



CITY OF  
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION  
TUESDAY, SEPTEMBER 01, 2020**

REMOTE MEETING ON ZOOM  
YOU ARE INVITED TO A ZOOM WEBINAR.  
WHEN: SEP 1, 2020 06:00 PM PACIFIC TIME (US AND CANADA)  
TOPIC: CITY COUNCIL STUDY SESSION

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:  
[HTTPS://BAINBRIDGEWA.ZOOM.US/J/92586684457](https://bainbridgewa.zoom.us/j/92586684457)

OR IPHONE ONE-TAP :

US: +16699009128,,92586684457# OR +12532158782,,92586684457#

OR TELEPHONE:

DIAL(FOR HIGHER QUALITY, DIAL A NUMBER BASED ON YOUR CURRENT LOCATION):

US: +1 669 900 9128 OR +1 253 215 8782 OR +1 301 715 8592 OR +1 312 626 6799 OR +1 346 248 7799

OR +1 646 558 8656

WEBINAR ID: 925 8668 4457

INTERNATIONAL NUMBERS AVAILABLE: [HTTPS://BAINBRIDGEWA.ZOOM.US/U/ADVPVEHR1M](https://bainbridgewa.zoom.us/j/92586684457)

**AGENDA**

1. **CALL TO ORDER / ROLL CALL - 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, 20 Minutes**
3. **APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE - 6:25 PM**
4. **MAYOR'S REPORT 6:30 PM**
5. **FUTURE COUNCIL AGENDAS**

- 5.A **(6:35 PM) Future Council Agendas**, 10 Minutes  
090820 City Council Regular Business Meeting.pdf  
091520 City Council Study Session.pdf  
092220 City Council Regular Business Meeting.pdf

## 6. UNFINISHED BUSINESS

- 6.A **(6:45 PM) Review Draft Profile for City Manager Search - Executive**, 15 Minutes  
Draft City Manager Profile - 28 Aug 2020.pdf  
Public Comment on City Manager Search.pdf
- 6.B **(7:00 PM) Update on the Development Moratorium - Planning**, 20 Minutes  
20200828 Abbreviated moratorium work program status report.docx  
Ordinance No. 2020-09 Extending the Development Moratorium Approved 032420.pdf  
Moratorium Summary
- 6.C **(7:20 PM) Green Building Task Force Green Building Program Briefing and Timeline for Ordinance Adoption - Planning**, 45 Minutes  
Staff Memo GBTF Recommendation 20200901  
Attachment 1 - History Log  
Attachment 2 - GBTF Roster  
Attachment 3 - City Priorities, Policies, & Goals  
Attachment 4 - GHG Inventory Fact Sheet  
Attachment 5 - Energy Demand & Conservation  
Attachment 6 - Road Map  
Attachment 7 - First Steps Recommendations
- 6.D **(8:05 PM) Sustainable Transportation Plan Update - Public Works**, 5 Minutes
- 6.E **(8:10 PM) Update from Joint City Council and Planning Commission Land Use Subcommittee - Councilmembers Carr, Hytopoulos, and Pollock**, 10 Minutes
- 6.F **(8:20 PM) Update on Policing Town Hall - Police**, 10 Minutes  
Virtual Policing Town Hall Event Brief CC 09-01-20.pdf
- 6.G **(8:30 PM) Shoreline Master Program Periodic Review Public Participation Program and Work Plan - Planning**, 30 Minutes  
Staff Memo  
Attachment 2 - Updated PPP/WP  
Attachment 1 - History Log  
Attachment 3 - Prior PPP/WP  
Attachment 4 - Ecology Rule Summary
- 6.H **(9:00 PM) Professional Services Agreement with Jurassic Parliament for Parliamentary Procedure Training - Executive**, 10 Minutes  
PSA with Jurassic Parliament for Council Parliamentary Procedure Training  
Macfarlane Resume

- 6.I **(9:10 PM) Appointments to the Ethics Board - Mayor Schneider** 5 Minutes  
Ethics Board Applications (Redacted).pdf
- 6.J **(9:15 PM) Process to Fill Race Equity Task Force Vacancy - Executive,** 10 Minutes

7. **FOR THE GOOD OF THE ORDER - 9:25 PM**

8. **ADJOURNMENT - 9:35 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.

