the department shall not issue the person any future permits for any work until the monetary penalty has been paid.

C. The Municipal Court ~~court~~ may also order a person found to have committed an civil ~~infraction~~ to make restitution.

1.26.036 Order of court – Civil nature – Modification of penalty – Community service.

A. An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the civil ~~infraction~~ was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

B. The Municipal Court ~~court~~ may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. If the Municipal Court ~~court~~ determines that a person has insufficient funds to pay the monetary penalty, the Municipal Court ~~court~~ may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

1.26.037 Notice of infraction does not limit further action.

Issuance or disposition of a notice of infraction shall not limit or preclude any action or proceeding pursuant to Chapter 1.24 BIMC or BIMC 1.26.050, 1.26.060, 1.26.090, or 1.26.100.

1.26.038 Violations – Failure to provide information identifying person.

Willful refusal to provide information identifying a person as required by this section is a misdemeanor.

~~1.26.039 Reserved.~~

~~1.26.040 Reserved.~~

1.26.050 Stop work order.

A. Whenever a continuing violation of the Applicable Titles and Chapters of this Code ~~applicable titles and chapters of this code~~ will materially impair the ~~director's~~ Director's ability to secure compliance with such titles and chapters, or when the continuing violation threatens the environment, health, or safety of the public, the ~~director~~ Director or duly authorized representative of the director, may issue a stop work order specifying the violation and prohibiting any work or other activity at the site.

B. The stop work order shall be posted in a conspicuous place on the property, if posting is physically possible.

C. The stop work order shall be served upon the owner, tenant, or other person responsible for the violation by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person.

D. As an alternative to subsection C of this section, the Director may file the stop work order with the Municipal Court, in which case the Municipal Court shall have the stop work order served either personally or by mail, postage prepaid, on the person named in the order at his or her address, or in accordance with subsection C of this section.

E. A failure to comply with a stop work order shall constitute a violation of the Applicable Titles and Chapters of this Code ~~applicable titles and chapters of this code~~.

1.26.060 Emergency order.

A. Whenever any use or activity in violation of the Applicable Titles and Chapters of this Code ~~applicable titles and chapters of this code~~ threatens the environment, health, or safety of the occupants of the premises or any member of the public, the ~~director~~ Director may issue an emergency order directing that the use or activity be immediately discontinued and the condition causing the threat to the environment, health, or safety be corrected. ~~The emergency order shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to~~

~~comply with an emergency order shall constitute a violation of the applicable titles and chapters of this code.~~

B. Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance and the ~~director~~ Director is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or the person responsible or both in the manner provided by law.

C The emergency order shall be posted in a conspicuous place on the property, if posting is physically possible.

D. The emergency order shall be served upon the owner, tenant, or other person responsible for the violation by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person.

E. As an alternative to subsection D of this section, the Director may file the emergency order with the Municipal Court, in which case the Municipal Court shall have the emergency order served either personally or by mail, postage prepaid, on the person named in the order at his or her address, or in accordance with subsection D of this section.

F. A failure to comply with an emergency order shall constitute a violation of the Applicable Titles and Chapters of this Code.

~~1.26.065 Notice of violation—Procedures.~~

~~A. The notice of violation shall state separately each standard or requirement violated, shall state what corrective action, if any, is necessary to comply with the standards or requirements, and shall set a reasonable time for compliance. The notice shall state that any subsequent violations may result in criminal prosecution as provided in BIMC 1.26.100. In the event of violations of the standards or requirements of Chapter 16.20 BIMC, the required corrective action shall include, if appropriate, but shall not be limited to, mitigating measures such as restoration of the area and replacement of damaged or destroyed trees.~~

~~B. The code enforcement officer filing the notice of violation may file with the court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the~~

~~person named in the notice of violation at his or her address, or in accordance with subsection C of this section.~~

~~C. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person.~~

~~D. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person or persons is unknown or service cannot be accomplished and the director makes an affidavit to that effect, the service of the notice upon such person or persons may be made by mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address if known or if unknown, to the address of the property involved in the proceedings.~~

~~D. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.~~

~~E. Nothing in this section shall be deemed to limit or preclude any action or proceeding pursuant to BIMC 1.26.050 or 1.26.060.~~

~~F. The director may mail, or cause to be delivered to all residential and/or nonresidential units in the structure or post at a conspicuous place on the property, a notice which informs each recipient or resident about the notice of violation, stop work order or emergency order and the applicable requirements and procedures.~~

~~G. A notice or an order may be amended at any time in order to correct clerical errors or cite additional authority for a stated violation.~~

1.26.070 Review by the ~~D~~director.

A. Any person affected by an ~~notice of violation~~order issued under BIMC 1.26.050 or 1.26.060 may request a review of the ~~notice~~order by requesting such review within seven days after service of the ~~notice~~order. When the last day of the period so computed is a Saturday, Sunday, or federal or city holiday, the period shall run until 4:00 p.m. on the next business day. The request shall be in writing, clearly and concisely identifying the errors of the ~~director~~Director, or the basis for any claimed mitigation, and upon receipt of the request, the ~~director~~Director shall review the materials and:

1. Determine, in the sole discretion of the ~~director~~Director, whether a review meeting should be held; or
2. Respond in writing denying the request for review citing the reasons for the denial. A ~~director's~~Director's review may be denied if:
 - a. The review is being requested for an obvious or flagrant violation for which fines or penalties, but no mitigation, are required;
 - b. The review is being requested solely to seek a reduction or elimination of fines and penalties;
 - c. The review is being requested to seek a waiver or reduction of the enforcement fee;
 - d. The review is being requested for any matter relating to burning violations.

If the ~~director~~Director determines a review meeting should be held, the ~~director~~Director shall notify any persons served the ~~notice of violation~~order and the complainant, if any, of the date, time, and place set for the review, which shall be not less than 10 nor more than 20 days after the request is received. Before the date set for the review, any person affected by the ~~notice of violation~~order may submit any additional written material to the ~~director~~Director for consideration at the review. During the administrative review, the order shall be in full force and effect until the order is corrected or the decision is overturned.

B. The review will consist of an informal review meeting held at the ~~D~~epartment of ~~P~~lanning and ~~C~~ommunity ~~D~~evelopment. A representative of the ~~director~~Director who is familiar with the case and the applicable ordinances will attend. The ~~director~~Director, or representative of the ~~director~~Director, will explain the reasons for the issuance of the ~~notice~~order and will listen to any additional information presented by the persons attending. At or after the review, the ~~director~~Director may:

1. Sustain the ~~notice of violation~~order;
2. Withdraw the ~~notice of violation~~order;

3. Continue the review to a date certain for receipt of additional information; or

4. Modify the ~~notice of violation~~order, which may include an extension of the compliance date.

C. The ~~director~~Director shall issue ~~an order containing the~~his or her decision within 10 working days of the date of the completion of the review and shall cause the same to be mailed by regular first class mail to the person or persons named in the ~~notice of violation~~order, mailed to the complainant, if possible, and filed with the ~~Bainbridge Island M~~municipal Court and, if necessary, with the Kitsap County ~~A~~auditor ~~if necessary~~ for recording on the title to the property.

D. The decision of the ~~director~~Director may be appealed ~~pursuant to the procedures set forth in BIMC 2.16.130 to the City of Bainbridge Island Hearing Examiner in accordance with the Hearing Examiner's rules of procedure.~~

E. Unless a request for review before the Director is made in accordance with this section, an order issued under BIMC 1.26.050 or 1.26.060 shall be the final order of the Director. A copy of the order may be filed with the Municipal Court.

1.26.075 Time to comply, extensions, and revocations.

A. When calculating reasonable time for compliance for the purposes of BIMC 1.26.025 or 1.26.060, the ~~director~~ Director shall consider the following criteria:

1. The type and degree of the violation cited in the notice or order;
2. The stated intent, if any, of a responsible party to take steps to comply;
3. The procedural requirements for obtaining a permit to carry out corrective action;
4. The complexity of the corrective action, including seasonal considerations, construction requirements, and the legal prerogatives of landlords and tenants; and
5. Any other circumstances beyond the control of the responsible party.

~~B. Unless a request for review before the director is made in accordance with BIMC 1.26.070, the notice of violation shall become the final order of the director. A copy of the notice may be filed with the Bainbridge Island municipal court. The director may choose not to file a copy of the notice or order if the notice or order is directed only to a person other than the owner of the property.~~

~~1.26.080 Extension of compliance date — Revocation.~~

~~B.A.~~ The ~~director~~ Director may grant an extension of time for compliance with any notice of violation or order issued under BIMC 1.26.025 or 1.26.060, whether pending or final, upon finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension.

~~C.B.~~ An extension of time granted under this section may be revoked by the ~~director~~ Director if the Director determines:

- ~~1. it is shown~~ T that the conditions at the time the extension was granted have changed;
 - ~~2. if the director determines~~ T that a party is not performing corrective actions as agreed;
- or

3. That if the extension creates an adverse effect on the public.

The date of revocation shall then be considered as the compliance date. The procedures for revocation, notification of parties, and appeal of the revocation shall be established by rule.

1.26.090 Civil penalty.

A. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any of the provisions of the Applicable Titles and Chapters of this Code shall be subject to a cumulative penalty in the amount of \$1,000 per day for each violation from the date set for compliance until the date of compliance.

B. The penalty imposed by this section shall may be collected by civil action brought in the name of the city. The director Director shall notify the city prosecutor City Attorney's Office in writing of the name of any person subject to the penalty, and the city prosecutor City Attorney's Office shall, with the assistance of the director Director or duly authorized representative of the director, take all reasonable and appropriate actions to collect the penalty.

C. The violator may show as full or partial mitigation of liability that:

1. The violation giving rise to the action was caused by the willful act, neglect, or abuse of another; or
2. Correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by the inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstances beyond the control of the violator.

1.26.100 Criminal penalties.

A. In addition to any civil penalty that may be imposed, any person violating or failing to comply with the Applicable Titles and Chapters of this Code~~applicable titles and chapters of this code~~ and having a judgment entered against the person pursuant to BIMC 1.26.090 within the past five years, shall be guilty of a gross misdemeanor, and shall be punished by a fine of not more than \$5,000 or by imprisonment for a period not to exceed one year, or by both such fine and imprisonment. Each day of noncompliance shall constitute a separate offense.

B. In addition to any civil penalty that may be imposed, a criminal penalty, not to exceed one year imprisonment, a fine of not more than and/or \$5,000 per violation, or by both such fine and imprisonment, may be imposed:

1. For violations of BIMC 16.20.120.D ~~and 18.123.010.D~~ and Section 205(c) of the Uniform Building Code as amended by BIMC 15.04.030;
2. For any other violation of the Applicable Titles and Chapters of this Code ~~applicable title and chapters of this code~~ for which corrective action is not possible; and
3. For any refusal to comply with a stop work order or an emergency order.

1.26.110 Additional relief.

The ~~city prosecutor~~ City Attorney's Office, ~~with the assistance of the director~~, may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of the Applicable Titles and Chapters of this Code ~~applicable titles and chapters of this code~~ when civil or criminal penalties are inadequate to effect compliance.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (9:20 PM) Agenda Bill for Consent Agenda,

SUMMARY: Consider approval of the following Consent Agenda items:

- B. Accounts Payable and Payroll
- C. City Council Study Session Minutes, January 21, 2020
- D. City Council Business Meeting Minutes, January 28, 2020
- E. Resolution No. 2020-01 Relating to a Fee Schedule Update
- F. Amendment No. 2 to the Master Lease Agreement between the City of Bainbridge Island and Friends of the Farms

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Executive

RECOMMENDED MOTION: I move to approve the Consent Agenda, as presented.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME:

AGENDA ITEM: Accounts Payable and Payroll

SUMMARY: Approve with Consent Agenda.

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Executive

RECOMMENDED MOTION: Approve with Consent Agenda

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[Report to Council of Cash Disbursements 02-12-20.pdf](#)

[Payroll.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

ACCOUNTS PAYABLE REPORT TO CITY COUNCIL OF CASH DISBURSEMENTS

CHECK RUN: January 27, 2020 - February 10, 2020

CITY COUNCIL: January 28, 2020 - February 11, 2020

Last check from previous run: 352764 dated 01/29/2020 issued to Zee Medical Service Co. for \$60.03.

Payment Type	Check Date	Check Number	Department/Vendor/Description	Amount
EFT	1/27/20	374	WA State DOR/Excise taxes - December 2019	5,169.82
ACH	1/27/20	375	COBI/Utility billing - January 2020	1,579.00
ACH	1/27/20	376	WA State DOL/Firearm dealer permits - January 2020	291.00
WIRE	1/29/20	377	WCIA/City Insurance - 2020	418,615.00
WIRE	1/31/20	379	ENG/Chicago Title/Purchase of Harrison building	8,930,933.63
VOID - EFT	1/27/20	371	WA State DOR/Print error	N/A
VOID - ACH	1/27/20	372	COBI/Print error	N/A
VOID - ACH	1/27/20	373	WA State DOL/Print error	N/A
VOID - WIRE	2/3/20	378	ENG/Chicago Title/Date error	N/A
VOID	1/29/20	352763	Jeremy Zaretsky/Void for reissue due to misspelling	N/A
Manual	1/28/20	352765	POL/AT&T/Wireless charges - January 2020	1,581.85
Manual	1/28/20	352766	CenturyLink/Weaver PRV water telemetry - January 2020	58.32
Manual	1/28/20	352767	PCD/Kelley Imaging/Copier lease	239.26
Manual	1/28/20	352768	LEGAL/Thomas Alpaugh/Public defense services - January 2020	4,484.38
Manual	1/28/20	352769	Puget Sound Energy/Green Power contract - January 2020	849.33
Manual	1/28/20	352770	PCD/Toshiba/copier lease	353.16
Manual	1/28/20	352771	WA State Dept of Labor/Volunteer hours - Q4 2019	71.93
Manual	1/28/20	352772	WA Water Service/Decant facility water - January 2020	139.73
Manual	1/28/20	352773	ENG/Whitney Equipment Co/Pump Station settlement	126,000.00
Manual	1/29/20	352774	PW/COBI/Retainage: O&M fuel system improvements	609.51
Manual	1/29/20	352775	PW/Henden Electric/O&M fuel system improvements	5,485.57
Manual	1/29/20	352776	Jeremy Zaretsky/Reissue: permit refund BLD22339	2,777.37
Manual	2/5/20	352777	Bainbridge Arts & Crafts/LTAC funding - Q4 2019	1,198.00
Manual	2/5/20	352778	CenturyLink/Citywide telemetry & fax service - January 2020	2,863.59
Manual	2/5/20	352779	COBI/SEPA Permit PLN51676: annual drainage project 2020	572.00
Manual	2/5/20	352780	CC/Brenda Fantroy-Johnson/RETF reimbursement	96.73
Manual	2/5/20	352781	Winery Alliance of Bainbridge Island/LTAC funding - Q4 2019	3,924.29

Total Manual Checks and Electronic Disbursements	9,507,893.47
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Regular Run	2/12/20	352782-352886	Total Regular Check Run	348,723.59
Total Disbursements				9,856,617.06

Retainage Release	N/A	N/A	N/A
Travel Advance	N/A	N/A	N/A

Prepared and Reviewed by  Carrie Freitas, Senior Accounting Technician

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished,
the services rendered, or the labor performed as described herein and that the claim
is a just, due, and unpaid obligation against the City of Bainbridge Island,
and that I am authorized to authenticate and certify to said claim.


Ron Logghe, Acting Accounting Manager

2/5/20
Date

EFT-Excise Dec 2019

(cf) 1/27/20

01/27/2020 08:43 |CITY OF BAINBRIDGE ISLAND
cfreitas |A/P CASH DISBURSEMENTS JOURNAL

|P 1
|apcshdsb

CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

371 01/27/2020 VOID 124 WA ST DEPT OF REVENUE .00

Invoice:

error in A/P processing resulted in no item to
Print. Voided in order to fix this error

CHECK 371 TOTAL: .00

374 01/27/2020 MANL 124 WA ST DEPT OF REVENUE 237728 2019-12 12/31/2019 EFTDEC19 5,169.82

Invoice: 2019-12

WA EXCISE - DEC 2019

82.13	91411341	553000	FINANCE - WATER EXTRNL TAXES
111.87	91421351	553000	FINANCE - SEWER - EXTRNL TAXES
3,491.29	91421351	553000	FINANCE - SEWER - EXTRNL TAXES
32.77	91421351	553000	FINANCE - SEWER - EXTRNL TAXES
7.91	91411341	553000	FINANCE - WATER EXTRNL TAXES
10.02	91411341	553000	FINANCE - WATER EXTRNL TAXES
250.22	91431383	553000	FINANCE - SSWM - EXTRNL TAXES
2,939.25	91411341	553000	FINANCE - WATER EXTRNL TAXES
417.55	91421351	553000	FINANCE - SEWER - EXTRNL TAXES
567.45	31011256	531100	EX-GF-EMERG PREP-SUPPLIES
330.70	31011256	531100	EX-GF-EMERG PREP-SUPPLIES
2.63	41011141	541100	FIN - C/E ADMIN PROF SERVICES
166.76	53011212	531100	PD-C/E-PATROL SUPPLIES
60.30	53011212	531100	PD-C/E-PATROL SUPPLIES
55.77	73421355	548100	WIN COLL-R&M
-3,356.80	91411341	553000	FINANCE - WATER EXTRNL TAXES

CHECK 374 TOTAL: 5,169.82

NUMBER OF CHECKS 2 *** CASH ACCOUNT TOTAL *** 5,169.82

	COUNT	AMOUNT
TOTAL MANUAL CHECKS	1	5,169.82
TOTAL VOIDED CHECKS	1	.00

*** GRAND TOTAL *** 5,169.82

01/27/2020 08:43 |CITY OF BAINBRIDGE ISLAND
cfreitas |A/P CASH DISBURSEMENTS JOURNAL

|P 2
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT						LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3					
2020 1 233									
APP 402-213000						ACCOUNTS PAYABLE		4,109.25	
01/27/2020	EFTDEC19	EXCISE				AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH			5,487.31
01/27/2020	EFTDEC19	EXCISE				AP CASH DISBURSEMENTS JOURNAL			
APP 403-213000						ACCOUNTS PAYABLE		250.22	
01/27/2020	EFTDEC19	EXCISE				AP CASH DISBURSEMENTS JOURNAL			
APP 001-213000						GENERAL - ACCOUNTS PAYABLE		1,127.84	
01/27/2020	EFTDEC19	EXCISE				AP CASH DISBURSEMENTS JOURNAL			
APP 401-213000						ACCOUNTS PAYABLE			317.49
01/27/2020	EFTDEC19	EXCISE				AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH		317.49	
01/27/2020	EFTDEC19	EXCISE				AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								5,804.80	5,804.80
APP 631-130000						DUE TO/FROM CLEARING		5,169.82	
01/27/2020	EFTDEC19	EXCISE							
APP 402-130000						DUE TO/FROM CLEARING			4,109.25
01/27/2020	EFTDEC19	EXCISE							
APP 403-130000						DUE TO/FROM CLEARING			250.22
01/27/2020	EFTDEC19	EXCISE							
APP 001-130000						GENERAL - DUE TO/FROM CLEARING			1,127.84
01/27/2020	EFTDEC19	EXCISE							
APP 401-130000						DUE TO/FROM CLEARING		317.49	
01/27/2020	EFTDEC19	EXCISE							
SYSTEM GENERATED ENTRIES TOTAL								5,487.31	5,487.31
JOURNAL 2020/01/233 TOTAL								11,292.11	11,292.11

01/27/2020 08:43
cfreitas

CITY OF BAINBRIDGE ISLAND
A/P CASH DISBURSEMENTS JOURNAL

P 3
apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR	PER	JNL	EFF DATE	DEBIT	CREDIT
ACCOUNT				ACCOUNT DESCRIPTION		
001 GENERAL FUND	2020	1	233	01/27/2020		
001-130000				GENERAL - DUE TO/FROM CLEARING		1,127.84
001-213000				GENERAL - ACCOUNTS PAYABLE	1,127.84	
				FUND TOTAL	1,127.84	1,127.84
401 WATER OPERATING FUND	2020	1	233	01/27/2020		
401-130000				DUE TO/FROM CLEARING	317.49	
401-213000				ACCOUNTS PAYABLE		317.49
				FUND TOTAL	317.49	317.49
402 SEWER OPERATING FUND	2020	1	233	01/27/2020		
402-130000				DUE TO/FROM CLEARING		4,109.25
402-213000				ACCOUNTS PAYABLE	4,109.25	
				FUND TOTAL	4,109.25	4,109.25
403 STORM & SURFACE WATER FUND	2020	1	233	01/27/2020		
403-130000				DUE TO/FROM CLEARING		250.22
403-213000				ACCOUNTS PAYABLE	250.22	
				FUND TOTAL	250.22	250.22
631 CLEARING FUND	2020	1	233	01/27/2020		
631-130000				DUE TO/FROM CLEARING	5,169.82	
635-111100				CASH	317.49	
635-111100				CASH		5,487.31
				FUND TOTAL	5,487.31	5,487.31

FUND		DUE TO	DUE FROM
001	GENERAL FUND		1,127.84
401	WATER OPERATING FUND		317.49
402	SEWER OPERATING FUND		4,109.25
403	STORM & SURFACE WATER FUND		250.22
631	CLEARING FUND	5,169.82	
TOTAL		5,169.82	5,169.82

** END OF REPORT - Generated by Carrie L. Freitas **

ACH - UB Jan 2020
 (CF) 1/27/20

01/27/2020 08:43 | CITY OF BAINBRIDGE ISLAND
 cfreitas | A/P CASH DISBURSEMENTS JOURNAL

| P 1
 | apcsndsb

CASH ACCOUNT: 635 111100 CASH
 CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

372 01/27/2020 VOID 103 ** NOT FOUND

Invoice:

→ error in A/P processing resulted in no item to print. Voided in order to fix this error.