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**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 Study Session Agenda Bill

**MEETING DATE:** September 1, 2020

**ESTIMATED TIME:** 20 Minutes

**AGENDA ITEM:** (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,

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

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Executive

**RECOMMENDED MOTION:** Hold Executive Session.

**STRATEGIC PRIORITY:** Good Governance

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:**

**ATTACHMENTS:**

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** September 1, 2020

**ESTIMATED TIME:** 10 Minutes

**AGENDA ITEM:** (6:35 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:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:**

**ATTACHMENTS:**

[090820 City Council Regular Business Meeting.pdf](#)

[091520 City Council Study Session.pdf](#)

[092220 City Council Regular Business Meeting.pdf](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



CITY OF  
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING  
TUESDAY, SEPTEMBER 08, 2020

REMOTE MEETING ON ZOOM

**AGENDA**

1. CALL TO ORDER/ROLL CALL - 6:00 PM
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, 20 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, 10 Minutes
8. PRESENTATION(S)
  - 8.A (x PM) Proclamation Declaring September 11, 2020 as "A Day of Service and Remembrance" - Mayor Schneider, 5 Minutes
  - 8.B Proclamation - Declaring September 2020 as "Community Preparedness Month" - Executive, 5 Minutes  
FINAL\_Preparedness\_Month\_Proclamation\_2020.docx
  - 8.C 2020 Emergency Management Annual Briefing - Executive, 20 Minutes  
09082020 EM Presentation to CC Final.pdf
  - 8.D (x PM) Resolution No. 2020-03, Madison Place Final Subdivision - Planning, 10 Minutes  
Resolution\_No.\_2020-03\_\_Madison\_Place\_Final\_Subdivision.docx

Exhibit A Compliance Notation Report  
Exhibit B Performance Bond \$125,738.69  
Exhibit B(1) Approved Estimate for Bonding  
Exhibit B(2) Maintenance Bond \$32,889.80  
Exhibit C Final Plat  
Exhibit D Hearing Examiner Decision on Preliminary Plat  
Exhibit E City Development Engineer Recommendation  
Exhibit F - Public Benefit, Development, and Permit Processing Agreement

## 9. UNFINISHED BUSINESS

- 9.A **2021-2026 Capital Improvement Plan Ordinance, First Reading** 10 Minutes  
Ordinance No. 2020-XX Adopting the 2021-2026 Update of the Six-Year CIP .docx  
2021\_2026 CIP Combined.pdf
- 9.B **Self-Service Storage Moratorium Update**, 20 Minutes
- 9.C **Withdraw the Shoreline Master Program (SMP) Aquaculture Limited Amendment from the Department of Ecology (DOE) - Planning**, 5 Minutes
- 9.D **(x PM) Set the Public Hearing for Shoreline Master Program (SMP) Amendment for Critical Areas Ordinance Integration and Amendments to Nonconforming Uses, Structures, and Lots, Ord 2020-17 - Planning**, 10 Minutes  
20200811\_CC\_Staff\_Memo\_SMP\_Amendment  
Ordinance\_No.\_2020-17\_Adopting\_the\_Shoreline\_Master\_Program\_Amendment  
Exhibit\_A\_to\_Ordinance\_No.\_2020-17\_Shoreline\_Master\_Program\_Amendment  
Exhibit\_B\_Table\_of\_Changes\_to\_Draft\_SMP\_Amendment  
Determination of Initial Concurrence from the WA Department of Ecology  
Ecology Recommendations to Resolve Issues Identified as Required and Recommended
- 9.E **(x PM) Schedule a Public Hearing on Ordinance No. 2020-X, Related to Extending the Moratorium on Certain Development Activities - Planning**, 20 Minutes  
Development Moratorium Handout  
Moratorium Extension Ordinance No. 2019-26  
20200221\_Abbreviated\_moratorium\_work\_program\_status\_report.docx
- 9.F **2020 Annual Drainage Project Reject Bid - Public Works**, 10 Minutes  
Drainage Bid Form.docx
- 9.G **Position Profile for City Manager Search**, 15 Minutes