CHECK 372 TOTAL: .00

375 01/27/2020 MANL 103 CITY OF BAINBRIDGE I 237729 13005JAN20 01/01/2020 ACHUBJAN 15.06
 Invoice: 13005JAN20 309 SHANNON DR

15.06 91011768 547500 GG-C/E-PARKS-WTR/SWR

Invoice: 13006JAN20

237730 13006JAN20 01/01/2020 ACHUBJAN 355.54

309 SHANNON DR DOCK
 355.54 91011768 547500 GG-C/E-PARKS-WTR/SWR

Invoice: 10461JAN20

237731 10461JAN20 01/01/2020 ACHUBJAN 527.42

289 SHANNON DR
 527.42 91011768 547500 GG-C/E-PARKS-WTR/SWR

Invoice: 10463JAN20

237732 10463JAN20 01/01/2020 ACHUBJAN 377.06

370 BRIEN DR
 377.06 91011755 547500 GG-C/E-COMMONS-WTR/SWR

Invoice: 10464JAN20

237733 10464JAN20 01/01/2020 ACHUBJAN 288.86

402 BRIEN DR
 288.86 91011755 547500 GG-C/E-COMMONS-WTR/SWR

Invoice: 11573JAN20

237734 11573JAN20 01/01/2020 ACHUBJAN 15.06

5350 CREOSOTE PL NE
 15.06 91011768 547500 GG-C/E-PARKS-WTR/SWR

CHECK 375 TOTAL: 1,579.00

NUMBER OF CHECKS 2 *** CASH ACCOUNT TOTAL *** 1,579.00

	COUNT	AMOUNT
TOTAL MANUAL CHECKS	1	1,579.00
TOTAL VOIDED CHECKS	1	.00

*** GRAND TOTAL *** 1,579.00

01/27/2020 08:43 |CITY OF BAINBRIDGE ISLAND
 cfreitas |A/P CASH DISBURSEMENTS JOURNAL

|P 2
 |apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT						LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3					
2020 1 234									
APP 001-213000						GENERAL - ACCOUNTS PAYABLE		1,579.00	
01/27/2020	ACHUBJAN	UB				AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH			1,579.00
01/27/2020	ACHUBJAN	UB				AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								1,579.00	1,579.00
APP 631-130000						DUE TO/FROM CLEARING		1,579.00	
01/27/2020	ACHUBJAN	UB							
APP 001-130000						GENERAL - DUE TO/FROM CLEARING			1,579.00
01/27/2020	ACHUBJAN	UB							
SYSTEM GENERATED ENTRIES TOTAL								1,579.00	1,579.00
JOURNAL 2020/01/234 TOTAL								3,158.00	3,158.00

01/27/2020 08:43
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|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

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|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
001 GENERAL FUND	2020 1	234	01/27/2020			
001-130000				GENERAL - DUE TO/FROM CLEARING		1,579.00
001-213000				GENERAL - ACCOUNTS PAYABLE	1,579.00	
				FUND TOTAL	1,579.00	1,579.00
631 CLEARING FUND	2020 1	234	01/27/2020			
631-130000				DUE TO/FROM CLEARING	1,579.00	
635-111100				CASH		1,579.00
				FUND TOTAL	1,579.00	1,579.00

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|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

JOURNAL ENTRIES TO BE CREATED

|P 4
|apcshdsb

FUND		DUE TO	DUE FROM
001 GENERAL FUND			1,579.00
631 CLEARING FUND		1,579.00	
	TOTAL	1,579.00	1,579.00

** END OF REPORT - Generated by Carrie L. Freitas **

ACH-FA Jan 2020
(CF) 1/27/20

01/27/2020 08:43 | CITY OF BAINBRIDGE ISLAND
cfreitas | A/P CASH DISBURSEMENTS JOURNAL

| P 1
| apcshdsb

CASH ACCOUNT: 635	111100	CASH								
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET	
INVOICE DTL DESC										
376	01/27/2020	MANL	969 DEPARTMENT OF LICENS	237735	JAN20CPL	01/21/2020		ACH-FA01	291.00	
Invoice: JAN20CPL						JAN 2020 FIREARMS				
				291.00	41654860 586000	GUN PERMIT OUT				
								CHECK	376 TOTAL:	291.00
NUMBER OF CHECKS						1	*** CASH ACCOUNT TOTAL ***		291.00	
						COUNT	AMOUNT			
TOTAL MANUAL CHECKS						1	291.00			
								*** GRAND TOTAL ***	291.00	

01/27/2020 08:43
cfreitas

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|P 2
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT						LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3					
2020 1 235									
APP 650-213000						ACCOUNTS PAYABLE		291.00	
01/27/2020	ACH-FA01	FA				AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH			291.00
01/27/2020	ACH-FA01	FA				AP CASH DISBURSEMENTS JOURNAL			
						GENERAL LEDGER TOTAL		291.00	291.00
APP 631-130000						DUE TO/FROM CLEARING		291.00	
01/27/2020	ACH-FA01	FA							
APP 650-130000						DUE TO/FROM CLEARING			291.00
01/27/2020	ACH-FA01	FA							
						SYSTEM GENERATED ENTRIES TOTAL		291.00	291.00
						JOURNAL 2020/01/235 TOTAL		582.00	582.00

01/27/2020 08:43
cfreitas

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

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|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT							
631 CLEARING FUND	2020	1	235	01/27/2020			
631-130000					DUE TO/FROM CLEARING	291.00	
635-111100					CASH		291.00
					FUND TOTAL	291.00	291.00
650 AGENCY FUND	2020	1	235	01/27/2020			
650-130000					DUE TO/FROM CLEARING		291.00
650-213000					ACCOUNTS PAYABLE	291.00	
					FUND TOTAL	291.00	291.00

01/27/2020 08:43
cfreitas

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|P 4
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
631	CLEARING FUND	291.00	
650	AGENCY FUND		291.00
TOTAL		291.00	291.00

** END OF REPORT - Generated by Carrie L. Freitas **

Wire

CF 1/29/20

01/29/2020 08:12 |CITY OF BAINBRIDGE ISLAND
cfreitas |A/P CASH DISBURSEMENTS JOURNAL

|P 1
|apcshdsb

CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

377	01/29/2020	MANL	710 WCIA	237749	14639	01/01/2020	M012820	418,615.00
Invoice: 14639								
				173,918.52	91011182	546000	GG-C/E-INSURANCE	
				62,126.94	91111182	546000	GG-STREET-INSURANCE	
				19,847.03	91411182	546000	GG-WTR-INSURANCE	
				49,336.04	91421182	546000	GG-SWR-INSURANCE	
				4,461.96	91426355	546000	GG-SIS-INSURANCE	
				25,186.79	91431182	546000	GG-SSWM-INSURANCE	
				731.07	91435838	546000	GG-DECANT-INSURANCE	
				64,965.76	91470182	546000	GG-DEV-INSURANCE	
				18,040.89	91471182	546000	GG-BLDG-INSURANCE	

CHECK 377 TOTAL: 418,615.00

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 418,615.00

	COUNT	AMOUNT
TOTAL MANUAL CHECKS	1	418,615.00

*** GRAND TOTAL *** 418,615.00

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR	PER	JNL				ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC	ACCOUNT		REF 1	REF 2	REF 3	LINE DESC			
EFF	DATE	JNL	DESC						
2020	1	259							
APP	001-213000					GENERAL - ACCOUNTS PAYABLE		173,918.52	
	01/29/2020	M012820	WIRE			AP CASH DISBURSEMENTS JOURNAL			
APP	635-111100					CASH			418,615.00
	01/29/2020	M012820	WIRE			AP CASH DISBURSEMENTS JOURNAL			
APP	101-213000					STREETS - ACCOUNTS PAYABLE		62,126.94	
	01/29/2020	M012820	WIRE			AP CASH DISBURSEMENTS JOURNAL			
APP	401-213000					ACCOUNTS PAYABLE		19,847.03	
	01/29/2020	M012820	WIRE			AP CASH DISBURSEMENTS JOURNAL			
APP	402-213000					ACCOUNTS PAYABLE		53,798.00	
	01/29/2020	M012820	WIRE			AP CASH DISBURSEMENTS JOURNAL			
APP	403-213000					ACCOUNTS PAYABLE		25,917.86	
	01/29/2020	M012820	WIRE			AP CASH DISBURSEMENTS JOURNAL			
APP	407-213000					ACCOUNTS PAYABLE		83,006.65	
	01/29/2020	M012820	WIRE			AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								418,615.00	418,615.00
APP	631-130000					DUE TO/FROM CLEARING		418,615.00	
	01/29/2020	M012820	WIRE						
APP	001-130000					GENERAL - DUE TO/FROM CLEARING			173,918.52
	01/29/2020	M012820	WIRE						
APP	101-130000					STREETS - DUE TO/FROM CLEARING			62,126.94
	01/29/2020	M012820	WIRE						
APP	401-130000					DUE TO/FROM CLEARING			19,847.03
	01/29/2020	M012820	WIRE						
APP	402-130000					DUE TO/FROM CLEARING			53,798.00
	01/29/2020	M012820	WIRE						
APP	403-130000					DUE TO/FROM CLEARING			25,917.86
	01/29/2020	M012820	WIRE						
APP	407-130000					DUE TO/FROM CLEARING			83,006.65
	01/29/2020	M012820	WIRE						
SYSTEM GENERATED ENTRIES TOTAL								418,615.00	418,615.00
JOURNAL 2020/01/259 TOTAL								837,230.00	837,230.00

FUND	YEAR	PER	JNL	EFF DATE	DEBIT	CREDIT
ACCOUNT				ACCOUNT DESCRIPTION		
001 GENERAL FUND	2020	1	259	01/29/2020		
001-130000				GENERAL - DUE TO/FROM CLEARING		173,918.52
001-213000				GENERAL - ACCOUNTS PAYABLE	173,918.52	
				FUND TOTAL	173,918.52	173,918.52
101 STREET FUND	2020	1	259	01/29/2020		
101-130000				STREETS - DUE TO/FROM CLEARING		62,126.94
101-213000				STREETS - ACCOUNTS PAYABLE	62,126.94	
				FUND TOTAL	62,126.94	62,126.94
401 WATER OPERATING FUND	2020	1	259	01/29/2020		
401-130000				DUE TO/FROM CLEARING		19,847.03
401-213000				ACCOUNTS PAYABLE	19,847.03	
				FUND TOTAL	19,847.03	19,847.03
402 SEWER OPERATING FUND	2020	1	259	01/29/2020		
402-130000				DUE TO/FROM CLEARING		53,798.00
402-213000				ACCOUNTS PAYABLE	53,798.00	
				FUND TOTAL	53,798.00	53,798.00
403 STORM & SURFACE WATER FUND	2020	1	259	01/29/2020		
403-130000				DUE TO/FROM CLEARING		25,917.86
403-213000				ACCOUNTS PAYABLE	25,917.86	
				FUND TOTAL	25,917.86	25,917.86
407 BUILDING & DEVELOPMENT FUND	2020	1	259	01/29/2020		
407-130000				DUE TO/FROM CLEARING		83,006.65
407-213000				ACCOUNTS PAYABLE	83,006.65	
				FUND TOTAL	83,006.65	83,006.65
631 CLEARING FUND	2020	1	259	01/29/2020		
631-130000				DUE TO/FROM CLEARING	418,615.00	
635-111100				CASH		418,615.00
				FUND TOTAL	418,615.00	418,615.00

FUND		DUE TO	DUE FROM
001	GENERAL FUND		173,918.52
101	STREET FUND		62,126.94
401	WATER OPERATING FUND		19,847.03
402	SEWER OPERATING FUND		53,798.00
403	STORM & SURFACE WATER FUND		25,917.86
407	BUILDING & DEVELOPMENT FUND		83,006.65
631	CLEARING FUND	418,615.00	
TOTAL		418,615.00	418,615.00

** END OF REPORT - Generated by Carrie L. Freitas **

Wire
CF 2/3/20

02/03/2020 08:07 | CITY OF BAINBRIDGE ISLAND
cfreitas | A/P CASH DISBURSEMENTS JOURNAL

| P 1
| apcshdsb

CASH ACCOUNT: 635	111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET

INVOICE DTL DESC

379	01/31/2020	MANL	9162 CHICAGO TITLE INSURA	237752	191066-NCS	01/31/2020		WIRE0131	8,930,933.63
Invoice: 191066-NCS						ENG/HARRISON BUILDING PURCHASE			
408,677.44						72311942	66100000724	PD/COURT BLDG-LAND/ROW ACQ	
8,522,256.19						72311942	66200000724	PD/COURT BLDG-CONSTR OF BLDG	

CHECK 379 TOTAL: 8,930,933.63

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 8,930,933.63

	COUNT	AMOUNT
TOTAL MANUAL CHECKS	1	8,930,933.63

*** GRAND TOTAL *** 8,930,933.63

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT						LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3					
2020 1 287									
APP 301-213000						ACCOUNTS PAYABLE		8,930,933.63	
01/31/2020 WIRE0131	WIRE					AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH			8,930,933.63
01/31/2020 WIRE0131	WIRE					AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								8,930,933.63	8,930,933.63
APP 631-130000						DUE TO/FROM CLEARING		8,930,933.63	
01/31/2020 WIRE0131	WIRE								
APP 301-130000						DUE TO/FROM CLEARING			8,930,933.63
01/31/2020 WIRE0131	WIRE								
SYSTEM GENERATED ENTRIES TOTAL								8,930,933.63	8,930,933.63
JOURNAL 2020/01/287 TOTAL								17,861,867.26	17,861,867.26

FUND	YEAR PER	JNL	EFF DATE		DEBIT	CREDIT
ACCOUNT				ACCOUNT DESCRIPTION		
301 CAPITAL CONSTRUCTION FUND	2020 1	287	01/31/2020			
301-130000				DUE TO/FROM CLEARING		8,930,933.63
301-213000				ACCOUNTS PAYABLE	8,930,933.63	
				FUND TOTAL	8,930,933.63	8,930,933.63
631 CLEARING FUND	2020 1	287	01/31/2020			
631-130000				DUE TO/FROM CLEARING	8,930,933.63	
635-111100				CASH		8,930,933.63
				FUND TOTAL	8,930,933.63	8,930,933.63

02/03/2020 08:07
cfreitas

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

|P 4
|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
301 CAPITAL CONSTRUCTION FUND			8,930,933.63
631 CLEARING FUND		8,930,933.63	
	TOTAL	8,930,933.63	8,930,933.63

** END OF REPORT - Generated by Carrie L. Freitas **

01/29/2020 09:33 |CITY OF BAINBRIDGE ISLAND
cfreitas |A/P CASH DISBURSEMENTS JOURNAL

VOID

(Cf) 1/29/20

KRS

1-29-20

|P 1
|apcshdsb

CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO CHECK RUN NET

INVOICE DTL DESC

352763 01/29/2020 VOID 9264 JEREMY ZARETZKY 237587 BLD22339 01/09/2020 -2,777.37
Invoice: BLD22339 BLD22339 R-SFR REFUND
-2,777.37 47148 322100 BUILDINGS, STRUCT. & EQ

CHECK 352763 TOTAL: -2,777.37

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** -2,777.37

COUNT AMOUNT

TOTAL VOIDED CHECKS 1 2,777.37

*** GRAND TOTAL *** -2,777.37

Payee came to C.H. to pick-up payment
& noted that there was an error
in the spelling of his name. I fixed the
error & voided the check in order
to reprint.

Void check not void
invoice. -KRS

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT						LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3					
2020 1 263									
APP 407-213000						ACCOUNTS PAYABLE			2,777.37
01/29/2020	352763 VOID					AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH		2,777.37	
01/29/2020	352763 VOID					AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								2,777.37	2,777.37
APP 631-130000						DUE TO/FROM CLEARING			2,777.37
01/29/2020 01/26/20	VOID								
APP 407-130000						DUE TO/FROM CLEARING		2,777.37	
01/29/2020 01/26/20	VOID								
SYSTEM GENERATED ENTRIES TOTAL								2,777.37	2,777.37
JOURNAL 2020/01/263 TOTAL								5,554.74	5,554.74

FUND	YEAR PER	JNL	EFF DATE		DEBIT	CREDIT
ACCOUNT				ACCOUNT DESCRIPTION		
407 BUILDING & DEVELOPMENT FUND	2020 1	263	01/29/2020			
407-130000				DUE TO/FROM CLEARING	2,777.37	
407-213000				ACCOUNTS PAYABLE		2,777.37
				FUND TOTAL	2,777.37	2,777.37
631 CLEARING FUND	2020 1	263	01/29/2020			
631-130000				DUE TO/FROM CLEARING		2,777.37
635-111100				CASH	2,777.37	
				FUND TOTAL	2,777.37	2,777.37

01/29/2020 09:33
cfreitas

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
407 BUILDING & DEVELOPMENT FUND			2,777.37
631 CLEARING FUND		2,777.37	
TOTAL		2,777.37	2,777.37

** END OF REPORT - Generated by Carrie L. Freitas **

VOID-ACH

CF 1/29/20

KRS

1-29-20

01/29/2020 09:35 | CITY OF BAINBRIDGE ISLAND
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lapcshdsb

CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE

PO

CHECK RUN

NET

INVOICE DTL DESC

373 01/27/2020 VOID 969 WA ST DEPT OF LICENS
Invoice:

.00

CHECK

373 TOTAL:

.00

NUMBER OF CHECKS 1

*** CASH ACCOUNT TOTAL ***

.00

COUNT

AMOUNT

TOTAL VOIDED CHECKS

1

.00

*** GRAND TOTAL ***

.00

Selected "process" instead of
Spooling to printer. Had to void
in order to process correctly
& generate a printable stub.

VOID
CF 2/3/20

02/05/2020 14:07 | CITY OF BAINBRIDGE ISLAND
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apcshdsb

CASH ACCOUNT: 635	111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET

INVOICE DTL DESC

378 02/03/2020 VOID 9162 CHICAGO TITLE OF WAS
Invoice:

.00

CHECK 378 TOTAL: .00

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** .00

COUNT	AMOUNT
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TOTAL VOIDED CHECKS	1 .00
---------------------	-------

*** GRAND TOTAL *** .00

Voided record # 378 due to error
in selection of the "check"(wire) date.
Replaced w/ #379.

Manual

(CF) 1/28/20

01/28/2020 11:23 | CITY OF BAINBRIDGE ISLAND
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CASH ACCOUNT: 635		111100	CASH			INV DATE	PO	CHECK RUN	NET
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE				
INVOICE DTL DESC									
352765	01/28/2020	PRTD	6420 AT&T MOBILITY	237738	287287004732X012020	01/11/2020		M012720	1,581.85
Invoice: 287287004732X012020						POL/WIRELESS CHARGES			
				1,581.85	91011215 542100	GG-C/E-PD-PHONE			
								CHECK 352765 TOTAL:	1,581.85
352766	01/28/2020	PRTD	551 CENTURYLINK	237737	6124JAN20	01/16/2020		M012720	58.32
Invoice: 6124JAN20						WEAVER PRV WATER TELEMETRY			
				58.32	91411891 542100	GG-WTR-FAC-PHONE			
								CHECK 352766 TOTAL:	58.32
352767	01/28/2020	PRTD	1971 KELLEY IMAGING SYSTE	237746	26275875	01/13/2020		M012720	239.26
Invoice: 26275875						PCD/E-STUDIO4555C LEASE			
				239.26	61470581 545000	PCD - DEV ADMIN RENTS & LEASES			
								CHECK 352767 TOTAL:	239.26
352768	01/28/2020	PRTD	7849 LAW OFFICE OF THOMAS	237741	JAN20	01/15/2020		M012720	4,484.38
Invoice: JAN20						LEGAL/JAN 2020 PUB DEF			
				4,484.38	32011281 541113	LGL-PUBLIC DEFENDER			
								CHECK 352768 TOTAL:	4,484.38
352769	01/28/2020	PRTD	1205 PUGET SOUND ENERGY	237742	4376JAN20	01/21/2020		M012720	849.33
Invoice: 4376JAN20						JAN 2020 GREEN POWER CONTRACT			
				849.33	91011189 547100	GG-C/E-CITY HALL-ELECTRIC			
								CHECK 352769 TOTAL:	849.33
352770	01/28/2020	PRTD	6714 TOSHIBA FINANCIAL SE	237747	26275874	01/13/2020		M012720	353.16
Invoice: 26275874						PCD/E-STUDIO6560C LEASE			
				353.16	61470581 545000	PCD - DEV ADMIN RENTS & LEASES			
								CHECK 352770 TOTAL:	353.16
352771	01/28/2020	PRTD	176 WA ST DEPT OF LABOR	237740	2019-Q4	01/22/2020		M012720	71.93
Invoice: 2019-Q4						Q4 2019 VOLUNTEER HOURS			
				.98	72011494 52000000996	2019-20 GW MNGT-BEN			
				19.54	51011211 520000	PD-C/E ADMIN-BENEFITS			
				5.42	55011757 520000	PD-HARBORMASTER-BENEFITS			
				45.85	31011256 520000	EX-GF-EMERG PREP-BEN			
				.14	91011176 520000	GG-C/E-WORKERS COMP SVC-ADMIN			

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CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

CHECK 352771 TOTAL: 71.93

352772 01/28/2020 PRD 5271 WASHINGTON WATER SER 237743 4815979187-JAN20 01/21/2020 M012720 139.73
Invoice: 4815979187-JAN20 JAN 2020 DECANT FACILITY WATER

139.73 91435838 547500 GG-DECANT-WATER/SEWER

CHECK 352772 TOTAL: 139.73

352773 01/28/2020 PRD 5128 WHITNEY EQUIPMENT CO 237748 01/17/20 01/17/2020 M012720 126,000.00
Invoice: 01/17/20 ENG/PUMP STATION SETTLEMENT

126,000.00 72423434 64940000782 VILLAGE PUMP STATION-SETTLEMEN

CHECK 352773 TOTAL: 126,000.00

NUMBER OF CHECKS 9 *** CASH ACCOUNT TOTAL *** 133,777.96

COUNT AMOUNT

TOTAL PRINTED CHECKS 9 133,777.96

*** GRAND TOTAL *** 133,777.96

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JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT						LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3					
2020 1 255									
APP 001-213000						GENERAL - ACCOUNTS PAYABLE		6,987.49	
01/28/2020	M012720	012820				AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH			133,777.96
01/28/2020	M012720	012820				AP CASH DISBURSEMENTS JOURNAL			
APP 401-213000						ACCOUNTS PAYABLE		58.32	
01/28/2020	M012720	012820				AP CASH DISBURSEMENTS JOURNAL			
APP 407-213000						ACCOUNTS PAYABLE		592.42	
01/28/2020	M012720	012820				AP CASH DISBURSEMENTS JOURNAL			
APP 403-213000						ACCOUNTS PAYABLE		139.73	
01/28/2020	M012720	012820				AP CASH DISBURSEMENTS JOURNAL			
APP 402-213000						ACCOUNTS PAYABLE		126,000.00	
01/28/2020	M012720	012820				AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								133,777.96	133,777.96
APP 631-130000						DUE TO/FROM CLEARING		133,777.96	
01/28/2020	M012720	012820							
APP 001-130000						GENERAL - DUE TO/FROM CLEARING			6,987.49
01/28/2020	M012720	012820							
APP 401-130000						DUE TO/FROM CLEARING			58.32
01/28/2020	M012720	012820							
APP 407-130000						DUE TO/FROM CLEARING			592.42
01/28/2020	M012720	012820							
APP 403-130000						DUE TO/FROM CLEARING			139.73
01/28/2020	M012720	012820							
APP 402-130000						DUE TO/FROM CLEARING			126,000.00
01/28/2020	M012720	012820							
SYSTEM GENERATED ENTRIES TOTAL								133,777.96	133,777.96
JOURNAL 2020/01/255 TOTAL								267,555.92	267,555.92

FUND	YEAR	PER	JNL	EFF DATE	DEBIT	CREDIT
ACCOUNT				ACCOUNT DESCRIPTION		
001 GENERAL FUND	2020	1	255	01/28/2020		
001-130000				GENERAL - DUE TO/FROM CLEARING		6,987.49
001-213000				GENERAL - ACCOUNTS PAYABLE	6,987.49	
				FUND TOTAL	6,987.49	6,987.49
401 WATER OPERATING FUND	2020	1	255	01/28/2020		
401-130000				DUE TO/FROM CLEARING		58.32
401-213000				ACCOUNTS PAYABLE	58.32	
				FUND TOTAL	58.32	58.32
402 SEWER OPERATING FUND	2020	1	255	01/28/2020		
402-130000				DUE TO/FROM CLEARING		126,000.00
402-213000				ACCOUNTS PAYABLE	126,000.00	
				FUND TOTAL	126,000.00	126,000.00
403 STORM & SURFACE WATER FUND	2020	1	255	01/28/2020		
403-130000				DUE TO/FROM CLEARING		139.73
403-213000				ACCOUNTS PAYABLE	139.73	
				FUND TOTAL	139.73	139.73
407 BUILDING & DEVELOPMENT FUND	2020	1	255	01/28/2020		
407-130000				DUE TO/FROM CLEARING		592.42
407-213000				ACCOUNTS PAYABLE	592.42	
				FUND TOTAL	592.42	592.42
631 CLEARING FUND	2020	1	255	01/28/2020		
631-130000				DUE TO/FROM CLEARING	133,777.96	
635-111100				CASH		133,777.96
				FUND TOTAL	133,777.96	133,777.96

FUND		DUE TO	DUE FROM
001	GENERAL FUND		6,987.49
401	WATER OPERATING FUND		58.32
402	SEWER OPERATING FUND		126,000.00
403	STORM & SURFACE WATER FUND		139.73
407	BUILDING & DEVELOPMENT FUND		592.42
631	CLEARING FUND	133,777.96	
TOTAL		133,777.96	133,777.96

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CASH ACCOUNT: 635	111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET

INVOICE DTL DESC

352774	01/29/2020	PRTD	102 CITY OF BAINBRIDGE I	237751	RETREQ3-811	01/13/2020	21900019	M012820	609.51
Invoice: RETREQ3-811						OM FUEL/WFP KIOSK ELEC-RET			
609.51 73311448 66300000811						O&M FUEL SYS CAP IMPR-CONSTR			
CHECK 352774 TOTAL:								609.51	

352775	01/29/2020	PRTD	8903 HENDEN ELECTRIC, INC	237750	PAYREQ3-811	01/13/2020	21900018	M012820	5,485.57
Invoice: PAYREQ3-811						FUEL TANK & WFP PAY KIOSK ELEC			
5,485.57 73311448 66300000811						O&M FUEL SYS CAP IMPR-CONSTR			
CHECK 352775 TOTAL:								5,485.57	

NUMBER OF CHECKS	2	*** CASH ACCOUNT TOTAL ***	6,095.08
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	COUNT	AMOUNT
TOTAL PRINTED CHECKS	2	6,095.08

*** GRAND TOTAL *** 6,095.08

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER	JNL						ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT							LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3						
2020 1 258										
APP 301-213000							ACCOUNTS PAYABLE		6,095.08	
01/29/2020 M012820		012920					AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100							CASH			6,095.08
01/29/2020 M012820		012920					AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL									6,095.08	6,095.08
APP 631-130000							DUE TO/FROM CLEARING		6,095.08	
01/29/2020 M012820		012920								
APP 301-130000							DUE TO/FROM CLEARING			6,095.08
01/29/2020 M012820		012920								
SYSTEM GENERATED ENTRIES TOTAL									6,095.08	6,095.08
JOURNAL 2020/01/258 TOTAL									12,190.16	12,190.16

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
301 CAPITAL CONSTRUCTION FUND	2020 1	258	01/29/2020			
301-130000				DUE TO/FROM CLEARING		6,095.08
301-213000				ACCOUNTS PAYABLE	6,095.08	
				FUND TOTAL	6,095.08	6,095.08
631 CLEARING FUND	2020 1	258	01/29/2020			
631-130000				DUE TO/FROM CLEARING	6,095.08	
635-111100				CASH		6,095.08
				FUND TOTAL	6,095.08	6,095.08

01/29/2020 08:00
cfreitas

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
301 CAPITAL CONSTRUCTION FUND			6,095.08
631 CLEARING FUND		6,095.08	
	TOTAL	6,095.08	6,095.08

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CF 1/29/20

01/29/2020 09:39 | CITY OF BAINBRIDGE ISLAND
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CASH ACCOUNT: 635	111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET

INVOICE DTL DESC

352776	01/29/2020	PRTD	9264 JEREMY ZARETZKY	237587	BLD22339	01/09/2020		01/26/20	2,777.37	
Invoice: BLD22339										
				2,777.37	47148	322100	BLD22339 R-SFR REFUND			
				BUILDINGS, STRUCT. & EQ						
								CHECK	352776 TOTAL:	2,777.37

NUMBER OF CHECKS	1	*** CASH ACCOUNT TOTAL ***	2,777.37
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	COUNT	AMOUNT
TOTAL PRINTED CHECKS	1	2,777.37

*** GRAND TOTAL *** 2,777.37

01/29/2020 09:39	CITY OF BAINBRIDGE ISLAND	P 2
cfreitas	A/P CASH DISBURSEMENTS JOURNAL	apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	LINE DESC			
2020 1 266									
APP 407-213000						ACCOUNTS PAYABLE		2,777.37	
	01/29/2020	01/26/20	REPRNT			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH			2,777.37
	01/29/2020	01/26/20	REPRNT			AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								2,777.37	2,777.37
APP 631-130000						DUE TO/FROM CLEARING		2,777.37	
	01/29/2020	01/26/20	REPRNT						
APP 407-130000						DUE TO/FROM CLEARING			2,777.37
	01/29/2020	01/26/20	REPRNT						
SYSTEM GENERATED ENTRIES TOTAL								2,777.37	2,777.37
JOURNAL 2020/01/266 TOTAL								5,554.74	5,554.74

01/29/2020 09:39
cfreitas

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND	ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
407	BUILDING & DEVELOPMENT FUND	2020	1	266	01/29/2020			
	407-130000					DUE TO/FROM CLEARING		2,777.37
	407-213000					ACCOUNTS PAYABLE	2,777.37	
						FUND TOTAL	2,777.37	2,777.37
631	CLEARING FUND	2020	1	266	01/29/2020			
	631-130000					DUE TO/FROM CLEARING	2,777.37	
	635-111100					CASH		2,777.37
						FUND TOTAL	2,777.37	2,777.37

FUND		DUE TO	DUE FROM
407 BUILDING & DEVELOPMENT FUND			2,777.37
631 CLEARING FUND		2,777.37	
	TOTAL	2,777.37	2,777.37

** END OF REPORT - Generated by Carrie L. Freitas **

Manual
CF 2/5/20

02/05/2020 11:00 | CITY OF BAINBRIDGE ISLAND
cfreitas | A/P CASH DISBURSEMENTS JOURNAL

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CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

352777 02/05/2020 PRD 5202 BAINBRIDGE ARTS & CR 237754 Q4 2019 12/31/2019 M020320 1,198.00
Invoice: Q4 2019 Q4 2019 LTAC: OFF ISLAND ADVERTI
1,198.00 91140573 541100 GG-TOUR-PROF SERVICES

CHECK 352777 TOTAL: 1,198.00

352778 02/05/2020 PRD 551 CENTURYLINK 237990 0399JAN20 01/23/2020 M020320 2,863.59
Invoice: 0399JAN20 CITYWIDE TELEMETRY & FAX SVC
1,549.86 91425358 542100 GG-WWTP-TELEPHONE/FAX
754.09 91411891 542100 GG-WTR-FAC-PHONE
72.22 91011755 542100 GG-C/E-COMMONS-PHONE
146.08 91011189 542100 GG-C/E-CITY HALL-PHONE
216.00 91011897 542100 GG-C/E-O&M YARD FAC-PHONE
69.89 91011255 542100 GG-C/E-COURT BLDG-PHONE
55.45 91011215 542100 GG-C/E-PD-PHONE

CHECK 352778 TOTAL: 2,863.59

352779 02/05/2020 PRD 634 CITY OF BAINBRIDGE I 237991 PLN51676 01/28/2020 M020320 572.00
Invoice: PLN51676 ENG/SEPA PERMIT: PLN51676
572.00 72431835 54980001058 2020 ANNUAL DRAINAGE PRJ-PERMI

CHECK 352779 TOTAL: 572.00

352780 02/05/2020 PRD 9392 BRENDA FANTROY-JOHNS 237757 20001 01/31/2020 M020320 96.73
Invoice: 20001 CC/RETF REIMBURSEMENT: BUTTONS
96.73 11011116 531100 COUNCIL - SUPPLIES

CHECK 352780 TOTAL: 96.73

352781 02/05/2020 PRD 7175 WINERY ALLIANCE OF B 237755 908 12/31/2019 M020320 3,924.29
Invoice: 908 Q4 2019 LTAC - "WINE ON THE ROCK"
3,924.29 91140573 541100 GG-TOUR-PROF SERVICES

CHECK 352781 TOTAL: 3,924.29

02/05/2020 11:00
cfreitas

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

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NUMBER OF CHECKS 5 *** CASH ACCOUNT TOTAL *** 8,654.61

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	5	8,654.61

*** GRAND TOTAL *** 8,654.61

02/05/2020 11:00 |CITY OF BAINBRIDGE ISLAND
cfreitas |A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT						LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3					
2020 2 30									
APP 104-213000						CIVIC IMPR - ACCOUNTS PAYABLE		5,122.29	
02/05/2020	M020320	020520				AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100						CASH			8,654.61
02/05/2020	M020320	020520				AP CASH DISBURSEMENTS JOURNAL			
APP 402-213000						ACCOUNTS PAYABLE		1,549.86	
02/05/2020	M020320	020520				AP CASH DISBURSEMENTS JOURNAL			
APP 401-213000						ACCOUNTS PAYABLE		754.09	
02/05/2020	M020320	020520				AP CASH DISBURSEMENTS JOURNAL			
APP 001-213000						GENERAL - ACCOUNTS PAYABLE		656.37	
02/05/2020	M020320	020520				AP CASH DISBURSEMENTS JOURNAL			
APP 403-213000						ACCOUNTS PAYABLE		572.00	
02/05/2020	M020320	020520				AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL								8,654.61	8,654.61
APP 631-130000						DUE TO/FROM CLEARING		8,654.61	
02/05/2020	M020320	020520							
APP 104-130000						CIVIC IMPR DUE TO/FROM CLEAR'G			5,122.29
02/05/2020	M020320	020520							
APP 402-130000						DUE TO/FROM CLEARING			1,549.86
02/05/2020	M020320	020520							
APP 401-130000						DUE TO/FROM CLEARING			754.09
02/05/2020	M020320	020520							
APP 001-130000						GENERAL - DUE TO/FROM CLEARING			656.37
02/05/2020	M020320	020520							
APP 403-130000						DUE TO/FROM CLEARING			572.00
02/05/2020	M020320	020520							
SYSTEM GENERATED ENTRIES TOTAL								8,654.61	8,654.61
JOURNAL 2020/02/30 TOTAL								17,309.22	17,309.22

02/05/2020 11:00
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JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
001 GENERAL FUND	2020 2	30	02/05/2020			
001-130000				GENERAL - DUE TO/FROM CLEARING		656.37
001-213000				GENERAL - ACCOUNTS PAYABLE	656.37	
				FUND TOTAL	656.37	656.37
104 CIVIC IMPROVEMENT FUND	2020 2	30	02/05/2020			
104-130000				CIVIC IMPR DUE TO/FROM CLEAR'G		5,122.29
104-213000				CIVIC IMPR - ACCOUNTS PAYABLE	5,122.29	
				FUND TOTAL	5,122.29	5,122.29
401 WATER OPERATING FUND	2020 2	30	02/05/2020			
401-130000				DUE TO/FROM CLEARING		754.09
401-213000				ACCOUNTS PAYABLE	754.09	
				FUND TOTAL	754.09	754.09
402 SEWER OPERATING FUND	2020 2	30	02/05/2020			
402-130000				DUE TO/FROM CLEARING		1,549.86
402-213000				ACCOUNTS PAYABLE	1,549.86	
				FUND TOTAL	1,549.86	1,549.86
403 STORM & SURFACE WATER FUND	2020 2	30	02/05/2020			
403-130000				DUE TO/FROM CLEARING		572.00
403-213000				ACCOUNTS PAYABLE	572.00	
				FUND TOTAL	572.00	572.00
631 CLEARING FUND	2020 2	30	02/05/2020			
631-130000				DUE TO/FROM CLEARING	8,654.61	
635-111100				CASH		8,654.61
				FUND TOTAL	8,654.61	8,654.61

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JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
001 GENERAL FUND		656.37
104 CIVIC IMPROVEMENT FUND		5,122.29
401 WATER OPERATING FUND		754.09
402 SEWER OPERATING FUND		1,549.86
403 STORM & SURFACE WATER FUND		572.00
631 CLEARING FUND	8,654.61	
TOTAL	8,654.61	8,654.61

** END OF REPORT - Generated by Carrie L. Freitas **

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CASH ACCOUNT: 635		111100	CASH			INV DATE	PO	CHECK RUN	NET
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INVOICE DTL DESC			
352782	02/12/2020	PRTD	9249 911 SUPPLY INC	237821	84777	01/17/2020		02/09/20	54.38
	Invoice: 84777					POL/UNIFORM STARS FOR NEW CHIEF			
				54.38	51011211 520000	PD-C/E ADMIN-BENEFITS			
						CHECK	352782	TOTAL:	54.38
352783	02/12/2020	PRTD	9394 ABELL-CLAYTON, VIRGI	237835	83933	02/04/2020		02/09/20	281.21
	Invoice: 83933					UB 10127 1527 ARTHUR PLACE			
				281.21	411 122100	WATER ACCOUNTS RECEIVABLE			
						CHECK	352783	TOTAL:	281.21
352784	02/12/2020	PRTD	5 ACE HARDWARE	237822	45815/1	01/24/2020		02/09/20	6.43
	Invoice: 45815/1					PW/FASTENERS			
				6.43	73011183 531100	O&M-C/E-CH FAC-SUPPLIES			
	Invoice: 45811/1			237823	45811/1	01/24/2020		02/09/20	23.40
				23.40	73411345 531100	PW/WIRE BRUSH, TAP, GORILLA TAPE			
						OFFICE SUPPLIES			
	Invoice: 45809/1			237824	45809/1	01/24/2020		02/09/20	45.77
						PW/TARP			
				45.77	73011897 531100	O&M-C/E-PWY FAC-SUPPLIES			
	Invoice: 45790/1			237825	45790/1	01/23/2020		02/09/20	55.85
						PW/STORM PREP SUPPLIES			
				55.85	73111256 53110001054	2020 STORM PREP-STRT-SUPPLIES			
	Invoice: 45763/1			237826	45763/1	01/21/2020		02/09/20	27.24
						PW/BATTERIES			
				27.24	73011897 531100	O&M-C/E-PWY FAC-SUPPLIES			
	Invoice: 45746/1			237827	45746/1	01/17/2020		02/09/20	51.38
						PW/TORCH KIT, PARTS TRAY, FASTENERS			
				51.38	73421355 531100	WIN COLL-SUPPLIES			
	Invoice: 45738/1			237828	45738/1	01/16/2020		02/09/20	5.44
						PW/CLEANER			
				5.44	73421355 531100	WIN COLL-SUPPLIES			
	Invoice: 45720/1			237829	45720/1	01/14/2020		02/09/20	45.18
						PW/WWTP FACILITY SUPPLIES			
				45.18	73425358 531100	O&M-WWTP-SUPPLIES			
						CHECK	352784	TOTAL:	260.69
352785	02/12/2020	PRTD	9391 AIR FLO HEATING	237830	BLD24409	01/29/2020		02/09/20	48.16
	Invoice: BLD24409					PERMIT REFUND BLD24409			
				48.16	47148 322100	BUILDINGS, STRUCT. & EQ			

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CASH ACCOUNT: 635		111100	CASH			INV DATE	PO	CHECK RUN	NET
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE				
INVOICE DTL DESC									

						CHECK	352785	TOTAL:	48.16
352786	02/12/2020	PRTD	7994 PENINSULA SERVICES	237758	92771	12/31/2019		02/09/20	32.00
Invoice: 92771				32.00	21011125 541100	CRT/MOBILE SHREDDING			
						COURT - PROFESSIONAL SERVICES			
				237759	92629	12/31/2019		02/09/20	64.00
Invoice: 92629				64.00	51011211 541100	POL/MOBILE SHREDDING			
						PD-C/E-ADM-PROF SVCS			
						CHECK	352786	TOTAL:	96.00
352787	02/12/2020	PRTD	8991 ALLIANCE 2020, INC	237863	574599	01/31/2020		02/09/20	299.54
Invoice: 574599				299.54	33011161 544000	HR/BACKGROUND CHECKS			
						HR-C/E-ADVERTISING			
						CHECK	352787	TOTAL:	299.54
352788	02/12/2020	PRTD	8672 ALLSTREAM	237831	16630291	02/01/2020		02/09/20	952.36
Invoice: 16630291				952.36	41637891 542100	CITYWIDE PHNS SVC FEB 20			
						FIN - ALLOC TELEPHONE			
						CHECK	352788	TOTAL:	952.36
352789	02/12/2020	PRTD	4739 COLIN HYDE POST #172	237832	200201	01/18/2020		02/09/20	90.00
Invoice: 200201				90.00	31011256 54500000830	EX/AM RADIO RENT			
						EMERG AM RADIO STATION-RENTS			
						CHECK	352789	TOTAL:	90.00
352790	02/12/2020	PRTD	4710 ASSOCIATED PETROLEU	237843	0157885-IN	01/16/2020		02/09/20	989.12
Invoice: 0157885-IN				989.12	73638893 532000	PW/382 GAL DIESEL			
						O&M-FUEL USE-ALLOCATION			
				237844	0158136-IN	01/16/2020		02/09/20	1,184.03
Invoice: 0158136-IN				1,184.03	73638932 532000	PW/500 GAL UNLEADED			
						O&M-FUEL ALLOC TO OTH DEPTS			
				237845	0157706-IN	01/14/2020		02/09/20	1,647.45
Invoice: 0157706-IN				1,647.45	73638893 532000	PW/660 GAL DIESEL			
						O&M-FUEL USE-ALLOCATION			
				237846	0157433-IN	01/14/2020		02/09/20	581.56
Invoice: 0157433-IN				581.56	73638932 532000	PW/248 GAL UNLEADED			
						O&M-FUEL ALLOC TO OTH DEPTS			

CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC									
		237847	0156262-IN	01/09/2020	02/09/20	643.93			
Invoice: 0156262-IN				PW/275 GAL UNLEADED					
		643.93	73638932 532000	O&M-FUEL ALLOC TO OTH DEPTS					
		237848	0156261-IN	01/09/2020	02/09/20	198.62			
Invoice: 0156261-IN				PW/49.1 GAL DIESEL					
		198.62	73638893 532000	O&M-FUEL USE-ALLOCATION					
		237849	0155405-IN	01/07/2020	02/09/20	856.51			
Invoice: 0155405-IN				PW/355 GAL UNLEADED					
		856.51	73638932 532000	O&M-FUEL ALLOC TO OTH DEPTS					
		237850	0155404-IN	01/07/2020	02/09/20	525.12			
Invoice: 0155404-IN				PW/180 GAL DIESEL					
		525.12	73638893 532000	O&M-FUEL USE-ALLOCATION					
		237851	0153446-IN	01/02/2020	02/09/20	327.75			
Invoice: 0153446-IN				PW/100 GAL DIESEL					
		327.75	73638893 532000	O&M-FUEL USE-ALLOCATION					
		237852	0153447-IN	01/02/2020	02/09/20	1,185.97			
Invoice: 0153447-IN				PW/502 GAL UNLEADED					
		1,185.97	73638932 532000	O&M-FUEL ALLOC TO OTH DEPTS					
					CHECK	352790 TOTAL:	8,140.06		
352791	02/12/2020	PRTD	7821 AUS WEST LOCKBOX	237760	1991531604	12/05/2019	02/09/20	53.99	
Invoice: 1991531604						PW/LAUNDRY SERVICE			
				53.99	73638893 589310	LAUNDRY SERVICES			
				237854	1991600156	01/23/2020	02/09/20	50.15	
Invoice: 1991600156						PW/LAUNDRY SERVICE			
				50.15	73638893 589310	LAUNDRY SERVICES			
				237855	1991590368	01/16/2020	02/09/20	50.15	
Invoice: 1991590368						PW/LAUNDRY SERVICE			
				50.15	73638893 589310	LAUNDRY SERVICES			
					CHECK	352791 TOTAL:	154.29		
352792	02/12/2020	PRTD	9146 ARCHIVESOCIAL, INC	237856	9942	01/03/2020	02/09/20	2,388.00	
Invoice: 9942						IT/SOCIAL MEDIA ARCHIVING SERVICES			
				2,388.00	81011881 548500	IT - C/E COMPUTER SUPPORT			
					CHECK	352792 TOTAL:	2,388.00		
352793	02/12/2020	PRTD	4365 AUTOMATIC FUNDS TRAN	237858	113702	01/23/2020	02/09/20	3,113.41	
Invoice: 113702						FIN/B&O RETURNS 2019			
				1,619.08	41011141 541100	FIN - C/E ADMIN PROF SERVICES			