## 10. NEW BUSINESS

- 10.A **John T. Nelson Park at Strawberry Cannery Cove Monitoring Well License Agreement - Public Works**, 5 Minutes  
REVOCABLE LICENSE AGMT.pdf  
CONSTRUCTION EASEMENT.pdf

- 10.B (x PM) Registered Sex Offender Address and Residency Verification Memorandum of Understanding with the Kitsap County Sheriff's Office - Police, 5 Minutes
- 10.C Update on AT&T Discussions related to Cellular Coverage and Service Gaps - Executive, 15 Minutes

11. CONSENT AGENDA

- 11.A Agenda Bill for Consent Agenda, 5 Minutes
- 11.B Accounts Payable and Payroll
- 11.C Regular City Council Meeting Minutes, August 25, 2020
- 11.D Ordinance No. 2020-21, Relating to 2020 2nd Quarter Budget and Updated Capital Improvement Plan Amendments - Finance  
2020\_2nd\_QTR\_BUA\_Transmittal\_Memo\_for 08252020.docx  
Ordinance No. 2020-21, Relating to 2020 2nd Quarter Budget and Updated Capital Improvement Plan Amendments  
Ord\_2020-21\_Attachment\_A\_-\_Q2\_Budget\_Amendments\_Final.pdf

12. COMMITTEE REPORTS

13. FOR THE GOOD OF THE ORDER

14. ADJOURNMENT

**GUIDING PRINCIPLES**

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CITY OF  
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION  
TUESDAY, SEPTEMBER 15, 2020**

REMOTE MEETING ON ZOOM

**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**, 10 Minutes
6. **PRESENTATIONS**
7. **UNFINISHED BUSINESS**
  - 7.A **Sustainable Transportation Plan Update**, 30 Minutes
  - 7.B **(x PM) Ordinance No. 2020-01, Updating the City's General Code Enforcement Process Contained in Chapter 1.26 BIMC**, 15 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
  - 7.C **Update from Joint City Council and Planning Commission Land Use Sub-Committee - Councilmembers Carr, Hytopoulos, and Pollock**, 10 Minutes
  - 7.D **(x PM) Recommendation from Ad Hoc Committee on Economic Recovery - Mayor Schneider, Deputy Mayor Deets, and Councilmember Medina**, 45 Minutes  
COVID-19 Economic Recovery Plan Recommendations for Bainbridge Island.pdf  
BIDA COVID-19 Funding Request.pdf  
BILA & VBI COVID-19 Funding Request.pdf  
City of Poulsbo COVID-19 Business Recovery Plan (Draft).pdf  
Poulsbo Summer Fair rules RF edit.pdf

- 7.E [Planning Commission Recommendation on Bonus Floor Area Ratio \(FAR\) options](#), 20 Minutes
- 7.F [Remaining Decisions on Process for Planning Commission Vacancies](#), 10 Minutes
- 7.G [Expectations for City Council Liaisons](#), 15 Minutes

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

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CITY OF  
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING  
TUESDAY, SEPTEMBER 22, 2020

REMOTE MEETING ON ZOOM

**AGENDA**

1. **CALL TO ORDER/ROLL CALL - 6:00 PM**
2. **EXECUTIVE SESSION**
3. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
4. **PUBLIC COMMENT**
5. **MAYOR'S REPORT**
6. **CITY MANAGER'S REPORT**
7. **FUTURE COUNCIL AGENDAS**
8. **PRESENTATION(S)**
  - 8.A **2021-22 Proposed Budget Presentation**, 30 Minutes
9. **PUBLIC HEARING(S)**
  - 9.A **(x pm) Ordinance No. 2020-17 Adopting the Shoreline Master Program Amendment - Planning**, 30 Minutes  
Staff Memorandum to City Council  
Ordinance No. 2020-17 Adopting the Shoreline Master Program Amendment  
Exhibit A to Ordinance No. 2020-17\_Shoreline Master Program Amendment  
Exhibit B Table of Changes to Draft SMP Amendment
  - 9.B **(x PM) Public Hearing on Ordinance No. 2020-X, Related to Extending the Moratorium on Certain Development Activities - Planning**, 10 Minutes  
Ordinance No. 2020-09 Extending the Development Moratorium - Public Hearing Draft  
Exhibit A to Ordinance No. 2020-09 - Updated Work Plan  
Exhibit B to Ordinance No. 2020-09 - Winslow Master Plan Study Area Map  
Development Moratorium Handout 20191204