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CASH ACCOUNT: 635			111100		CASH													
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET									
										INVOICE DTL DESC								
										1,494.33	41011141	542500	FIN-C/E-ADM-POSTAGE/SHIPPING					
													CHECK	352793	TOTAL:	3,113.41		
352794	02/12/2020	PRTD	54 BAINBRIDGE RENTAL IN	237859	CON#57767	01/21/2020		02/09/20	142.14									
					Invoice: CON#57767	PW/BAR OIL, MIX OIL												
					142.14	73111427	531100	OFFICE SUPPLIES										
													CHECK	352794	TOTAL:	142.14		
352795	02/12/2020	PRTD	55 SOUND PUBLISHING, IN	237860	BIR887592	01/24/2020		02/09/20	267.99									
					Invoice: BIR887592	PCD/RFP: WETLAND & STREAMS												
					267.99	61011581	544000	PCD - C/E ADMIN ADVERTISING										
					237861	BIR887569	01/17/2020	02/09/20	99.17									
					Invoice: BIR887569	CC/ORD 2019-40												
					99.17	11011113	544000	COUNCIL - LEGAL NOTICES										
					237862	BIR886807	01/10/2020	02/09/20	48.40									
					Invoice: BIR886807	ENG/NOCC: 2190052												
					48.40	72111421	54400001029	2019 CHIP SEAL - ADS										
					237864	BIR885092	01/03/2020	02/09/20	96.81									
					Invoice: BIR885092	CC/ORD 2019-40												
					96.81	11011113	544000	COUNCIL - LEGAL NOTICES										
					237865	BIR884527	01/03/2020	02/09/20	158.19									
					Invoice: BIR884527	ENG/PN: 2020 SMALL WORKS ROSTER												
					158.19	71011321	544000	PW - C/E ADVERTISING										
													CHECK	352795	TOTAL:	670.56		
352796	02/12/2020	PRTD	5412 BENEFIT ADMINISTRATI	237866	2001509	01/24/2020		02/09/20	500.80									
					Invoice: 2001509	JAN 2020 HSA CARD SERVICES												
					55.09	21011125	520000	COURT - BENEFITS										
					90.14	31011131	520000	EX-GF-BEN										
					80.13	41011141	520000	FIN - C/E ADMIN BENEFITS										
					55.09	51011211	520000	PD-C/E ADMIN-BENEFITS										
					45.07	61011581	520000	PCD - C/E ADMIN BENEFITS										
					160.26	71011321	520000	PW - C/E BENEFITS										
					15.02	81011881	520000	IT - C/E ADMIN BENEFITS										
													CHECK	352796	TOTAL:	500.80		
352797	02/12/2020	PRTD	7178 BAINBRIDGE ISL CHILD	237761	Q4 2019	12/31/2019		02/09/20	1,095.26									
					Invoice: Q4 2019	Q4 2019 COMMUNITY SERVICES FUN												
					1,095.26	31017540	54110000297	EX-BI CHILD CARE/B&G CLUB										

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CASH ACCOUNT: 635	111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
INVOICE DTL DESC									
								CHECK 352797 TOTAL:	1,095.26
352798	02/12/2020	PRTD	5202 BAINBRIDGE ARTS & CR	237762	Q4-2019	12/31/2019		02/09/20	3,750.00
			Invoice: Q4-2019						
			Q4 2019 CULTURAL FUNDING - OPERATING S						
			3,750.00 31011732 54110000297 EX-GF-CULTURAL ARTS & SCIENCES						
								CHECK 352798 TOTAL:	3,750.00
352799	02/12/2020	PRTD	64 BAINBRIDGE ISLAND AR	237763	1976	12/31/2019		02/09/20	6,000.00
			Invoice: 1976						
			Q4 2019 PAC ADMIN SUPPORT						
			6,000.00 31024759 54110200297 PUBLIC ART-MNGT SVCS						
								CHECK 352799 TOTAL:	6,000.00
352800	02/12/2020	PRTD	5923 THE BLOEDEL RESERVE	237765	INV-00165	01/14/2020		02/09/20	7,500.00
			Invoice: INV-00165						
			2019 CULTURAL FUNDING - CREATIVE RE						
			7,500.00 31011732 54110000297 EX-GF-CULTURAL ARTS & SCIENCES						
								CHECK 352800 TOTAL:	7,500.00
352801	02/12/2020	PRTD	360 BUILDERS FIRSTSOURCE	237867	80377933	01/24/2020		02/09/20	25.06
			Invoice: 80377933						
			PW/SAWZALL BLADE						
			25.06 73111256 53110001054 2020 STORM PREP-STRT-SUPPLIES						
			237868 44314961 01/24/2020 02/09/20 5,684.78						
			Invoice: 44314961						
			PW/LUMBER						
			5,684.78 73111264 531100 O&M-STREET-TRAF CONTROL-SUPPLY						
			237869 80370638 01/23/2020 02/09/20 6.08						
			Invoice: 80370638						
			PW/STORM PREP SUPPLIES						
			6.08 73111256 53110001054 2020 STORM PREP-STRT-SUPPLIES						
			237870 80300598 01/09/2020 02/09/20 52.85						
			Invoice: 80300598						
			PW/SCREWS, STAKES						
			52.85 73011768 531100 O&M-C/E-PARKS-SUPPLIES						
								CHECK 352801 TOTAL:	5,768.77
352802	02/12/2020	PRTD	460 CITY OF BAINBRIDGE I	237872	POL-2020-01	01/31/2020		02/09/20	73.10
			Invoice: POL-2020-01						
			POL/PETTY CASH REIMB JAN 20						
			34.25 91011215 542500 GG-C/E-PD-POSTAGE						
			6.00 51011211 53110000589 PD-COMM OUTREACH-SUPPLIES						
			5.45 51011211 53110000933 PD AWARDS GALA-SUPPLIES						
			27.40 91011215 542500 GG-C/E-PD-POSTAGE						

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CASH ACCOUNT: 635		111100	CASH														
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET								
INVOICE DTL DESC																	
										CHECK	352802	TOTAL:					73.10
352803	02/12/2020	PRTD	103 CITY OF BAINBRIDGE I	237949	22000026	02/04/2020		02/09/20	96.99								
Invoice: 22000026						PW/JAN 2020 WELL WATER USE											
						61.01	73421355	547500	O&M-SWR-CITY WATER/SEWER BILL								
						35.98	73431835	547500	O&M-SSWM MAINT-CITY WTR/SWR								
										CHECK	352803	TOTAL:					96.99
352804	02/12/2020	PRTD	106 CITY OF POULSBOROUGH	237873	GEN0000273	01/24/2020		02/09/20	7,500.00								
Invoice: GEN0000273						POL/Q1 NAVIGATOR SUPPORT											
						7,500.00	53011212	541100	POLICE - C/E PATROL PROF SVCS								
										CHECK	352804	TOTAL:					7,500.00
352805	02/12/2020	PRTD	518 WA ST CRIMINAL JUSTICE	237766	201133944	01/22/2020		02/09/20	200.00								
Invoice: 201133944						POL/PRE-SUPERVISOR: NORTON											
						200.00	53011212	443410	POLICE - C/E PATROL TRAINING								
										CHECK	352805	TOTAL:					200.00
352806	02/12/2020	PRTD	8435 COATES DESIGN INC	237934	124246-2019	01/21/2020		02/09/20	16,442.02								
Invoice: 124246-2019						DESIGN SERVICES-POLICE & COURT											
						16,442.02	72311942	64110000724	PD/COURT BLDG-PROF SVCS/DESIGN								
						237950	124246-2020			01/21/2020 02/09/20							
Invoice: 124246-2020						DESIGN SERVICES-POLICE & COURT											
						4,510.00	72311942	64110000724	PD/COURT BLDG-PROF SVCS/DESIGN								
										CHECK	352806	TOTAL:					20,952.02
352807	02/12/2020	PRTD	142 COPIERS NORTHWEST INC	237875	INV2088083	01/22/2020		02/09/20	923.96								
Invoice: INV2088083						EX,FIN/IRC7565I LEASE & OVERAGE											
						461.98	31011131	545000	EX-GF-RENTS & LEASES								
						461.98	41011141	545000	FIN - C/E ADMIN RENTS & LEASES								
										CHECK	352807	TOTAL:					923.96
352808	02/12/2020	PRTD	4950 CORRECT EQUIPMENT INC	237768	40140	08/21/2019		02/09/20	11,772.00								
Invoice: 40140						2010-2019 GRINDER PUMP MAINTEN											
						11,772.00	73426355	54810000562	GRINDER PUMP MAINT CONTRACT								
						237769	40708			12/04/2019 02/09/20							
Invoice: 40708						2010-2019 GRINDER PUMP MAINTEN											
						-1,549.37	73426355	54810000562	GRINDER PUMP MAINT CONTRACT								

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CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
INVOICE DTL DESC									
Invoice: 40935									
				237770	40935	12/31/2019		02/09/20	-1,036.40
									2010-2019 GRINDER PUMP MAINTEN
				-1,036.40	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40690									
				237771	40690	12/03/2019		02/09/20	853.70
									2010-2019 GRINDER PUMP MAINTEN
				853.70	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40577									
				237772	40577	11/13/2019		02/09/20	3,289.66
									2010-2019 GRINDER PUMP MAINTEN
				3,289.66	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40557									
				237773	40557	11/12/2019		02/09/20	1,137.69
									2010-2019 GRINDER PUMP MAINTEN
				1,137.69	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40452									
				237774	40452	11/01/2019		02/09/20	125.00
									2010-2019 GRINDER PUMP MAINTEN
				125.00	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40374									
				237775	40374	10/21/2019		02/09/20	1,327.62
									2010-2019 GRINDER PUMP MAINTEN
				1,327.62	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40355									
				237776	40355	10/15/2019		02/09/20	2,457.95
									2010-2019 GRINDER PUMP MAINTEN
				2,457.95	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40359									
				237777	40359	10/15/2019		02/09/20	2,261.45
									2010-2019 GRINDER PUMP MAINTEN
				2,261.45	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40354									
				237778	40354	10/15/2019		02/09/20	2,957.21
									2010-2019 GRINDER PUMP MAINTEN
				2,957.21	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40294									
				237779	40294	10/08/2019		02/09/20	40.88
									2010-2019 GRINDER PUMP MAINTEN
				40.88	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40293									
				237780	40293	10/08/2019		02/09/20	3,723.44
									2010-2019 GRINDER PUMP MAINTEN
				3,723.44	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40257									
				237781	40257	10/02/2019		02/09/20	3,395.35
									2010-2019 GRINDER PUMP MAINTEN
				3,395.35	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40227									
				237782	40227	09/24/2019		02/09/20	2,834.00
									2010-2019 GRINDER PUMP MAINTEN
				2,834.00	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			

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CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
INVOICE DTL DESC									
Invoice: 40191				237783	40191	09/20/2019		02/09/20	2,793.18
				2010-2019 GRINDER PUMP MAINTEN					
				2,793.18	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40172				237784	40172	09/18/2019		02/09/20	3,436.77
				2010-2019 GRINDER PUMP MAINTEN					
				3,436.77	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 39922				237785	39922	08/05/2019		02/09/20	2,880.33
				2010-2019 GRINDER PUMP MAINTEN					
				2,880.33	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 39612				237786	39612	06/19/2019		02/09/20	2,376.20
				2010-2019 GRINDER PUMP MAINTEN					
				2,376.20	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 39572				237787	39572	06/12/2019		02/09/20	1,035.50
				2010-2019 GRINDER PUMP MAINTEN					
				1,035.50	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 39564				237788	39564	06/11/2019		02/09/20	2,834.00
				2010-2019 GRINDER PUMP MAINTEN					
				2,834.00	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 39226				237789	39226	04/18/2019		02/09/20	2,997.50
				2010-2019 GRINDER PUMP MAINTEN					
				2,997.50	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 39154				237790	39154	04/08/2019		02/09/20	2,932.10
				2010-2019 GRINDER PUMP MAINTEN					
				2,932.10	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
Invoice: 40934				237953	40934	01/30/2020		02/09/20	577.96
				PW/GRINDER PUMP MAINT					
				577.96	73426355 54810000562	GRINDER PUMP MAINT CONTRACT			
CHECK 352808 TOTAL:									55,453.72
352809	02/12/2020	PRTD	8226 CROSS MATCH TECHNOLO	237878	307458	01/22/2020		02/09/20	177.67
Invoice: 307458				POL/SILICONE PLATENS X10 PER PACK					
				177.67	51011215 531100	POLICE - C/E FACIL SUPPLIES			
CHECK 352809 TOTAL:									177.67
352810	02/12/2020	PRTD	6363 LN CURTIS & SONS	237879	INV356951	01/29/2020		02/09/20	703.05
Invoice: INV356951				POL/CARRIERS: JB, CK, WS					
				703.05	53011212 520000	POLICE - C/E PATROL BENEFITS			
Invoice: INV356564				237880	INV356564	01/28/2020		02/09/20	43.96
				POL/POUCH: BENKERT					

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CASH ACCOUNT: 635			111100	CASH						
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET	
INVOICE DTL DESC										
				43.96	53011212 520000	POLICE - C/E PATROL BENEFITS				
Invoice: INV355365				237881	INV355365	01/23/2020	02/09/20		176.14	
				176.14	53011212 520000	POL/HOLSTER				
						POLICE - C/E PATROL BENEFITS				
Invoice: INV354131				237882	INV354131	01/20/2020	02/09/20		6,549.06	
				6,549.06	53011212 53110000499	POL/BODY ARMOR X6 (W/ CARRIERS & PLATES)				
						BVP-BULLETPROOF VESTS-PURCHASE				
Invoice: INV351440				237883	INV351440	01/10/2020	02/09/20		59.06	
				59.06	53011212 520000	POL/NAME TAGES ON CARRIERS X3				
						POLICE - C/E PATROL BENEFITS				
						CHECK	352810 TOTAL:		7,531.27	
352811	02/12/2020	PRTD	7016 CUSTOM PRINTING	237814	9114	12/31/2019	02/09/20		67.85	
Invoice: 9114				67.85	72011322 531100	ENG/BIZ CARDS: NYLUND				
						ENG - C/E PLANS SUPPLIES				
Invoice: 9119				237884	9119	01/14/2020	02/09/20		67.85	
				67.85	11011116 531100	CC/BIZ CARDS: MEDINA				
						COUNCIL - SUPPLIES				
Invoice: 9088				237885	9088	01/14/2020	02/09/20		67.85	
				67.85	11011116 531100	CC/BIZ CARDS: SCHNEIDER				
						COUNCIL - SUPPLIES				
Invoice: 9118				237886	9118	01/13/2020	02/09/20		67.85	
				67.85	73637891 531100	PW/BIZ CARDS: BARTHOLOMEW				
						OFFICE SUPPLIES				
Invoice: 9117				237887	9117	01/10/2020	02/09/20		67.85	
				67.85	73637891 531100	PW/BIZ CARDS: COOPER (M)				
						OFFICE SUPPLIES				
Invoice: 9116				237888	9116	01/08/2020	02/09/20		90.15	
				90.15	55011757 531100	POL/BOAT-TRAILER PARKING PASSES				
						PD-HARBORMASTER-SUPPLIES				
Invoice: 9115				237889	9115	01/01/2020	02/09/20		135.71	
				135.71	11011116 531100	CC/BIZ CARDS: MP, KH				
						COUNCIL - SUPPLIES				
						CHECK	352811 TOTAL:		565.11	
352812	02/12/2020	PRTD	7357 THE DOCTORS CLINIC	237791	OMF6 DEC19	01/15/2020	02/09/20		75.00	
Invoice: OMF6 DEC19				75.00	73637891 541100	PW/OCC HEALTH SERVICES				
						PROFESSIONAL SERVICES				

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CASH ACCOUNT: 635 111100 CASH					INV DATE	PO	CHECK RUN	NET
CHECK NO	CHK DATE	TYPE VENDOR NAME	VOUCHER	INVOICE	INVOICE DTL DESC			
Invoice: OMF6 AUG19			237792	OMF6 AUG19	09/16/2019		02/09/20	125.00
					PW/OCC HEALTH SVCS			
			125.00	73637891 541100	PROFESSIONAL SERVICES			
					CHECK	352812	TOTAL:	200.00
352813	02/12/2020	PRTD 9396 DRISCOLL, MICHAEL	237838	83935	02/04/2020		02/09/20	186.19
		Invoice: 83935			UB 12897 464 SEED PATH NW			
			186.19	411 122100	WATER ACCOUNTS RECEIVABLE			
					CHECK	352813	TOTAL:	186.19
352814	02/12/2020	PRTD 672 DSC INC	237890	99832	01/14/2020		02/09/20	68.21
		Invoice: 99832			PW/TIRE INFLATOR, GAUGE			
			68.21	73011897 531100	O&M-C/E-PWY FAC-SUPPLIES			
			237892	99831	01/14/2020		02/09/20	609.53
		Invoice: 99831			PW/HOSE FITTINGS			
			609.53	73011897 531100	O&M-C/E-PWY FAC-SUPPLIES			
			237893	99828	01/14/2020		02/09/20	41.76
		Invoice: 99828			PW/HOOK CLEVIS GRAB			
			41.76	73111427 531100	OFFICE SUPPLIES			
					CHECK	352814	TOTAL:	719.50
352815	02/12/2020	PRTD 9148 DUENDE PRESS	237894	619	01/28/2020		02/09/20	3,212.50
		Invoice: 619			EX/FEB NEWSLETTER			
			3,212.50	31011572 54110001015	NEWSLETTER-PROF SVCS			
					CHECK	352815	TOTAL:	3,212.50
352816	02/12/2020	PRTD 8975 ECONORTHWEST	237935	22065	12/31/2019		02/09/20	4,620.00
		Invoice: 22065			INCLUSIONARY ZONING AND TDR			
			4,620.00	61011586 54110000930	COMP PLAN IMPL-PROF SVCS			
					CHECK	352816	TOTAL:	4,620.00
352817	02/12/2020	PRTD 9389 EMAU, PETER & MARGO	237736	83841	01/24/2020		02/09/20	24.35
		Invoice: 83841			UB 11297 8176 HIGH SCHOOL LOOP NE			
			24.35	411 122100	WATER ACCOUNTS RECEIVABLE			
					CHECK	352817	TOTAL:	24.35

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CASH ACCOUNT: 635		111100	CASH										NET
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN					
INVOICE DTL DESC													

352818	02/12/2020	PRTD	8870 EN POINTE TECHNOLOGI	237895	901064438	01/24/2020		02/09/20					2,627.07
			Invoice: 901064438			IT/MS 365 SW LICENSES							
				2,627.07	81011881 535100	IT - C/E COMPUTER SOFTWARE							
								CHECK	352818	TOTAL:			2,627.07
352819	02/12/2020	PRTD	8336 ENVIROISSUES, INC.	237795	240-004-000-2	01/13/2020		02/09/20					1,635.50
			Invoice: 240-004-000-2			EX/SP-NB INT IMPRVS							
				1,635.50	31321953 64245000715	SP CLUB/NB INTERSECTN-OUTREACH							
								CHECK	352819	TOTAL:			1,635.50
352820	02/12/2020	PRTD	212 FABRICARE 02 - PLANT	237896	02/02/20	02/02/2020		02/09/20					275.17
			Invoice: 02/02/20			POL/LAUNDRY SERVICE							
				119.43	51011211 520000	PD-C/E ADMIN-BENEFITS							
				68.92	52011212 520000	POLICE - C/E INVEST BENEFITS							
				74.48	53011212 520000	POLICE - C/E PATROL BENEFITS							
				12.34	55011757 520000	PD-HARBORMASTER-BENEFITS							
								CHECK	352820	TOTAL:			275.17
352821	02/12/2020	PRTD	216 FEDERAL EXPRESS CORP	237815	6-907-09588	01/24/2020		02/09/20					104.68
			Invoice: 6-907-09588			ENG/SHIPPING							
				104.68	72637319 53110000809	WATER QUAL FLOW MONIT-SUPPLIES							
								CHECK	352821	TOTAL:			104.68
352822	02/12/2020	PRTD	1953 FERGUSON ENTERPRISES	237898	7863865	01/08/2020		02/09/20					1,056.66
			Invoice: 7863865			PW/WELL SITE MX SUPPLIES							
				1,056.66	73011897 531100	O&M-C/E-PWY FAC-SUPPLIES							
								CHECK	352822	TOTAL:			1,056.66
352823	02/12/2020	PRTD	1953 FERGUSON ENTERPRISES	237897	0843782	01/10/2020		02/09/20					122.44
			Invoice: 0843782			PW/WELL SITE MX SUPPLIES							
				122.44	73011897 531100	O&M-C/E-PWY FAC-SUPPLIES							
								CHECK	352823	TOTAL:			122.44
352824	02/12/2020	PRTD	8709 PLATFORM DESIGN LLC	237936	3-2019	12/31/2019		02/09/20					13,199.00
			Invoice: 3-2019			ISLAND CENTER SUBAREA PLANNING							
				13,199.00	61011586 54110000930	COMP PLAN IMPL-PROF SVCS							