**10. UNFINISHED BUSINESS**

**10.A Set the Public Hearing for the Interim Green Building Program Ordinance - Planning, 15 Minutes**

**10.B Monthly Update on 2020 Revenue and Expenses Forecasts - Executive, 10 Minutes**

**10.C Schedule Public Hearing for the Interim Green Building Program Ordinance - Planning, 10 Minutes  
Attachment 2 - GBTF Roster**

**11. NEW BUSINESS**

**11.A Update on Public Art Program, Arts and Humanities Bainbridge/Public Art Committee, 15 Minutes**

**11.B Arts and Humanities Bainbridge/Public Art Funding Proposal, 15 Minutes**

**11.C Ordinance No. 2020-XX, Updating the City's Telecommunications Master Permit Procedure  
Contained in Title 19 BIMC, 15 Minutes**

**11.D Consider revising BIMC 12.40.060 to include Blakely Harbor, Police, 30 Minutes**

**12. CONSENT AGENDA**

**12.A Agenda Bill for Consent Agenda, 5 Minutes**

**12.B Accounts Payable and Payroll**

**12.C City Council Regular Business Meeting Minutes, September 8, 2020**

**13. COMMITTEE REPORTS**

**14. FOR THE GOOD OF THE ORDER**

**15. ADJOURNMENT**

**GUIDING PRINCIPLES**

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CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** September 1, 2020

**ESTIMATED TIME:** 15 Minutes

**AGENDA ITEM:** (6:45 PM) Review Draft Profile for City Manager Search - Executive,

**SUMMARY:** The City has engaged Strategic Government Resources (SGR) to complete the search process for a City Manager. SGR is currently working to develop a draft position brochure for the City Council to review and approve. Ron Holifield of SGR will be available to support the Council's discussion of this item.

The current draft of the position profile is attached. The City Council has solicited public input on the position profile, and public comments received to date are also attached.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** City Council

**RECOMMENDED MOTION:** Discussion.

**STRATEGIC PRIORITY:** Good Governance

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:**

**ATTACHMENTS:**

[Draft City Manager Profile - 28 Aug 2020.pdf](#)

[Public Comment on City Manager Search.pdf](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



# **CITY MANAGER**

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*BAINBRIDGE ISLAND, WASHINGTON*

EXECUTIVE SEARCH PROVIDED BY





## THE COMMUNITY

Located in the heart of Puget Sound, Bainbridge Island is a progressive, educated, prosperous, and civically-engaged community. Measuring 28 square miles and encompassing 53 miles of topographically diverse shoreline, it is accessible by taking a 35-minute ferry from downtown Seattle or from the Agate Pass bridge on the island's north end. The City of Bainbridge Island has comprised the entire island since 1991, when the City of Winslow—then the island's urban center—annexed the rest of the island to better manage growth from an island-wide perspective.

Bainbridge Island is notable for its beauty, its maritime climate, and its location between Seattle and the Olympic Peninsula. The island consists of beaches and harbors, forests and fields, trails and two-lane roads, and homes and businesses surrounded by the waters of Puget Sound.

The island has a rich natural and cultural history, including the presence of indigenous people, followed later by an influx of European and Asian immigrants, who built timber, maritime, and agricultural economies. Contemporary Bainbridge Island is home to a diverse mix of people including artists, business professionals, farmers, students, and retirees.

Cultural sites include the Bainbridge Island Museum of Art, Bainbridge Island Historical Museum, Bloedel Reserve, Islandwood, Japanese American Exclusion Memorial, and Bainbridge

Performing Arts. The combination of waterfront parks, woodland trails, varied dining and shopping choices, and miles of shoreline appeal to residents and visitors alike.