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CASH ACCOUNT: 635			111100		CASH													
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET									
										INVOICE DTL DESC								
										CHECK	352824	TOTAL:	13,199.00					
352825	02/12/2020	PRTD	86 PRYOR LEARNING SOLUT	237926	5465163	01/28/2020		02/09/20	199.00									
Invoice: 5465163					POL/TRAINING RENEWAL													
			199.00	51011217	443410	PD-C/E-PARKING ENF-TRAINING												
										CHECK	352825	TOTAL:	199.00					
352826	02/12/2020	PRTD	231 GALLS, LLC	237899	014726202	01/10/2020		02/09/20	30.73									
Invoice: 014726202					POL/NAME TAG: NOEL													
			30.73	53011212	520000	POLICE - C/E PATROL BENEFITS												
Invoice: 014667559					POL/COMMENDATION BARS													
			228.90	51011211	531100	PD-C/E-ADM-SUPPLIES												
										CHECK	352826	TOTAL:	259.63					
352827	02/12/2020	PRTD	187 GOV'T FINANCE OFFICE	237901	0229620	01/28/2020		02/09/20	150.00									
Invoice: 0229620					FIN/2020-2021 MEMBERSHIP: CM													
			150.00	41011141	549100	FIN-C/E-DUES, SUBS, MEMBERSHIPS												
										CHECK	352827	TOTAL:	150.00					
352828	02/12/2020	PRTD	513 GRAINGER	237902	9421210114	01/23/2020		02/09/20	279.01									
Invoice: 9421210114					PW/LIFT STATION MX SUPPLIES													
			279.01	73421355	531100	WIN COLL-SUPPLIES												
										CHECK	352828	TOTAL:	279.01					
352829	02/12/2020	PRTD	252 H.D. FOWLER COMPANY	237903	I5374848	01/22/2020		02/09/20	623.50									
Invoice: I5374848					PW/HYDRANT MX SUPPLIES													
			623.50	73411345	531100	OFFICE SUPPLIES												
										CHECK	352829	TOTAL:	623.50					
352830	02/12/2020	PRTD	252 H.D. FOWLER COMPANY	237904	I5371303	01/16/2020		02/09/20	989.69									
Invoice: I5371303					PW/WWTP MX SUPPLIES													
			989.69	73425358	531100	O&M-WWTP-SUPPLIES												
										CHECK	352830	TOTAL:	989.69					
352831	02/12/2020	PRTD	253 HACH COMPANY	237905	11796610	01/15/2020		02/09/20	620.91									
Invoice: 11796610					PW/DPD FREE REFILL VIALS													
			620.91	73411345	531100	OFFICE SUPPLIES												

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CASH ACCOUNT: 635		111100	CASH				INV DATE	PO	CHECK RUN	NET	
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE						
INVOICE DTL DESC											
									CHECK	352838 TOTAL:	1,664.02
352839	02/12/2020	PRTD	1496 KITSAP COUNTY SEWER	237955	KCSD7-COBI-2020-FEB	02/01/2020		02/09/20		20,938.31	
Invoice: KCSD7-COBI-2020-FEB					PW/FEB 2020: 344.55 ERU						
					20,938.31	73426356	551000	SIS-SD#7 PROCESSING CHGS			
									CHECK	352839 TOTAL:	20,938.31
352840	02/12/2020	PRTD	199 KITSAP ECONOMIC DEVE	237799	SBI-4Q-19	01/01/2020		02/09/20		2,500.00	
Invoice: SBI-4Q-19					EX/ECON DEVEL SVCS Q4 2019						
					2,500.00	31011586	54110000297	EX-GF-ECON DEV PLANNING			
									CHECK	352840 TOTAL:	2,500.00
352841	02/12/2020	PRTD	1971 KELLEY IMAGING SYSTE	237912	IN625457	01/15/2020		02/09/20		418.56	
Invoice: IN625457					POL/COLOR OVERAGES						
					209.28	51011211	548100	PD-C/E-ADMIN REPAIRS			
					83.71	52011212	548100	POLICE - C/E INVEST REPAIRS			
					125.57	53011212	548100	POLICE - C/E PATROL MAINTENANC			
					237915	IN625459		01/15/2020	02/09/20	576.00	
Invoice: IN625459					PW/TOS4515AC BASE CHARGE						
					576.00	73637891	531100	OFFICE SUPPLIES			
									CHECK	352841 TOTAL:	994.56
352842	02/12/2020	PRTD	1802 KITSAP CONSERVATION	237940	2019-4	01/15/2020		02/09/20		21,731.58	
Invoice: 2019-4					FARMLAND SSWM PLANNING						
					10,865.79	72011593	55100000871	FARMLAND SSWM PLANNING-KCDONLY			
					10,865.79	72431835	55100000871	FARMLAND SSWM PLANNING-KCDONLY			
									CHECK	352842 TOTAL:	21,731.58
352843	02/12/2020	PRTD	9393 KITSAP PUBLIC UTILIT	237833	83931	02/04/2020		02/09/20		500.00	
Invoice: 83931					GB Customer ID 2478 Bill #22000006						
					500.00	11154	322405	ROW PERMIT-BULK			
									CHECK	352843 TOTAL:	500.00
352844	02/12/2020	PRTD	694 KITSAP PUD #1	237916	NOV19-JAN30	01/16/2020		02/09/20		38.83	
Invoice: NOV19-JAN30					WATER/LOT 1 BELFAIR AVE						
					38.83	91011768	547500	GG-C/E-PARKS-WTR/SWR			
									CHECK	352844 TOTAL:	38.83

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CASH ACCOUNT: 635			111100		CASH											
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN							NET	
INVOICE DTL DESC																

352845	02/12/2020	PRTD	7089 KITSAP SAFETY	237918	15669	01/15/2020		02/09/20							844.71	
Invoice: 15669						PW/LIFT STATION MX SUPPLIES										
				844.71	73421355	531100	WIN COLL-SUPPLIES									
								CHECK	352845	TOTAL:					844.71	
352846	02/12/2020	PRTD	309 KITSAP TIRE CENTER I	237914	225972	01/24/2020		02/09/20							4.36	
Invoice: 225972						PW/SCRAP TIRE DISP										
				4.36	73638935	531100	O&M-STD ALLOCATION-SUPPLIES									
								CHECK	352846	TOTAL:					4.36	
352847	02/12/2020	PRTD	7970 LUNT, JOHN	237917	013120-005	01/31/2020		02/09/20							112.50	
Invoice: 013120-005						CC/POSTER FOR COUNCIL CHAMBERS										
				112.50	11011116	531100	COUNCIL - SUPPLIES									
								CHECK	352847	TOTAL:					112.50	
352848	02/12/2020	PRTD	9390 MATHEWS ELECTRIC COR	237800	2492	08/31/2019		02/09/20							1,447.50	
Invoice: 2492						ENG/WFP BRIDGE E-REPAIR										
				1,447.50	72111562	66300000778	WFP BRIDGE REDECKING-LIGHTING									
								CHECK	352848	TOTAL:					1,447.50	
352849	02/12/2020	PRTD	9397 MILLENNIAL BUILDERS	237839	83936	02/04/2020		02/09/20							129.09	
Invoice: 83936						UB 13115 8605 RESERVE WAY										
				129.09	411	122100	WATER ACCOUNTS RECEIVABLE									
								CHECK	352849	TOTAL:					129.09	
352850	02/12/2020	PRTD	8866 MILLER, JON	237919	01/18/20	01/18/2020		02/09/20							150.00	
Invoice: 01/18/20						DAMAGE DEPOSIT REFUND										
				150.00	41625860	586000	SC/COMMONS ROOM DEP-DISBURSEME									
								CHECK	352850	TOTAL:					150.00	
352851	02/12/2020	PRTD	9263 BELLEVUE PRINTING LL	237920	51288	01/30/2020		02/09/20							7,731.74	
Invoice: 51288						EX/FEB NEWSLETTER										
				2,138.22	31011572	54250001015	NEWSLETTER-POSTAGE									
				5,593.52	31011572	54950001015	NEWSLETTER-PRINTING									
								CHECK	352851	TOTAL:					7,731.74	

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CASH ACCOUNT: 635			111100		CASH													
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN									NET	
INVOICE DTL DESC																		

352852	02/12/2020	PRTD	4708 MULTIFORCE SYSTEMS C	237801	918870	10/22/2019		02/09/20									2,109.16	
			Invoice: 918870						IT/O&M FUEL SYST SW MAINT									
					2,109.16	81011881	548500			IT - C/E COMPUTER SUPPORT								
									CHECK	352852	TOTAL:					2,109.16		
352853	02/12/2020	PRTD	4815 NATIONAL ASSOCIATION	237993	7145	02/04/2020		02/09/20									300.00	
			Invoice: 7145						POL/FTO REFRESHER: KOON, ENGET									
					300.00	53011212	443410			POLICE - C/E PATROL TRAINING								
									CHECK	352853	TOTAL:					300.00		
352854	02/12/2020	PRTD	2574 NATIONAL BARRICADE C	237802	285093	12/24/2019		02/09/20									5,499.05	
			Invoice: 285093						PW/SSWM GUIDE POSTS									
					5,499.05	431	141100			STRM DRN-INVENTORY								
									CHECK	352854	TOTAL:					5,499.05		
352855	02/12/2020	PRTD	2430 OGDEN MURPHY WALLACE	237803	833684	01/24/2020		02/09/20									41,489.82	
			Invoice: 833684						LEGAL/PROF SVCS DEC 2019									
					2,483.50	32470152	54111100844			LIT-CLARK ADMIN APPEAL								
					252.00	32470152	54111100893			LIT-CAINION APA SUP CT								
					17,961.37	32011152	54111101021			DUNN PRR CLAIM								
					4,439.75	32011152	54111101047			LIT-SCHULZE PRA SUIT								
					1,047.50	32470152	54111101059			LIT-CLARK COMPLAINT (SUP. CT.)								
					1,326.00	32470152	54111101060			URBAN BAINBRIDGE LLC(SUP. CT.)								
					2,362.50	32011152	54111001020			SMALL CELL WIRELESS ORD								
					255.50	32011152	54111001048			LGL-KPUD FRANCHISE								
					1,093.50	32011152	54111001046			LGL-PSE FRANCHISE								
					5,323.50	32470152	54111001061			TITLE 19 REVISIONS								
					786.70	32011152	541110			LGL-GF-LEGAL ADVICE								
					535.50	91011211	541110			GG-C/E-CIVIL SVC-LEGAL ADVICE								
					1,795.50	32470152	54111100897			LIT-PRESERVE RESP SHORELINE								
					1,827.00	32470152	54111401056			HEX-WINSLOW HOTEL(OMW)								
									CHECK	352855	TOTAL:					41,489.82		
352856	02/12/2020	PRTD	7925 OMNIPARK, INC	237921	121179	02/01/2020		02/09/20									379.32	
			Invoice: 121179						POL/PARKING SYST SUPPORT									
					379.32	51011217	548500			PD-C/E-PARKING ENF-COMP SUPPOR								
									CHECK	352856	TOTAL:					379.32		
352857	02/12/2020	PRTD	8954 ONE WAY BACKFLOW TES	237804	PAYREQ12-510-2019	01/31/2020		02/09/20									160.00	
			Invoice: PAYREQ12-510-2019						2019 ANNUAL BACKFLOW TESTING									
					160.00	73411349	54110000510			BACKFLOW TEST-PRO SVCS								

CASH ACCOUNT: 635		111100	CASH						
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
INVOICE DTL DESC									
Invoice: PAYREQ5-510-2019				237948	PAYREQ5-510-2019	08/05/2019		02/09/20	2,176.00
				2019 ANNUAL BACKFLOW TESTING					
				2,176.00	73411349 54110000510	BACKFLOW TEST-PRO SVCS			
				CHECK 352857 TOTAL:					2,336.00
352858	02/12/2020	PRTD	6921 MUNICIPAL CLERKS ASS	237922	2020 DUES	01/27/2020		02/09/20	100.00
Invoice: 2020 DUES				EXCC/2020 ORMCA DUES					
				100.00	36011143 549100	CLERK-DUES/SUBSCR/MEMBRSHPS			
				CHECK 352858 TOTAL:					100.00
352859	02/12/2020	PRTD	8286 SUPERINTENDENT OF P	237923	15847	01/21/2020		02/09/20	271.50
Invoice: 15847				POL/FINGERPRINTING					
				271.50	65438 386110	AGENCY-FINGERPRINT REV TO SPI			
				CHECK 352859 TOTAL:					271.50
352860	02/12/2020	PRTD	8895 OVATION! PERFORMING	237944	COBI#6	01/27/2020		02/09/20	3,125.00
Invoice: COBI#6				Q4 2019 CULTURAL FUNDING					
				3,125.00	31011732 54110000297	EX-GF-CULTURAL ARTS & SCIENCES			
				CHECK 352860 TOTAL:					3,125.00
352861	02/12/2020	PRTD	4129 OWEN EQUIPMENT COMPA	237924	00096340	01/16/2020		02/09/20	25.19
Invoice: 00096340				PW/STRAIGHT SWIVEL					
				25.19	73421355 531100	WIN COLL-SUPPLIES			
				CHECK 352861 TOTAL:					25.19
352862	02/12/2020	PRTD	7153 PORT MADISON ENTERPR	237925	77125	01/24/2020		02/09/20	1,508.31
Invoice: 77125				PW/GRAVEL					
				1,508.31	73111423 531100	OFFICE SUPPLIES			
				CHECK 352862 TOTAL:					1,508.31
352863	02/12/2020	PRTD	408 ROLLING BAY COMMERCI	237927	986342	01/20/2020		02/09/20	4,197.30
Invoice: 986342				CRT/FEB 2020 RENT					
				4,197.30	21011125 545000	COURT - RENTS & LEASES - OPER			
				CHECK 352863 TOTAL:					4,197.30

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CASH ACCOUNT: 635		111100	CASH			INV DATE	PO	CHECK RUN	NET
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE				
INVOICE DTL DESC									

352864	02/12/2020	PRTD	9291 ROOST NEIGHBORHOOD P	237834	83932	02/04/2020	02/09/20		469.27
Invoice: 83932						UB 13219 4566 FLYING GOAT AVE NE C-200			
				158.58	421 122100	SEWER ACCOUNTS RECEIVABLE			
				41.67	421 122100	SEWER ACCOUNTS RECEIVABLE			
				55.39	421 122100	SEWER ACCOUNTS RECEIVABLE			
				158.28	421 122100	SEWER ACCOUNTS RECEIVABLE			
				55.35	421 122100	SEWER ACCOUNTS RECEIVABLE			
						CHECK	352864 TOTAL:		469.27
352865	02/12/2020	PRTD	617 S & B INC	237928	25431A	01/28/2020	02/09/20		991.90
Invoice: 25431A						PW/FLETCHER BAY WELL SITE MX			
				991.90	73411345 531100	OFFICE SUPPLIES			
						CHECK	352865 TOTAL:		991.90
352866	02/12/2020	PRTD	9198 ELAINE SALOT	237929	02/02/20	02/02/2020	02/09/20		150.00
Invoice: 02/02/20						DAMAGE DEPOSIT REFUND			
				150.00	41625860 586000	SC/COMMONS ROOM DEP-DISBURSEME			
						CHECK	352866 TOTAL:		150.00
352867	02/12/2020	PRTD	7385 CHARLES P. SHANE	237806	002350-2019	01/27/2020	02/09/20		191.25
Invoice: 002350-2019						LEGAL/PUB DEF SVCS 2019			
				191.25	32011281 541113	LGL-PUBLIC DEFENDER			
				237933	002350-2020	01/27/2020	02/09/20		75.00
Invoice: 002350-2020						LEGAL/PUB DEF SVCS JAN 2020			
				75.00	32011281 541113	LGL-PUBLIC DEFENDER			
						CHECK	352867 TOTAL:		266.25
352868	02/12/2020	PRTD	2035 SIX ROBBLEES INC	237930	2-725295	01/24/2020	02/09/20		113.01
Invoice: 2-725295						PW/HYDROLIC OIL			
				113.01	73111252 53110001055	2020 STORM RESP-STRT-SUPPLIES			
				237931	2-724959	01/22/2020	02/09/20		1,813.23
Invoice: 2-724959						PW/BRACKET, VIBRATOR			
				1,813.23	73111252 53110001055	2020 STORM RESP-STRT-SUPPLIES			
						CHECK	352868 TOTAL:		1,926.24
352869	02/12/2020	PRTD	601 SOUND REPROGRAPHICS	237956	75711	01/27/2020	02/09/20		263.71
Invoice: 75711						CC/CHAMBER POSTER 2020			
				263.71	11011116 549500	COUNCIL-C/E-COPIES/PRINTING			

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CASH ACCOUNT: 635			111100		CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN			NET	
INVOICE DTL DESC												
Invoice: 75454-A				237957	75454-A	01/10/2020		02/09/20			-1.00	
				-1.00	11011116 531100	CC/OVERPAYMENT INV 75454						
						CHECK	352869	TOTAL:			262.71	
352870 02/12/2020 PRTD 2122 STERICYCLE INC				237958	3004979217	01/27/2020		02/09/20			23.06	
Invoice: 3004979217						POL/BIOHAZARD DISPOSAL						
				23.06	51011211 541100	PD-C/E-ADM-PROF SVCS						
						CHECK	352870	TOTAL:			23.06	
352871 02/12/2020 PRTD 2122 SHRED-IT USA				237945	8128429243	10/22/2019		02/09/20			385.73	
Invoice: 8128429243						EXCC/SHRED SERVICES						
				385.73	36011143 541100	CLERK-C/E-PROF SVCS						
Invoice: 8127786787				237946	8127786787	07/22/2019		02/09/20			255.38	
						EXCC/SHRED SERVICES						
				255.38	36011143 541100	CLERK-C/E-PROF SVCS						
Invoice: 8127138034				237947	8127138034	04/22/2019		02/09/20			268.72	
						EXCC/SHRED SERVICES						
				268.72	36011143 541100	CLERK-C/E-PROF SVCS						
						CHECK	352871	TOTAL:			909.83	
352872 02/12/2020 PRTD 8244 THE HOME DEPOT PRO				237910	530789734	01/14/2020		02/09/20			723.32	
Invoice: 530789734						PW/MX SUPPLIES						
				723.32	73637948 531100	O&M ALLOC-CITY WIDE SUPPLIES						
						CHECK	352872	TOTAL:			723.32	
352873 02/12/2020 PRTD 6746 SYMBOL ARTS				237959	0347064-IN	01/22/2020		02/09/20			479.60	
Invoice: 0347064-IN						POL/TIE BARS X50						
				48.00	53011212 531100	PD-C/E-PATROL SUPPLIES						
				431.60	52011212 531100	POLICE - C/E INVEST SUPPLIES						
						CHECK	352873	TOTAL:			479.60	
352874 02/12/2020 PRTD 8243 TILZ				237962	31334	01/31/2020		02/09/20			420.00	
Invoice: 31334						PW/JAN 2020 YARD WASTE						
				420.00	73111427 531100	OFFICE SUPPLIES						
						CHECK	352874	TOTAL:			420.00	

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CASH ACCOUNT: 635			111100	CASH								
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN		NET		
INVOICE DTL DESC												

352875	02/12/2020	PRTD	6714 TOSHIBA FINANCIAL SE	237960	26339591	01/22/2020		02/09/20		210.58		
Invoice: 26339591						CRT/E-STUDIO3005AC LEASE						
				210.58	21011125	545000			COURT - RENTS & LEASES - OPER			
									CHECK	352875 TOTAL:	210.58	
352876	02/12/2020	PRTD	7964 TRANS4MEDIA, LLC	237961	5761	01/16/2020		02/09/20		250.00		
Invoice: 5761						EX/WSF VIDEO PROGRAM						
				250.00	31111444	54245001018			SUSTAINABLE TRANS-OUTREACH			
									CHECK	352876 TOTAL:	250.00	
352877	02/12/2020	PRTD	1152 USA BLUE BOOK	237807	982794	08/16/2019		02/09/20		590.08		
Invoice: 982794						PW/WELL SITE MX SUPPLIES						
				590.08	73411345	531100			OFFICE SUPPLIES			
				237808	985339	08/20/2019		02/09/20		187.83		
Invoice: 985339						PW/OM SAFETY SUPPLIES						
				187.83	73637891	531100			OFFICE SUPPLIES			
				237809	974987	08/08/2019		02/09/20		257.92		
Invoice: 974987						PW/OM SAFETY SUPPLIES						
				257.92	73637891	531100			OFFICE SUPPLIES			
									CHECK	352877 TOTAL:	1,035.83	
352878	02/12/2020	PRTD	1162 WASHINGTON AUDIOLOGY	237810	57027	12/31/2019		02/09/20		40.00		
Invoice: 57027						PW/OCC HEALTH TESTING						
				40.00	73637891	541100			PROFESSIONAL SERVICES			
									CHECK	352878 TOTAL:	40.00	
352879	02/12/2020	PRTD	1162 WASHINGTON AUDIOLOGY	237811	57026	12/31/2019		02/09/20		160.00		
Invoice: 57026						POL,PW/OCC HEALTH TESTING						
				60.00	73637891	541100			PROFESSIONAL SERVICES			
				100.00	53011212	541100			POLICE - C/E PATROL PROF SVCS			
									CHECK	352879 TOTAL:	160.00	
352880	02/12/2020	PRTD	952 WASHINGTON STATE PAT	237963	I20004932	02/05/2020		02/09/20		119.25		
Invoice: I20004932						FIN/JAN 2020 BG CHECKS						
				119.25	41654861	586100			AGENCY DISBURSEMENTS			
									CHECK	352880 TOTAL:	119.25	

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CASH ACCOUNT: 635			111100		CASH													
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET									
										INVOICE DTL DESC								

352881	02/12/2020	PRTD	512 WABO - WASHINGTON AS	237964	1401	01/28/2020		02/09/20	250.00									
Invoice: 1401				250.00	62471594 443410	PCD/REG: TINY HOUSE, IRC		BLDG - BLDG TRAINING TRAVEL										
				237965	1396	01/28/2020		02/09/20	375.00									
Invoice: 1396				375.00	62471594 443410	PCD/REG: TINY HOUSE, IRC, GATEKEEPING		BLDG - BLDG TRAINING TRAVEL										
				237966	1397	01/28/2020		02/09/20	375.00									
Invoice: 1397				375.00	62471594 443410	PCD/REG: IBC, WSEC, IRC		BLDG - BLDG TRAINING TRAVEL										
				237967	1398	01/28/2020		02/09/20	375.00									
Invoice: 1398				375.00	62471594 443410	PCD/REG: IBC, LEG & HR, IEBC		BLDG - BLDG TRAINING TRAVEL										
				237968	1399	01/28/2020		02/09/20	375.00									
Invoice: 1399				375.00	62471594 443410	PCD/REG: WSEC, IBC, IRC		BLDG - BLDG TRAINING TRAVEL										
				237969	1400	01/28/2020		02/09/20	250.00									
Invoice: 1400				250.00	62471594 443410	PCD/REG: IRC, BLUEBEAM REVU		BLDG - BLDG TRAINING TRAVEL										
										CHECK	352881 TOTAL:	2,000.00						
352882	02/12/2020	PRTD	7551 WASHINGTON TRACTOR I	237970	2001643	01/24/2020		02/09/20	69.54									
Invoice: 2001643				69.54	73011183 531100	PW/GASKET, FUEL PUMP VEH 154		O&M-C/E-CH FAC-SUPPLIES										
										CHECK	352882 TOTAL:	69.54						
352883	02/12/2020	PRTD	2175 WEST SOUND WILDLIFE	237813	Q4-2019	01/23/2020		02/09/20	2,137.50									
Invoice: Q4-2019				2,137.50	91011393 541100	WILDLIFE CONTROL SVCS Q1 2019		FIN - C/E ANIMAL CONTROL FEES										
										CHECK	352883 TOTAL:	2,137.50						
352884	02/12/2020	PRTD	499 WESTBAY AUTO PARTS I	237978	513921	01/15/2020		02/09/20	198.02									
Invoice: 513921				198.02	73638935 531100	PW/SHOP SUPPLIES		O&M-STD ALLOCATION-SUPPLIES										
				237979	513560	01/13/2020		02/09/20	361.76									
Invoice: 513560				180.88	73111423 531100	PW/VEH 33 BRAKE CALIPERS, PADS		OFFICE SUPPLIES										
				180.88	73111427 531100	OFFICE SUPPLIES												
				237980	515915	01/24/2020		02/09/20	21.63									

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CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

Invoice: 515915

PW/EOC TRAILER LIGHTING
21.63 73111256 53110001054 2020 STORM PREP-STRT-SUPPLIES

Invoice: 511410

237981 511410 01/03/2020 02/09/20 162.90
PW/ALTERNATOR FOR VACTOR
162.90 73637941 531100 VACTOR R&M-SUPPLIES

Invoice: 514229

237982 514229 01/16/2020 02/09/20 16.68
PW/LAMPS
16.68 990 141100 MERCHANDISE

Invoice: 512685-2020

237983 512685-2020 01/09/2020 02/09/20 -141.77
PW/RETURNS: FILTERS, CORE DEP
-101.40 990 141100 MERCHANDISE
-40.37 73637941 531100 VACTOR R&M-SUPPLIES

Invoice: 512033

237984 512033 01/07/2020 02/09/20 75.33
PW/OIL FILTER, VACTOR BELTS
70.15 73637941 531100 VACTOR R&M-SUPPLIES
5.18 990 141100 MERCHANDISE

Invoice: 511414

237985 511414 01/03/2020 02/09/20 33.46
PW/BELT
33.46 990 141100 MERCHANDISE

Invoice: 510989

237986 510989 01/02/2020 02/09/20 9.94
PW/OIL FILTERS
9.94 990 141100 MERCHANDISE

CHECK 352884 TOTAL: 737.95

352885 02/12/2020 PRD 6920 COMCAST
Invoice: FEB20

237987 FEB20 01/20/2020 02/09/20 11.36
POL/HD CONVERTER
11.36 51011211 545000 PD-C/E-ADMIN RENTS/LEASE

CHECK 352885 TOTAL: 11.36

352886 02/12/2020 PRD 2607 ZEE MEDICAL SERVICE
Invoice: 68393604

237989 68393604 01/22/2020 02/09/20 79.92
CRT/FIRST AID RESTOCK
79.92 21011125 531100 COURT - SUPPLIES

CHECK 352886 TOTAL: 79.92

NUMBER OF CHECKS105

*** CASH ACCOUNT TOTAL ***

348,723.59

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	105	348,723.59

*** GRAND TOTAL ***

348,723.59

CLERK: cfreitas

YEAR	PER	JNL					ACCOUNT DESC	T	OB	DEBIT	CREDIT
SRC	ACCOUNT						LINE DESC				
EFF	DATE	JNL	DESC	REF 1	REF 2	REF 3					
2020	2	32									
APP	001-213000						GENERAL - ACCOUNTS PAYABLE			140,589.83	
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
APP	635-111100						CASH				348,759.73
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
APP	401-213000						ACCOUNTS PAYABLE			5,819.06	
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
APP	101-213000						STREETS - ACCOUNTS PAYABLE			12,439.51	
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
APP	402-213000						ACCOUNTS PAYABLE			79,162.91	
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
APP	407-213000						ACCOUNTS PAYABLE			16,103.16	
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
APP	631-213000						ACCOUNTS PAYABLE			11,927.22	
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
APP	403-213000						ACCOUNTS PAYABLE			18,064.84	
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
APP	301-213000						ACCOUNTS PAYABLE			41,452.45	
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
APP	108-213000						AFFORD HSG - ACCOUNTS PAYABLE			22,510.00	
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
APP	622-213000						ACCOUNTS PAYABLE			300.00	
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
APP	650-213000						ACCOUNTS PAYABLE			390.75	
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
APP	901-213000						ACCOUNTS PAYABLE				36.14
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
APP	635-111100						CASH			36.14	
	02/12/2020	02/09/20		021220			AP CASH DISBURSEMENTS JOURNAL				
GENERAL LEDGER TOTAL										348,795.87	348,795.87
APP	631-130000						DUE TO/FROM CLEARING			336,796.37	
	02/12/2020	02/09/20		021220							
APP	001-130000						GENERAL - DUE TO/FROM CLEARING				140,589.83
	02/12/2020	02/09/20		021220							
APP	401-130000						DUE TO/FROM CLEARING				5,819.06
	02/12/2020	02/09/20		021220							
APP	101-130000						STREETS - DUE TO/FROM CLEARING				12,439.51
	02/12/2020	02/09/20		021220							
APP	402-130000						DUE TO/FROM CLEARING				79,162.91
	02/12/2020	02/09/20		021220							
APP	407-130000						DUE TO/FROM CLEARING				16,103.16
	02/12/2020	02/09/20		021220							
APP	403-130000						DUE TO/FROM CLEARING				18,064.84
	02/12/2020	02/09/20		021220							
APP	301-130000						DUE TO/FROM CLEARING				41,452.45

JOURNAL ENTRIES TO BE CREATED

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT						LINE DESC			
EFF DATE	JNL DESC	REF 1	REF 2	REF 3					
02/12/2020	02/09/20	021220							
APP 108-130000						AFFORD HSG DUE TO/FROM CLEAR'G			22,510.00
02/12/2020	02/09/20	021220							
APP 622-130000						DUE TO/FROM CLEARING			300.00
02/12/2020	02/09/20	021220							
APP 650-130000						DUE TO/FROM CLEARING			390.75
02/12/2020	02/09/20	021220							
APP 901-130000						DUE TO/FROM CLEARING		36.14	
02/12/2020	02/09/20	021220							
SYSTEM GENERATED ENTRIES TOTAL								336,832.51	336,832.51
JOURNAL 2020/02/32 TOTAL								685,628.38	685,628.38

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
001 GENERAL FUND	2020 2	32	02/12/2020			
001-130000				GENERAL - DUE TO/FROM CLEARING		140,589.83
001-213000				GENERAL - ACCOUNTS PAYABLE	140,589.83	
				FUND TOTAL	140,589.83	140,589.83
101 STREET FUND	2020 2	32	02/12/2020			
101-130000				STREETS - DUE TO/FROM CLEARING		12,439.51
101-213000				STREETS - ACCOUNTS PAYABLE	12,439.51	
				FUND TOTAL	12,439.51	12,439.51
108 AFFORDABLE HOUSING FUND	2020 2	32	02/12/2020			
108-130000				AFFORD HSG DUE TO/FROM CLEAR'G		22,510.00
108-213000				AFFORD HSG - ACCOUNTS PAYABLE	22,510.00	
				FUND TOTAL	22,510.00	22,510.00
301 CAPITAL CONSTRUCTION FUND	2020 2	32	02/12/2020			
301-130000				DUE TO/FROM CLEARING		41,452.45
301-213000				ACCOUNTS PAYABLE	41,452.45	
				FUND TOTAL	41,452.45	41,452.45
401 WATER OPERATING FUND	2020 2	32	02/12/2020			
401-130000				DUE TO/FROM CLEARING		5,819.06
401-213000				ACCOUNTS PAYABLE	5,819.06	
				FUND TOTAL	5,819.06	5,819.06
402 SEWER OPERATING FUND	2020 2	32	02/12/2020			
402-130000				DUE TO/FROM CLEARING		79,162.91
402-213000				ACCOUNTS PAYABLE	79,162.91	
				FUND TOTAL	79,162.91	79,162.91
403 STORM & SURFACE WATER FUND	2020 2	32	02/12/2020			
403-130000				DUE TO/FROM CLEARING		18,064.84
403-213000				ACCOUNTS PAYABLE	18,064.84	
				FUND TOTAL	18,064.84	18,064.84
407 BUILDING & DEVELOPMENT FUND	2020 2	32	02/12/2020			
407-130000				DUE TO/FROM CLEARING		16,103.16
407-213000				ACCOUNTS PAYABLE	16,103.16	
				FUND TOTAL	16,103.16	16,103.16
622 EXPENDABLE TRUST FUND	2020 2	32	02/12/2020			

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
622-130000				DUE TO/FROM CLEARING		300.00
622-213000				ACCOUNTS PAYABLE	300.00	
				FUND TOTAL	300.00	300.00
631 CLEARING FUND	2020 2	32	02/12/2020			
631-130000				DUE TO/FROM CLEARING	336,796.37	
631-213000				ACCOUNTS PAYABLE	11,927.22	
635-111100				CASH	36.14	
635-111100				CASH		348,759.73
				FUND TOTAL	348,759.73	348,759.73
650 AGENCY FUND	2020 2	32	02/12/2020			
650-130000				DUE TO/FROM CLEARING		390.75
650-213000				ACCOUNTS PAYABLE	390.75	
				FUND TOTAL	390.75	390.75
901 CITY-WIDE REPORTING FUND	2020 2	32	02/12/2020			
901-130000				DUE TO/FROM CLEARING	36.14	
901-213000				ACCOUNTS PAYABLE		36.14
				FUND TOTAL	36.14	36.14

FUND		DUE TO	DUE FROM
001	GENERAL FUND		140,589.83
101	STREET FUND		12,439.51
108	AFFORDABLE HOUSING FUND		22,510.00
301	CAPITAL CONSTRUCTION FUND		41,452.45
401	WATER OPERATING FUND		5,819.06
402	SEWER OPERATING FUND		79,162.91
403	STORM & SURFACE WATER FUND		18,064.84
407	BUILDING & DEVELOPMENT FUND		16,103.16
622	EXPENDABLE TRUST FUND		300.00
631	CLEARING FUND	336,796.37	
650	AGENCY FUND		390.75
901	CITY-WIDE REPORTING FUND		36.14
	TOTAL	336,796.37	336,796.37

** END OF REPORT - Generated by Carrie L. Freitas **

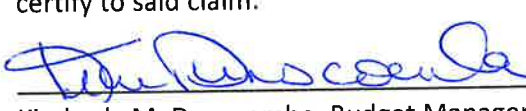
PAYROLL

PAYROLL CHECK RUN: 2 - 05 - 2020

Run Type	Run Date	Check # Sequence	Comments	Amount
Normal	2/5/2020	47009 - 47136	Regular check run (Direct Dep)	326,237.96
Normal	2/5/2020	109262 - 109263	Regular check run (Paper Checks)	13,470.72
Normal	2/5/2020	109264 - 109276	Vendor check run (Paper Checks)	327,504.27
EFTPS	2/5/2020	N/A	Federal Tax Electronic Transfer	131,422.88
Vendor	2/5/2020	N/A	P/R vendor ACH	237.50
			TOTAL:	798,873.33

Prepared and Reviewed by:  Date 2-4-20
Brenda Landolt, Payroll Specialist

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Bainbridge Island, and that I am authorized to authenticate and certify to said claim.

 Date 2/4/20
Kimberly M. Dunscombe, Budget Manager



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME:

AGENDA ITEM: City Council Study Session Minutes, January 21, 2020

SUMMARY: Consider approval of meeting minutes.

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Executive

RECOMMENDED MOTION: Approve with Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:

Ongoing Cost:

One-Time Cost:

Included in Current Budget?

BACKGROUND:

ATTACHMENTS:

[City Council Study Session Minutes January 21, 2020](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY COUNCIL STUDY SESSION
TUESDAY, JANUARY 21, 2020

MEETING MINUTES

1) **CALL TO ORDER / ROLL CALL**

Deputy Mayor Nassar called the meeting to order at 6:01 p.m. in Council Chambers.

Mayor Schneider, Deputy Mayor Nassar, and Councilmembers Deets, Hytopoulos, Medina and Pollock were present. Councilmember Tirman was absent and excused.

2) **APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**

Councilmember Medina moved and Councilmember Deets seconded to add a discussion on the Triangle Property as a new Item 5.A under Unfinished Business. Councilmember Medina moved and Councilmember Deets seconded to approve the agenda as modified. The motion was approved unanimously, 6-0.

There were no conflicts of interest disclosed.

3) **MAYOR'S REPORT**

Mayor Schneider highlighted an issue with Robert's Rules of Order and recommended further discussion at the upcoming retreat.

4) **FUTURE COUNCIL AGENDAS**

4.A Future Council Agendas

[Cover Page](#)

[City Council Regular Business Meeting January 28, 2020.pdf](#)

[City Council Study Session February 4, 2020.pdf](#)

[City Council Regular Business Meeting February 11, 2020.pdf](#)

[2020 List of Pending Council Meeting Topics.docx](#)

[2020 List of Proposed Future Council Topics.docx](#)

Deputy Mayor Nassar introduced the agenda item.

Councilmember Medina proposed and Mayor Schneider seconded to remove the City Manager search agenda item from January 28, 2020 and schedule it for an executive session.

Councilmember Hytopoulos requested an update on the 2050 population allocation and information on an affordable housing sales tax.

Council discussed holding a retreat on a Saturday.

5) UNFINISHED BUSINESS

5.A Triangle Property [Added]

Mayor Medina introduced the agenda item, and Council discussed the topic.

AMENDED MOTION: I move that we direct the City Manager to spare no cost or time in figuring out whether we can place or need to place a stop work order on this property and that should you determine there is any reasonable basis for doing so, you do so immediately.

Medina/Hytopoulos: The motion carried unanimously, 6 – 0.

AYES: Joe Deets, Kirsten Hytopoulos, Kol Medina, Rasham Nassar, Leslie Schneider

NOES: None

ABSENT: Matt Tirman

ABSTAIN: None

5.B Police and Court Project Update and Sustainability Discussion - Public Works

Cover Page

Presentation - Sustainability for CC 1212020

Council LEED Presentation Notes

Financial Analysis for LEED Budget Addition - Memo and Report

Cost Estimate Summary - Police and Court Harrison Building - Coates - 07072018

Project Manager Loveless introduced the agenda item. Elizabeth Powers of O'Brien360 provided a presentation on LEED certification, and Council discussed the topic.

MOTION: I move to direct the City Manager to bring back for Council consideration of approval a professional services agreement amendment to investigate and estimate LEED Silver status for the project.

Deets/Pollock: The motion carried unanimously, 6 – 0.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kol Medina, Kirsten Hytopoulos, Michael Pollock

NOES: None

ABSENT: Matt Tirman

ABSTAIN: None

5.C Formation of Council Ad Hoc Committee for Public Farmland - Executive

Cover Page

Public Farmland Ad Hoc Committee and Scope of Work 01072020

Deputy City Manager Schroer introduced the agenda item.

MOTION: I move to include those three [Councilmember Hytopoulos, Councilmember Deets and Deputy Mayor Nassar] as the ad hoc committee members.

Pollock/Medina: The motion carried unanimously, 6 – 0.

AYES: Joe Deets, Kirsten Hytopoulos, Kol Medina, Rasham Nassar, Leslie Schneider

NOES: None

ABSENT: Matt Tirman
ABSTAIN: None

MOTION: I move to put this item on the January 28 Consent Agenda.
Medina/Pollock: The motion carried unanimously, 6 – 0.

AYES: Joe Deets, Kirsten Hytopoulos, Kol Medina, Rasham Nassar, Leslie Schneider
NOES: None
ABSENT: Matt Tirman
ABSTAIN: None

5.D Extension of Closing Date for Harrison Medical Building Purchase and Sale Agreement - Public Works
[Cover Page](#)
[Amendment to Purchase and Sale Agreement.docx](#)

City Manager Smith introduced the agenda item.

MOTION: I move to authorize the City Manager to execute, in substantially the form as included with this agenda item, an amendment to the Purchase and Sale Agreement with Harrison Medical Center to extend the Closing Date to January 31, 2020.
Pollock/Medina: The motion carried unanimously, 6 – 0.

AYES: Joe Deets, Kirsten Hytopoulos, Kol Medina, Rasham Nassar, Leslie Schneider
NOES: None
ABSENT: Matt Tirman
ABSTAIN: None

Deputy Mayor Nassar adjourned the meeting for a break at 7:40 p.m. and reconvened the meeting at 7:46 p.m.

6) NEW BUSINESS

6.A Sustainable Transportation Plan: Laying the Groundwork - Public Works
[Cover Page](#)
[BI Council Workshop Laying the Groundwork_20200116.pdf](#)

Engineering Project Manager Epstein introduced the agenda item. Jennifer Weiland, Nelson-Nygaard, provided a presentation on the Sustainable Transportation Plan, and Council discussed the plan.

7) FOR THE GOOD OF THE ORDER

Council decided to move the discussion of the role of the Mayor, Council procedures, and role of Council liaisons to a retreat on Saturday morning, February 8, 2020. Council discussed training on Robert's Rules of Order for Council and committees.

8) ADJOURNMENT

Deputy Mayor Nassar adjourned the meeting at 9:16 p.m.

Leslie Schneider, Mayor

Christine Brown, CMC, City Clerk



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME:

AGENDA ITEM: City Council Business Meeting Minutes, January 28, 2020

SUMMARY: Consider approval of meeting minutes.

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Executive

RECOMMENDED MOTION: Approve with Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:

Ongoing Cost:

One-Time Cost:

Included in Current Budget?

BACKGROUND:

ATTACHMENTS:

[City Council Regular Business Meeting Minutes January 28, 2020](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, JANUARY 28, 2020

MEETING MINUTES

1) CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Mayor Schneider called the meeting to order at 5:58 p.m. in Council Chambers.

Mayor Schneider, Deputy Mayor Nassar, and Councilmembers Deets, Hytopoulos, Medina, Pollock and Tirman were present.

2) EXECUTIVE SESSION

2.A Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.
Cover Page

Mayor Schneider adjourned the meeting to an executive session pursuant to 42.30.110(1)(i) at 6:01 p.m. Council extended the executive session for an additional 10 minutes.

Council returned from executive session at 6:51 p.m., and Mayor Schneider reconvened the meeting.

3) APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Councilmember Deets moved and Councilmember Medina seconded to approve the agenda as presented. The motion was approved unanimously, 7-0.

4) PUBLIC COMMENT

Robin Simons spoke about the Winslow Hotel.

Lisa Neal spoke about the Ethics Board.

Andy Maron spoke in favor of trail collaboration and the Lost Valley trail.

Dave Shorett spoke in favor of trails and trail connections.

Steve Matthews spoke in favor of trails.

Wendy Tyner spoke issues at the sand pit.

Nick Masla spoke about issues at the sand pit.

Jennifer Hodges spoke in favor of establishing a new Ethics Board.

Erin Phillips spoke about climate justice and affordable housing.

Deanna Martinez spoke about the January 7, 2020 City Council meeting.

5) MAYOR'S REPORT

Mayor Schneider commented on the Mayor's powers under the Code and a proposed letter to the former Ethics Board members.

6) CITY MANAGER'S REPORT

City Manager Smith mentioned open applications for the Green Building and Sustainable Transportation Task Forces, the Island Center workshop, and subscribing to the City Manager's Report.

7) FUTURE COUNCIL AGENDAS

7.A Future Council Agendas

[Cover Page](#)

[City Council Study Session February 4, 2020](#)

[Special City Council Meeting - Retreat February 8, 2020](#)

[City Council Business Meeting February 11, 2020](#)

[2020 List of Pending Council Meeting Topics.docx](#)

[2020 List of Proposed Future Council Topics.docx](#)

Mayor Schneider introduced the agenda item, and Council discussed future agendas.

Councilmember Hytopoulos asked to add an Ethics Program discussion to the February 4, 2020 meeting and Councilmember Pollock seconded the addition.

8) PRESENTATION(S)

8.A Proclamation declaring February 9, 2020 as "The Arc of the Peninsulas Awareness Day."

[Cover Page](#)

[The Arc of the Peninsulas Proclamation](#)

Mayor Schneider read the proclamation.

MOTION: I move to authorize the Mayor to sign the proclamation declaring February 9, 2020 as "The Arc of the Peninsulas Awareness Day."

Nassar/Medina: The motion carried unanimously, 7 – 0.

AYES: Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider, Tirman

NOES: None

ABSENT: None

ABSTAIN: None

Public Comment

Chris Tibbs thanked Council for the proclamation.

8.B COBI and Bainbridge Island Metropolitan Park and Recreation District (BIMPRD) Trail Workgroup Inventory Discussion - Public Works

[Cover Page](#)

[Trail Planning Presentation_012820.pdf](#)

Engineering Project Manager Epstein and Dan Hamlin from BIMPRD provided a presentation on interagency trail planning.

Councilmember Tirman left the meeting at 7:51 p.m.

Public Comment

Dawn Janow spoke in favor of the proposed interlocal agreement.

Alice Shorett spoke in favor of the collaboration.

MOTION: I move to authorize the City Manager to work with the Bainbridge Island Metropolitan Park and Recreation District to draft an interlocal agreement for the planning, construction, and maintenance of trails for review and approval at a future Council business meeting.

Deets/Medina: The motion carried 6 – 0.

AYES: Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: Tirman

ABSTAIN: None

9) PUBLIC HEARING

9.A Public Hearing on Ordinance No. 2019-40, Adopting a Temporary Moratorium on Self-Service Storage Facilities - Planning

[Cover Page](#)

[Ordinance No. 2019-40 Adopting a Moratorium on Self-Storage Facilities Approved 112619](#)

Planning Director Wright introduced the agenda item. City Attorney Levan provided additional information.

Councilmember Tirman rejoined the meeting by telephone at 8:04 p.m.

Mayor Schneider opened the public hearing at 8:05 p.m.

Public Comment

Beth Morgan spoke in favor of the self-storage facility.

Jeremie Lipton spoke about the effect of the moratorium on his client's project.

Ron Peltier spoke in favor of the moratorium.

Terry McGuire spoke against the moratorium.

Mayor Schneider closed the public hearing at 8:16 p.m.

Council discussed the moratorium and asked for additional information for the next discussion.

10) NEW BUSINESS

10.A Biennial Budget Process - Finance

[Cover Page](#)

[2021-22 Budget Process - for CC 01282020](#)

Finance Director Pitts provided a presentation on the biennial budget process and addressed Council's questions.

10.B Resolution No. 2020-01 Relating to a Fee Schedule Update - Finance

[Cover Page](#)

[Resolution No. 2020-01 Updating Fee Schedule](#)

Finance Director Pitts introduced the agenda item.

MOTION: I move to forward Resolution No. 2020-01 for approval with the February 11, 2020 Consent Agenda.

Deets/Pollock: The motion carried unanimously, 7 – 0.

AYES: Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider, Tirman

NOES: None

ABSENT: None

ABSTAIN: None

Mayor Schneider adjourned the meeting at 8:45 p.m. for a break and reconvened the meeting at 8:51 p.m.

10.C Amendment No. 2 to the Master Lease Agreement between the City of Bainbridge Island and Friends of the Farms - Executive

[Cover Page](#)

[Amendment No. 2 to Master Lease Agreement](#)

City Manager Smith introduced the agenda item.

MOTION: I move to forward Amendment No. 2 to the Master Lease Agreement, providing for payment of \$72,000 to Friends of the Farms in 2020, for approval with the February 11, 2019 Consent Agenda.

Nassar/Deets: The motion carried unanimously, 7 – 0.

AYES: Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider, Tirman

NOES: None

ABSENT: None

ABSTAIN: None

11) COUNCIL DISCUSSION

11.A Affordable Housing Sales Tax Discussion - Councilmember Hytopoulos

[Cover Page](#)

[Draft AH Work Program - Apr 2019.pdf](#)

[Sales Tax Affordable Housing Memo - for CC 01282020.docx](#)

Councilmember Medina introduced the agenda item, and Council discussed the topic.

Public Comment

Erin Phillips spoke about the proposal.

Ron Peltier spoke in favor of the proposal.

Council will discuss the topic further at the annual retreat.

11.B Draft Letter from Kitsap Economic Development Alliance (KEDA) Expressing Concerns Relating to Proposed Clean Fuel Standards' Impact

[Cover Page](#)

[PSCAA Letter from Kitsap Snohomish Pierce ADOs re Clean Fuel Standard DRAFT](#)

Councilmember Medina introduced the agenda item and said that KEDA has decided not to support the letter.

Public Comment

Ron Peltier spoke against the draft letter.

12) CONSENT AGENDA

12.A Agenda Bill for Consent Agenda

[Cover Page](#)

12.B Accounts Payable and Payroll

[Cover Page](#)

[Payroll.pdf](#)

[Report to Council of Cash Disbursements 01-28-20](#)

Payroll: normal direct deposit check sequence 46880 – 47008 = \$370,307.18; regular payroll check sequence 109249 – 109251 = \$5,495.24; vendor check run sequence 109252 – 109261 = \$149,730.14; Federal Tax Electronic Funds Transfer = \$154,230.84; ACH \$237.50. Total disbursement = \$680,000.90.

Accounts Payable: check number 352619 from previous run = \$2,020.00; manual check number sequence 352620 – 352628 = \$158,324.65; regular check number sequence 352629 – 352764 = \$528,109.95. Total disbursement = \$686,434.60.

12.C City Council Study Session Minutes, January 7, 2020

[Cover Page](#)

[City Council Study Session Minutes January 7, 2020](#)

12.D Special City Council Business Meeting Minutes, January 16, 2020

[Cover Page](#)

[Special City Council Business Meeting Minutes January 16, 2020](#)

12.E Special City Council Meeting Minutes, January 16, 2020

[Cover Page](#)

[Special City Council Meeting Minutes January 16, 2020](#)

12.F Wyatt Way Reconstruction Project Professional Services Agreement Amendment No. 4 - Public Works

[Cover Page](#)

[Amendment No 4. to Professional Services Agreement](#)

[Exhibit A Scope of Work](#)

12.G Wyatt Way Reconstruction Project Budget Increases - Public Works

[Cover Page](#)

[Wyatt Way Presentation 010920.pptx](#)

[Wyatt Way Reconstruction Budget Report](#)

12.H Formation of Council Ad Hoc Committee for Public Farmland - Executive

[Cover Page](#)

[Public Farmland Ad Hoc Committee and Scope of Work 01282020](#)

MOTION: I move to approve the Consent Agenda, as presented.

Nassar/Deets: The motion carried unanimously, 7 – 0.

13) COMMITTEE REPORTS

13.A Committee Reports, Executive

[Cover Page](#)

[Race Equity Task Force Meeting Minutes, December 5, 2019](#)

There were no additional committee reports.

14) FOR THE GOOD OF THE ORDER

Councilmember Medina noted that the Puget Sound Clean Air Agency is taking public testimony on Clean Fuel Standards in Bremerton on February 4, 2020. Council authorized him to read the City's Clean Fuel Standards resolution and provide testimony.

Councilmember Medina mentioned that Kitsap Transit has offered to provide a presentation on environmental sustainability.

Mayor Schneider provided an update on Design Review Board interviews.

Mayor Schneider read a letter relating to the resignation of the Ethics Board members. Council's consensus, with Councilmember Pollock abstaining, was to authorize her to sign the letter.

15) ADJOURNMENT

Mayor Schneider adjourned the meeting at 9:38 p.m.

Leslie Schneider, Mayor

Christine Brown, CMC, City Clerk



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Resolution No. 2020-01 Relating to a Fee Schedule Update - Finance

SUMMARY:

This resolution incorporates a number of previous Council-approved changes into the fee schedule or recent changes imposed by outside governmental entities. This resolution does not implement any new fees.

AGENDA CATEGORY: Resolution

PROPOSED BY: Finance & Administrative Services

RECOMMENDED MOTION: Approve with Consent Agenda.

STRATEGIC PRIORITY: Vibrant Economy

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	No

BACKGROUND: The Finance Department periodically updates the City fee schedule due to ordinances passed by the City Council, corrections, or missing items. The current update includes:

1. A reference correction for the Building Re-inspection Fee.
2. A Plan Revisions Review Fee for the Planning Community Development Department. This fee was previously approved by the Council (BIMC 15.04.050 B & F) but was omitted from prior fee schedule updates.
3. A 2020 update to the Transportation Impact Fee as calculated by the Engineering Division. This fee update is required every two years in accordance with BIMC 15.30.140.
4. Language to clarify that certain fees set by Sewer District No. 7 do not qualify for the City's low income senior or disabled citizen's discount. The City collects these fees on behalf of Sewer District No. 7 for customers served by the Sewer District, in accordance with an interlocal agreement.
5. An increase in both monthly and latecomer participation fees passed through to Sewer District No. 7 pursuant to their Resolution No. 2019-02 and the interlocal agreement the City has with the District.
6. Updated water and sewer rates to reflect changes enacted by City Council Ordinance No. 2019-14.

7. Increased Storm and Surface Water Management fee to reflect the Seattle-Tacoma-Bellevue CPI increase as per City Council Ordinance No. 2017-22.

ATTACHMENTS:

[Resolution No. 2020-01 Updating Fee Schedule](#)

FISCAL DETAILS: Fiscal impacts are estimated to be negligible.

Fund Name(s): Other

Coding:

RESOLUTION NO. 2020-01

A RESOLUTION of the City of Bainbridge Island, Washington,
amending the City's Fee Schedule for various fee updates.

WHEREAS, the City of Bainbridge Island periodically updates the Fee Schedule to reflect City Council actions and the actual cost to the City of various services in accordance with state law; and

WHEREAS, a plan revision review fee was included in Ordinance No. 2013-10 and is referenced in the City's municipal code at 15.04.050 B and F but was omitted from prior fee schedule updates; and

WHEREAS, the City charges customers within the South Island Sewer Area who are served by Kitsap County Sewer District No. 7 the fees established by the Kitsap County Sewer District No. 7 Board of Commissioners; and

WHEREAS, on September 12, 2019, the Kitsap County Sewer District No. 7 Board of Commissioners increased those fees pursuant to their Resolution No. 2019-02 which is effective January 1, 2020; and

WHEREAS, on May 28, 2019, the City Council enacted Ordinance No. 2019-14 which updated certain water and sewer fees for 2020; and

WHEREAS, the City's Storm and Surface Water Management (SSWM) fee is increased from \$190.07 to \$194.00 per impervious surface unit (ISU) in accordance with Ordinance No. 2017-22, which increased the City's SSWM fee by the June-June CPI-U for the Seattle-Tacoma-Bellevue area in each year from 2018 through 2022; and

WHEREAS, the City's Engineering Division has updated the City's Transportation Impact Fee for 2020 as required by the Bainbridge Island Municipal Code section 15.30.140; and

WHEREAS, the City's Fee Schedule needs to be updated to reflect these recent changes in fees.

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

Section 1. Section 9, Building and Planning Fees, of the City's Fee Schedule is hereby amended to add the following fees:

BUILDING RE-INSPECTION FEE
(Ordinance No. 2007-08)

Based on the 1997 UAC Table 3-4A

PLAN REVISIONS REVIEW FEE

Based on the 1997 UAC Table 3-A

(BIMC 15.04.050 B&F, Ordinance No. 2013-10, Resolution No. 2020-01)

Section 2. Section 9, Building and Planning Fees, of the City's Fee Schedule is hereby amended to add the following fees:

TRANSPORTATION IMPACT FEE (TIF)

Per Trip Charge ~~\$1,687.07~~ 1,726.40

Administrative Fee 2% of calculated TIF

Independent Fee Calculation Review \$500.00

(BIMC 15.30, Ordinance Nos. 2015-07 and 2017-21, and Ordinance 2015-07, Resolution No. 2020-01)

Section 3. Section 11, Utility Fees, of the City's Fee Schedule is hereby amended as follows:

DISCOUNTS FOR LOW INCOME SENIORS OR DISABLED CITIZENS (does not apply to sewer service connections for sewer treatment provided by Kitsap County Sewer District No. 7)

(BIMC 13.16.082 through 086, Ordinance Nos. 92-26, 2005-26 and 2017-15, Resolution Nos. 2003-01, 2005-04, and 2005-26, and 2020-01)

WATER RATES FOR THE WINSLOW WATER SYSTEM AND CASEY STREET WATER SYSTEM

(Ordinance Nos. 82-20, 2011-26, 2012-21, and 2019-14, Resolution Nos. 2018-12, 2019-14, and 2020-01)

CATEGORY 1 (Single Family) shall pay a monthly fixed base rate based on size of water meter as follows:

Up to 3/4"	\$11.59 <u>12.02</u>
1"	\$22.85 <u>23.70</u>
1.5"	\$41.65 <u>43.20</u>

Plus, a charge for consumption on an incremental basis as follows:

For the first 500 cubic feet	\$1.17 <u>1.22</u> per 100 cubic feet
For the next 700 cubic feet	\$1.89 <u>1.96</u> per 100 cubic feet
For the next 1,800 cubic feet	\$2.68 <u>2.78</u> per 100 cubic feet
For amounts over 3,000 cubic feet	\$3.65 <u>3.78</u> per 100 cubic feet

WATER RATES FOR THE ROCKAWAY BEACH AREA

CATEGORY 1 (Single Family Residence) shall pay a monthly fixed base rate based on size of water meter as follows:

Up to 3/4"	\$11.64 <u>12.02</u>
1"	\$22.94 <u>23.70</u>
1.5"	\$41.85 <u>43.20</u>

Plus, a charge for consumption on an incremental basis as follows:

For the first 500 cubic feet	\$1.18 <u>1.22</u> per 100 cubic feet
------------------------------	--

For the next 700 cubic feet	\$1.90 <u>1.96</u> per 100 cubic feet
For the next 1,800 cubic feet	\$2.69 <u>2.78</u> per 100 cubic feet
For amounts over 3,000 cubic feet	\$3.66 <u>3.78</u> per 100 cubic feet

SEWER RATES FOR USERS OF BOTH WATER AND SEWER
(Ordinance Nos. 82-20, 2009-39, 2011-25, 2012-22 and 2019-14)

CATEGORY 1 (Single Family) * \$42.69 per month plus
\$7.28 per 100 cu. ft. of water

CATEGORY 2 (Multi-Family) * \$37.39 per month/unit plus
\$7.28 per 100 cu. ft. of water

CATEGORY 3 (Commercial) ~~\$126.16~~ 128.69 per month plus
~~\$7.28~~ 8.99 per 100 cu. ft. of water

CATEGORY 4 (Industrial) Set by individual contract

* Sewer billings for the three summer months of mid-June through mid-September for all customers in Categories ~~1 and 2~~ only shall be set at the average of each property's billing for the prior months of mid-December through mid-May.

SEWER RATES FOR USERS WITHOUT WATER SERVICE

The following monthly sewer rates shall apply to billings for users who do not contract with the City for the provision of water services.

For Users served by the City's Sewer Treatment Plant, the following rates apply:

CATEGORY 1 (Single Family) \$119.80 per month/unit
without meter

CATEGORY 3 (Commercial)) ~~\$139.53~~ 149.99 per ERU

SEWER RATES FOR CUSTOMERS SERVED BY THE SEWER DISTRICT NO. 7
TREATMENT PLANT

(Ordinance Nos. 82-20 and 2009-39, Resolution Nos. 2018-01 and 2020-01)
(Kitsap County Sewer District No. 7 Resolution # 2019-02)

Property that contributes sewage to the Kitsap County Sewer District No. 7 Treatment Plant shall pay a monthly rate equal to the monthly rate applied to the City by Kitsap County Sewer District No. 7 per ERU (**presently \$58.71-60.77**) for treatment plus:

Properties with Grinder Pumps	\$23.59 <u>26.58</u> per ERU
Properties without Grinder Pumps	\$19.42 <u>21.88</u> per ERU

SEWER LATECOMER CHARGE (SEWER DISTRICT NO. 7)
(Kitsap County Sewer District No. 7 Resolution # 2019-02)

- Where “ERU” is defined as each set of 20-fixture units as shown on the schedule of fixture units on file with the City Clerk.

(BIMC 13.24, ~~Ordinance Nos. 2016-23, Resolution No. 2017-01, Ordinance No. 2017-22, Resolution Nos. 2019-01 and 2020-01~~)

CHARGE PER IMPERVIOUS SURFACE UNIT (ISU) \$~~190.07~~ 194.00 annually

APPROVED by the Mayor this ____ day of February, 2020.

ATTEST/AUTHENTICATE:

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.

January 24, 2020
February ___, 2020
2020-01



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Amendment No. 2 to the Master Lease Agreement between the City of Bainbridge Island and Friends of the Farms - Executive,

SUMMARY:

In 2018, Friends of the Farms (FOF) requested that the City provide direct operating support to their organization. The Council decided to fund FOF at \$65,000 for one year, with the commitment to discuss the question of ongoing operating support in 2019. In 2019, the Council decided to extend funding, at the increased amount of \$72,000, for one additional year, with funding coming from the Council contingency.

The 2020 Modified Budget provides \$72,000 for FOF in 2020, which requires an amendment to the Master Lease between the City and FOF.

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Approve with Consent Agenda.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

Amount:	\$72,000
Ongoing Cost:	
One-Time Cost:	\$72,000
Included in Current Budget?	Yes

BACKGROUND: In 2018, Friends of the Farms (FOF) requested that the City provide direct support to their organization. The Council agreed to provide financial support for 2019 and subsequently agreed to also provide financial support for 2020. Since 2012, FOF has acted as the City's property manager for 60 acres of public farmland without compensation beyond the rents collected from sub-lessors, as provided in the master lease.

This topic was discussed at Council meetings on July 16, September 17, and October 22, 2019. At the January 7, 2020 Council meeting the Council discussed having an ad hoc committee to discuss various topics related to the management of the City's public farmland. This was also discussed at the January 21, 2020 meeting.

This agenda item provides an amendment to the Master Lease which allows for payment to FOF in 2020.

ATTACHMENTS:

[Amendment No. 2 to Master Lease Agreement](#)

FISCAL DETAILS: The 2020 budget includes \$300,000 in Council Contingency funding. In October 2019, the Council passed a motion to provide from the Council Contingency \$72,000 in direct operating support to Friends of the Farms (FOF). FOF manages subleases on five City farm properties and also provides management at other properties.

In addition, the City budgets for special projects as needed, as well as roughly \$40,000 in each year of the biennium, (a total of \$132,000 in project funding 2019-2020 covering the annual \$40,000 as well as additional budgeted project spending of \$52,000) to pay for major repair and ongoing maintenance at the City's publicly-owned farmland properties. The City also provides roughly \$10,000 in staff time to plan and deliver these projects.

Fund Name(s): General Fund

Coding:

**AMENDMENT NO. 2 TO
THE MASTER LEASE AND MANAGEMENT AGREEMENT**

THIS AMENDMENT NO. 2 TO THE MASTER LEASE AND MANAGEMENT AGREEMENT (“Amendment”) amends the Master Lease and Management Agreement (“Master Lease”) entered into on December 9, 2011, by the City of Bainbridge Island, a Washington State municipal corporation, (“City”) and the Friends of the Farms, a Washington State nonprofit corporation, (“Friends”).

WHEREAS, the City and Friends entered into the Master Lease to provide management services for the City’s approximately 60 acres of public farmland; and

WHEREAS, on September 11, 2018, Friends presented to the City Council and described its need for City funding in order to continue to provide management services for the City’s public farmland; and

WHEREAS, on November 6, 2018, Friends provided additional information to the City Council regarding Friends’ request for City funding; and

WHEREAS, on November 13, 2018, the City Council allocated a one-time payment of \$65,000 to Friends in the 2019 fiscal year (“FY19”) in consideration of the management services to be provided to the City under the Master Lease in FY19; and

WHEREAS, on November 27, 2018, the City Council approved Ordinance No. 2018-39, which adopted the final budget for fiscal years 2019-2020 and included the \$65,000 allocation to Friends in FY19; and

WHEREAS, on February 6, 2019, the City and Friends executed Amendment No. 1 to the Master Lease, amending the Master Lease to include a new Section 3.15 providing for a one-time payment of \$65,000 to Friends in FY19; and

WHEREAS, for the 2020 fiscal year (“FY20”), Friends requested \$72,000 from the City in consideration of the management services to be provided to the City under the Master Lease in FY20; and

WHEREAS, the City Council considered Friends’ request for funding during the July 16, September 17, and October 22, 2019 Council meetings; and

WHEREAS, on October 22, 2019, the City Council allocated \$72,000 from the Council contingency fund as payment to Friends in consideration of the management services to be provided to the City under the Master Lease in FY20; and

WHEREAS, also on October 22, 2019, the City Council approved the formation of a Council ad hoc committee specifically to work with Friends to revise the Master Lease in 2020.

NOW, THEREFORE, the City and Friends agree to amend the Master Lease as follows:

1. Section 3.15 of the Master Lease is hereby amended to read as follows:

3.15. PAYMENT TO FRIENDS. The City agrees to pay Friends a total of \$65,000 for services performed under this Lease in fiscal year 2019, which amount shall be paid quarterly in four equal installments of \$16,250. The City agrees to pay Friends a total of \$72,000 for services performed under this Lease in fiscal year 2020, which amount shall be paid quarterly in four equal installments of \$18,000. Friends shall submit, in a format acceptable to the City, quarterly invoices for services performed in a previous quarter. The City shall pay all invoices by mailing a City check within sixty (60) days of receipt of a proper invoice from Friends.

2. Except as modified herein, all other terms and conditions to the Master Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment to the Master Lease as of the later of the signature dates included below.

FRIENDS OF THE FARMS

CITY OF BAINBRIDGE ISLAND

Date: _____

Date: _____

By: _____

By: _____

Heather Burger, Executive Director

Morgan Smith, City Manager

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Morgan Smith signed this instrument, on oath stated that she was authorized to execute the instrument, and acknowledged it as the City Manager of the City of Bainbridge Island to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

NAME: _____
(Print Name)

Notary Public in and for the State of Washington,
residing at _____

My Commission Expires: _____

STATE OF WASHINGTON)
) ss:
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Heather Burger signed this instrument, on oath stated that she was authorized to execute the instrument, and acknowledged it as the Executive Director of Friends of the Farms to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

NAME: _____
(Print Name)

Notary Public in and for the State of Washington,
residing at _____

My Commission Expires: _____



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: February 11, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (9:25 PM) Committee Reports - Executive

SUMMARY: Information only.

AGENDA CATEGORY: Report

PROPOSED BY: Executive

RECOMMENDED MOTION: Information only.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:

Ongoing Cost:

One-Time Cost:

Included in Current Budget?

BACKGROUND:

ATTACHMENTS:

[Climate Change Advisory Committee Minutes, December 18, 2019](#)

[Race Equity Task Force Minutes, January 9, 2020](#)

[Utility Advisory Committee Minutes, January 8, 2020](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

CLIMATE CHANGE ADVISORY COMMITTEE

Regular Meeting

Thursday, December 18, 2019

MINUTES

Present: Committee members Jens Boemer, Derik Broekhoff, Lara Hansen, Gary Lagerloef, David McCaughey, Nora Ferm Nickum, Deborah Rudnick; Council Liaison Joe Deets

Absent: Committee members Michael Cox, Julie Matthews

Public/guests: Gloria Sayler, Andy Swayne (PSE), Susan Loftus, Tom Hinz, Iain Evans-Rapp, Andy Rovelstad, Charlotte Rovelstad

1. The meeting was called to order at 6:31 pm.
 - Conflict of interest disclosure: Jens Boemer reminded everyone of his standard statement (see past meeting minutes).
2. Minutes from the previous meeting (November 18, 2019) were approved.
3. Public comment
 - Andy Swayne (PSE) said he is here as a resource if useful.
 - Gloria Saylor said she attended the Saturday workshop; she thought it was well done and great to see the turnout.
 - High schooler Iaian Evans-Rapp said the Committee should try to bring in some younger people.
 - Charlotte Rovelstad said she went to the workshop last Wednesday and everyone did a great job. She would like the Climate Action Plan to consider more elements including current threats and vulnerability to near-term climate shocks, and our current destruction of the environment (e.g., through harmful pesticides and insect die-offs). She asked this Committee to support the Council in studying and adopting Rights of Nature. Finally, she recommended that we change the requirements for Committee membership as they seem to exclude youth.
4. BI Mobility Alliance presentation (alliance's name is changing soon)
 - Susan Loftus said that the BI Mobility Alliance was founded two years ago with the goal of expanding biking and walking. The group is active in the Sustainable Transportation Plan process. They were thrilled that the Council recently adopted a resolution to decrease GHG emissions by 90% by 2040. Another important element in the Sustainable Transportation Plan is using an equity lens (including gender). Access to e-bikes is important to increase bicycling, especially on a hilly island. They'll be advocating for mobility hubs that connect multiple modes of transportation.
5. Reflections on community workshops
 - A total of over 150 people attended the community workshops held on Dec. 7 and 11.
 - We shared some of the ideas that came up in the breakout groups. Chapter authors will use the ideas received at the workshop to add/refine focus area strategies and actions.

6. Draft schedule for updating Climate Action Plan
 - We reviewed the draft schedule (see meeting packet).
7. Draft 2019 Progress Report and 2020 Workplan
 - Edit: Say we will do “a workshop and a survey” (not “several workshops”). We can note that people will also have the opportunity to comment by coming anytime to one of our monthly meetings.
8. PSE study session with Utilities Advisory Committee
 - There will be a joint session for the UAC and CCAC with Puget Sound Energy on February 3. It will be open to the public. PSE will send subject matter experts.
9. PSE slide deck from Jens
 - Jens shared a presentation with thoughts on PSE’s Integrated Resource Plan and its Bainbridge Island initiative to improve reliability of service (see meeting packet).
10. Police/court building
 - Council wants it to be as energy-efficient as possible. We aren’t sure what the building’s current energy performance is. The cost of additional energy efficiency should be done as a lifetime assessment. The City could put out an RFP for an energy audit. PSE advisors could also take a look.
 - Lara mentioned that the Climate Change Adaptation Certification Tool could be used to take a look at the police/court building. It takes a couple of hours to run a project through the tool.
11. Other updates, report-outs, and other business
 - Troubleshooting ICLEI access information for Committee and BI School District.
 - Checked in on status of Green Building Code process – take it up with the new Council in the new year.
 - It was raised that Bainbridge Island should declare a climate emergency like the City of Tacoma recently did; Lara will send around that declaration.
 - Climate and Energy Forum: January 11 from 10-12. The Committee voted and supports having City Hall be the venue for this event.
 - Movies that Matter: January 9 at 7 pm at Bainbridge Public Library, topic is small-scale agriculture.
12. Upcoming meetings
 - Wednesday, January 15, 6:30-8:30 pm.
 - Monday, February 24, 6:30-8:30 pm.
13. The meeting was adjourned at 8:24 pm.



Co-Chair

01/27/20

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Race Equity Task Force Meeting Minutes
January 9, 2020 Business Meeting

1. CALL TO ORDER / ROLL CALL / ACCEPT OR MODIFY AGENDA / ACCEPT OR MODIFY MINUTES / CONFLICT OF INTEREST DISCLOSURE - 6:30 PM

- a. Motion to add new agenda items 2, 9, 10 accepted

MEMBERS: JAMES FRIDAY, SUSAN WILMOT, BRENDA FANTROY-JOHNSON, JANNA CHAN, SAVANNA ROVELSTAD, PEGGI ERICKSON

COUNCILMEMBER LIAISONS: JOE DEETS, RASHAM NASSAR

2. Public Comments – 10 MIN

- a. Carol Reitz (sp?): Trauma upends the normal human response. She shared a flier for an upcoming event featuring Paul Chappell held at IslandWood on February 17 at 7pm.
- b. Charlotte Rovelstad: Discussed the “ongoing saga” of council members “attacking” Council Member Nassar. The new mayor interrupted Council Member Nassar and is the same person who has a history of being critical of the RETF. The mayor failed to address the person who rudely attacked Council Member Nassar as she left the council meeting. She is applying the rules selectively. “I hope GARE can educate the city on the many ways that racism can manifest itself.”
- c. Deanna Martinez: Regarding last Tuesday’s council meeting about the Suzuki property, there was no talk about equity regarding people. “I was waiting for someone to say something because I think it has significant importance.”

3. Debrief 12/10 council meeting

- a. Question for workshop preparation:
 - i. How many city council members should attend the workshops?
 - ii. What is the time commitment for the workshops?
- b. **Action Item:** RETF to prepare a list of recommendations for Morgan that are time sensitive

4. Discussion: Should we re-open applications for the Task Force?

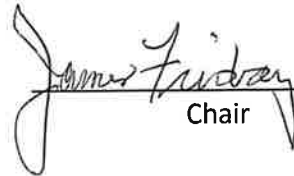
- a. Move to February meeting

5. Electing new officers

- a. Janna is stepping down as secretary; the February meeting will be her last meeting in the role
- b. Do we need to elect a historian?
 - i. Janna: No, not if the RETF secretary takes vigorous notes. These minutes are filed with the city and available for public consumption.
 - ii. Brenda: The problem is that the city gets rid of minutes every seven years or so. I would like more confidence that these records will be available in the future.

6. Discussion: 2020 Outreach Plan
 - a. Event objectives and measurements of success
 - i. Council Member Nassar: To get announcements into the COBI newsletter COBI needs at least a month notice.
 - b. Responsible application of budget
 - i. How do we plan and fund these projects? What is the process?
 - ii. Council Member Deets and Council Member Nassar: We will serve as liaisons with city staff to deliver on budget amounts. Need two RETF members to develop detailed line item budgets and manage receipts.
 1. Council Member Nassar: I recommend that you all identify a subcommittee for this work.
 2. Council Member Deets: I would also like to know who the point people are for each of these events.
 - a. MLK Point Person: Peggi (Brenda)
 - b. Poetry Event: Brenda (Savannah, Janna)
 - iii. **Action Items:**
 1. Council Liaisons will send RETF copies of the budget process for committee events.
 2. Liaisons will establish a process for requesting use of budget
 - c. Upcoming Event Update: MLK Day event update
 - i. Peggi: I am completing the application for the permit to walk down Winslow. We will walk on the sidewalk.
 1. We need a microphone.
 - ii. Brenda: There's a 5-minute presentation about the RETF at the event. I put together a 5 slide PowerPoint.
 1. **Action Item:** Brenda will send the draft to Janna who will then send it on to Deets and Council Member Nassar.
 2. **Action Item:** Janna will ask Roz to announce the MLK event as there will be a quorum of RETF members.
 3. **Action Item:** Volunteer(s) for staffing the literature table: Savanna
 - d. Night of Poetry: We will partner with MAC/BISD to have the winner of the MLK student essay contest read their piece at the Night of Poetry.
 - i. Official name of the event: Voices of Power
 - ii. Karen Vargas from MAC will let Emily from BISD know that we are approved to move forward with the partnership.
 - e. Supporting community groups with POC programming (BI Pride, Senior Center)
 - i. BI Pride: Savanna will reach out to Derek about the RETF can participate. Will be speaking at the BI HS library in partnership with BI Pride on January 18.
 - ii. **Action Items:** James - Reach out to Senior Center (Ann Lovejoy) about future partnering
 - f. Motion to establish a Budget Sub-Committee passes: Brenda, Peggi, Janna (marketing point person)
 - i. **Action Items:**
 1. Create a master budget that reflects real time spending and balance.

2. Create a master calendar with event dates and deadlines for getting promotions into COBI Connects
-
7. Follow-up on Democracy School status
 - a. A meeting is scheduled with Morgan; the city council can decide whether to add this item to 2020 work plan.
 - b. Janna: How do we make equity a work plan priority for 2020?
 - c. Council Member Nassar: I think we could make a point at the March retreat to have equity be a metric in how we make decisions.
 - d. Council Member Deets: I will be lobbying to make equity a metric in our climate change work.
 8. 2/6 Agenda Items
 - a. Annual Open Government Training w/ Robbie Sepler (45 minutes)
 - b. Status of GARE workshops
 - c. Elect new officers
 - d. Scope of Work Review:
 - i. Updates on GARE Workshops; discuss list of community member nominations
 - ii. How and when to wrap low-income housing issues into our 2020 strategy
 1. Council Member Nassar: We will be talking about this at the GARE workshops. Can we reword this concept to be focused on equity?
 2. Next steps: Wait to see how GARE addresses this issue.
 9. Comments for the Good of the Order
 - a. Sue: My neighbor gave me permission to share her concerns. She feels uneasy and vulnerable while worshipping at Kol Shalom. She is wondering about having a police presence there during services. They have had it before.
 - i. Joe: They usually only will be there if there is a threat. She can talk to the police department and they will address this.
 - ii. Brenda: The sign we have approved is still in the works.
 - iii. Karen Vargas: We should look into our community resources to build relationships and community partners.
 - b. Deanna Martinez: The city should use its purchasing power for equity. Use companies that support equity.
 10. Adjournment – 8:10pm


Chair 2/6/2020
2/6/2020



CITY OF
BAINBRIDGE ISLAND

UTILITY ADVISORY COMMITTEE
SPECIAL MEETING
WEDNESDAY, JANUARY 8, 2020

Minutes

Committee members present: Andy Maron (Co-Chair), Ted Jones (Co-Chair), Emily Sato, Sheina Hughes, Nancy Nolan, Martin Pastucha (attended via phone 5:00 pm—6:24 pm),

Absent: Charles Averill

CC Liaison: Rasham Nassar (Present 5:42-end)

Also present: Chris Wierzbicki, COBI Director of Public Works
Chuck Krumheuer, COBI Operations Manager
Steve Brown, Kitsap Public Health District
John Kiess, Environmental Health Director, Kitsap Public Health District

The meeting was called to order at 5:002PM by Andy Maron, Chair.

Minutes: The meeting minutes of December 11, 2019 were unanimously approved.

Public Comment: There was no public comment.

Small Water Systems Discussion (continued): Andy said that he, Ted & Chris had met to compile a list of questions regarding small water systems that the committee had had at the December meeting, hoping to get them answered today by today's guests from Kitsap Public Health District and COBI Operations.

- A)** John Kiess, Environmental Health Director of the Kitsap Public Health District, and the former Drinking Water Program Manager, said he would do his best to answer all of the committee's questions, and gave an informative talk on the history/structure of Kitsap County water systems, summarized as follows:

All public water supplies (and in some respects, private water systems) are governed and regulated by Kitsap County's Coordinated Water Systems Plan (CWSP). The CWSP was put together by a consortium of water systems, and establishes the ground rules for water service areas, how service areas are claimed, and obligations to serve in those service areas. It also defines roles & responsibilities for who manages these systems. For Group A systems, oversight is done by the WA State Dept. of Health in coordination with individual water system planning documents and requirements.

The CWSP outlines how buildout will occur in planned service areas, and defines roles & responsibilities of each organization involved. Group A water systems (15+ connections) are regulated by the State of WA DOH, while Group Bs (3-14 connections) are regulated by the Kitsap Public Health District. He mentioned that there is often confusion in the nature of Group B water systems, in that they may be public water systems in service, but not necessarily in ownership. There are 140+/- Group Bs on Bainbridge Island, and 850 Group B systems countywide. One or two connection systems are typically considered private wells. Technically, 2 connections used to be considered a Group B system (this changed in 2014), but Kitsap County has applied for waivers for 2-party private wells since 1991.

The primary governing law for Group B water systems is the local drinking water ordinance passed by the Kitsap Public Health Board (comprising Kitsap County Commissioners, Mayors of all 4 Cities in the Health District), originally promulgated in 1991. A new, updated version was passed 2 years ago to address Group B water system noncompliance (monitoring, reporting, maintenance) and to update rules to be more effective and improve coordination. There had been higher levels of regulation in the past, but State enforcement funding dried up and the KPHD had to back off regulating Group B systems until this new ordinance, with built-in funding through annual operating fees, was passed.



CITY OF
BAINBRIDGE ISLAND

UTILITY ADVISORY COMMITTEE
SPECIAL MEETING
WEDNESDAY, JANUARY 8, 2020

KPHD has delegated authority from WA DOE to oversee all drinking water well construction in the County. The local drinking water ordinance requires that whenever you want to build or enlarge a house, the KPHD must review your water supply (from any source) to ensure it meets code requirements. This review mechanism ensures that KPHD has a pretty good idea of how many systems and wells exist in the County. There are roughly 18,000 private wells County-wide. New private wells have initial testing, minimum quantity regulations, but that's all. Group B systems have ongoing managerial requirements.

All of the data collected by KPHD through the ordinance requirements is forwarded to KPUD. KPUD acts as a designated data repository for all drinking water supplies in the County (wells drilled, etc.). E.g., if a water system wants to move a service area boundary line, they submit the request to KPHD for approval, and if approved, the boundary adjustment is then sent to KPUD, where they update the official GIS map to reflect the change.

In contrast to Group A water systems, Group Bs don't have a service area, they have a service design & have designated served properties. Any changes will require modifying the system design and obtaining approval. Systems usually hold spare connections in reserve. A system using less than 5000 gallons/day does not require a water right. Group B systems are not generally reviewed for fire flow because they are residential systems.

Under the CWSP, someone must get a denial of service from any adjacent public water system within ¼ mile before being able to build a new public water system.

Hirst Decision: the legislative fix requires that DOE works in all of the water resource inventory areas (WRIAs) to establish limitations on withdrawal, and to work with water resource inventory areas without approved plans to re-form committees to determine how exempt wells would be managed within their WRIA. Kitsap County is in WRIA 15, and did not have an approved plan. All WRIA without approved plans were automatically required to limit exempt wells to 950/gallons per day of withdrawal, and everyone drilling a new well must pay a fee to the agency issuing the building permit (part of which goes to DOE to pay for the new rules). The WRIA 15 committee has been meeting for the past 18 months. KPHD isn't required to be there, but participate (all cities must attend). Most of the discussion has been about trying to determine the impact of new exempt well withdrawals over groundwater levels. There is no enforcement or metering, but extensive data shows that exempt well withdrawal is less than 1/10th of 1% of total groundwater withdrawal. Groundwater is an issue, as growth vs. a finite resource is an issue, but exempt private wells are not the driver of this.

We have a pretty good idea of how many private wells exist in the County (18,000+/-), the inaccurate GPS maps notwithstanding. We calculate how many wells exist in the County in a number of ways, by counting houses and subtracting how many are served by public water systems, how many wells we know have been drilled, etc. And while there may be issues with groundwater in specific spots, so long as it keeps raining, we will not have an issue with groundwater long-term. Older wells are often hand-dug and shallow and are not tapping the aquifer. We typically require these wells to be decommissioned when we find them if they can't be approved for irrigation. KPHD has about 100 old wells decommissioned per year.

What records do you have on existing private wells? We have all of the original time-of-construction data for private wells drilled since 1991, the original pump tests, the original well log and some original water quality data. But there is no ongoing data after that, since we don't have oversight authority. In the 1970s, the DOE started required well drillers to keep well logs as well. Not all well drillers complied, but we have a pretty good idea of growth, and where wells were drilled. All new information obtained through people coming in for building permits, etc. are entered into the KPHD database.



As for public well data, KPHD has original time-of-approval information, as well as ongoing monitoring information for Group B wells, which is mostly water quality data. Group Bs aren't required to read meters (or have meters). So we don't know how much water is being used, but average residential use is about 150 gallons/day, so their use can be estimated. Design standards used to require 800 gallons/day per home per connection, but design standards have changed over time to more closely reflect actual usage. The old term "6-pack water system" for Group B systems was derived from 6x800 gal/day limit.

What data does KPHD collect on existing Group B and Group A water systems? As previously mentioned, all the time-of-approval data and the ongoing monitoring data. KPHD was authorized to be the regulatory agent for WA DOH for Group B systems from the 1980s, so we have all of that data as well. Group As are monitored by the WA DOH. Group A water system monitoring is extensive with a ton of reporting requirements.

New private wells? We require them to meet quantity and quality standards at time of construction, but that's it. We do look to see if they can hook up to adjacent Group A systems, but in general, Group A systems serve areas with small lots, so it's generally not an issue. You are allowed to drill a well under State law and County code if you have more than an acre and can meet setback requirements without any exclusions. This is based on the septic code for new construction. You cannot create a new public water system if there is an existing public water system that can serve you within 1/4 mile of the service area; however, this does not apply to private wells.

With regard to public water systems, if you're within the service area (Group As only, as Group Bs don't have service areas), you must connect to the existing water system, you cannot create a new water system within an existing service area.

In the case of North Bainbridge, which is the City's designated service area but has no infrastructure, someone can drill a well (1-2 connections), but can they create a new public water system in that area? No, because it's a designated service area. So if someone comes in and gets a denial of service within that area, the City then has the ownership right to manage the proposed system as a satellite system. You can't develop a public water system within someone else's service area. North Bainbridge is a historical anomaly, because nowadays the DOH will make you give up service area that you can't supply water to. If COBI then declines to manage the satellite system, one of the two remaining approved satellite system management entities (KPUD or NW Water Systems) will have to operate it. Every public water system created since June 1995 is required to have a state-approved satellite management agency (SMA). However, of the 850 Group B systems in the County, only 170 that fall under this requirement timeline. So many, many Group B systems are not required to be professionally managed. This brings up the issue of whether COBI wants to get into the business of managing satellite systems. This is a borrowed headache, because you get all of the problems, without the decision-making authority to solve them. Small Group A systems present the same challenges.

Chuck said that small systems typically have lots of expectations, but the SMA has to answer the WA DOH or KPHD to meet regulatory standards while the system owners might not be responsive. John said that it's very time-consuming and expensive for SMA entities unless you have economies of scale. John doesn't think that the development of new systems is worth worrying about, the bigger issue is what to do about failing Group B systems and managing the existing infrastructure patchwork of equipment.



B) Chuck Krumheuer then gave an overview of the City's history as an SMA:

What is the City's history of being an SMA? There are a lot of gaps, but I mostly found information in old water system plans. The City was an annexed island in 1991, according to the 1995 Beck Water System Plan, a Systems Advisory Committee had been created (that Andy was on) to study water systems policies. Then in 1993 City Council passed Resolution 93-03 establishing satellite water system policies. Also in 1993, the COBI-KPUD ILA states that one purpose of the Fletcher Bay water system sale was that "PUD desires to assist the City in becoming an SMA." The 1995 Beck Water System Plan has a section that outlines satellite management policies and procedures, but there is no record of COBI becoming an official SMA approved by the DOH. I have a general understanding, however, that somewhere between 1996-99 the City did actually provide some SMA services to about 24 systems. John Kiess said that back then the State didn't have a well-defined structure for the SMA program, so back around 1990-91 lots of people agreed that monitoring should happen. Then in 1995, the State decided what SMA rules should actually look like, all of the neighborly service agreements dissolved because of the new official requirements. Chuck said that the City did not have the resources to undertake the new SMA requirements, especially with a long list of competing City priorities.

John said the new Group B ordinance was written to prevent water systems being run into the ground by negligent owners.

Chuck said that as long as he's worked for COBI there have been no SMA activities undertaken by the City. The Casey Street system was not SMA, because the City took ownership of the system. It is within City service area, but not within the actual service area. Chuck said that KPUD operates some satellite systems within the City's service area.

Would it be preferable to take over the satellite systems as opposed to being an SMA? Chuck thinks it's important to go in and make sure equipment meets certain requirements before taking over a system. People are not interested in paying for upgrades and improvements until things are really bad. There are a number of small systems along Ferncliff that could theoretically be pieced together to expand the City's system, but no one is motivated to hook up.

John stated that people have no incentive to get connected to the City until the water stops running, and they have incorrect expectations of what water should cost. Development drives a lot of water system expansion but because of the way BI is developing, that won't happen anymore. Now it'll be system-failure driven with patchwork ULIDs.

Sheina asked, how do you get a developer to build infrastructure without a Master Plan that shows them what the infrastructure should be? John answered that where there are independent water systems, they are the ones who dictate what is built and connected to their systems. The City controls water system additions within their water system service area. The DOH has strict standards that must be met.

The Rockaway Beach well will need to be replaced someday, and the Bill Point system also needs work, but there's no plan in place currently as to how to address these issues.

Expansions going out to Fletcher Bay? How did the Grizdale system get into the City system? That was in 1995, so Chuck didn't have that information offhand.

Does the City want to expand its water system management? Then you implement a policy that says the City will take on systems where the owner doesn't want it anymore. Do you want to take on the aging infrastructure? The holdouts are people who didn't want to go over to the regulatory environment.



CITY OF
BAINBRIDGE ISLAND

UTILITY ADVISORY COMMITTEE
SPECIAL MEETING
WEDNESDAY, JANUARY 8, 2020

Group Bs now have to buy an annual operating permit, and now have annual monitoring requirements. The question is what the City's role should be towards all those scattered Group B systems.

As for Group As—like Bill Point, Meadowmeer, and Emerald Heights—what should the City's role be towards the larger systems? With Group As, there is State funding available that isn't available with Group Bs. Chuck reminded us that it's somewhat system-specific, some systems are geographically located in areas that are logically absorbed by KPUD, such as Emerald Heights. Topography also needs to be considered. Bainbridge Island is like a small county in some respects—COBI is responsible for four water systems; the rest are regulated either by KPHD or WA DOH. If a non-City system fails, it would go into receivership, in Kitsap County, that receiver is always KPUD. KPUD will step in but it ends up costing the ratepayers a ton of money. Bainbridge Island is unique because there are private entities operating within City limits. The condition of the various water systems can be guesstimated by looking at the age of the system—the older a water system is, the less likely it is working well. Much of the US's infrastructure is falling apart, and rate structures don't cover replacement, so this is a universal issue.

John said that KPHD would be happy to share its data on Group A systems on Bainbridge Island, etc., with the UAC.

Is the management of the Casey St. system a burden to Public Works? Chuck says that PW didn't get additional FTE, but it hasn't been a problem yet. However, the Casey Street system is at the end of its life, and will need eventual upgrading. But it's hard for a homeowner to spend \$60K-80K for system upgrades if the COBI water main gets extended so that they could hook up. Construction projects also put an additional burden on the PW staff.

Memorandum on Recommendations: We need to get this done, should we have an extra meeting in February? We will need to have to schedule special meetings over the next few months.

Meadowmeer Water System: Nancy reported that she's been talking with Ward Frost (manager of Meadowmeer water system), who left in October 2019. Then Meadowmeer Water got red-tagged for not chlorinating. They recently replaced all pipes except for Blue Pond Drive, and there are apparently more than adequate reserves. KPUD is very eager to acquire Meadowmeer because it's healthy, but Meadowmeer is situated such that COBI may want to manage/acquire it to aid in the build-out of the north island service area. This issue will be discussed in February.

Utility Tour Planning: The tour of the City's utility facilities is scheduled for Saturday, February 1st at 8:00 am.

PSE and Climate Change Committee: Feb 3rd, from 6-8 pm. PSE is bringing experts to talk about 7 different issues.

Adjournment: The meeting was adjourned at 7:05 pm.


Co-Chair 02/05/2020