Amidst a thriving business and tourism community, the island maintains its rural feel and islanders take pride in the small farms and grassy meadows that dot the landscape. In fact, residents hold protection and conservation of the Island's natural ecosystems as a primary community value, passing bond measures to purchase hundreds of acres of forests, meadows, beaches, trails, and public farmland to ensure the sustainability of environmental protections, recreational access, and opportunities for local food sources.

Bainbridge Island is the second largest city in Kitsap County. Its population has remained relatively stable over the past two decades, following rapid growth from 1980 to 2000. In the 2010 census, the population was just over 23,000. By 2019, the estimated population had grown to more than 25,000. The majority of the population is above 45 years of age and the median age is 48.5. Islanders are well-educated—66.6 percent of the adult population hold a bachelor's degree or higher.



*continued*

Many residents work in other parts of Kitsap County or the Seattle metropolitan area. Almost 60 percent of Bainbridge Island residents hold professional or management positions, resulting in significantly higher median household incomes than the national average. Since 2000, the proportion of Bainbridge Island households with incomes greater than \$100,000 has steadily increased. Employment on the island comes from a mixture of retail shops, service and home-based businesses, manufacturing, government, education, and healthcare.



## **GOVERNANCE AND ORGANIZATION**

The City of Bainbridge Island is a non-charter code city with a Council-Manager form of government. The City Council consists of seven members, including two representatives from each of three wards (north, central, and south), and one member who serves the entire island on an at-large basis. Council members serve staggered four-year terms. Each year, the City Council chooses a chair, who serves as Mayor and presides at Council meetings. A Deputy Mayor is also selected and presides over City Council Study Sessions.

The City Council appoints a professional City Manager, who reports to the City Council and is responsible for the day-to-day operations of the organization. The City provides an array of municipal services including Finance and Administrative Services, Municipal Court, Planning and Community Development, Public Safety, and Public Works. Separate taxing districts provide Fire, Library, and Parks services.

The City of Bainbridge Island has 133 employees. It has an annual operating and capital budget of \$42.1 million.

# CHALLENGES AND OPPORTUNITIES

The City of Bainbridge Island works hard to serve the critical needs and priorities identified as integral to the community's goals. Residents understand that it will take a proactive approach to maintain, restore, and enhance the condition of the island so they can continue to enjoy its bounty. Islanders balance personal interests with concern for the community and the environment. As the population increases, innovative strategies and planning processes will be necessary to manage the island's lands and waters thoughtfully.

The City's Comprehensive Plan, last updated in 2017, is a visionary document that presents an ambitious long-range plan to support a sustainable, healthy, and thriving community in Bainbridge Island. It encapsulates the extensive efforts undertaken to determine how the City will bring about its future vision and includes a set of action priorities in each element to direct future City works.

As of year-end 2019, City departments had made notable progress towards responding to the implementing actions identified in the Comprehensive Plan and continuing this progress will be a top priority for the next City Manager.

Residents look forward to the challenges of the future, and will actively participate in shaping a joyful, stable, and sustainable community.



# THE IDEAL CANDIDATE

The City of Bainbridge Island is a unique, multi-faceted community seeking a seasoned and inclusive City Manager who possesses extraordinary interpersonal, operational, and leadership skills. The selected candidate will have the opportunity to work collaboratively with well-informed, engaged citizens to address the needs and growth of the Island.

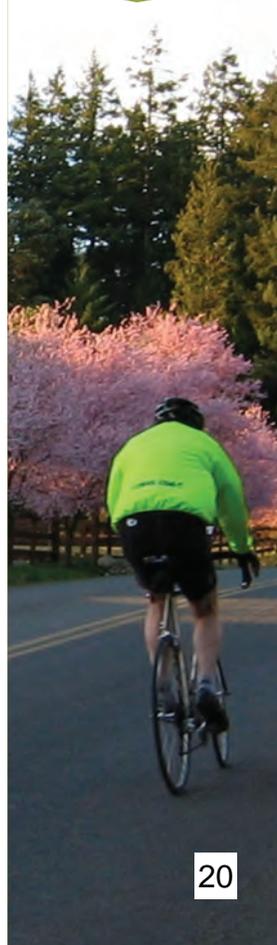


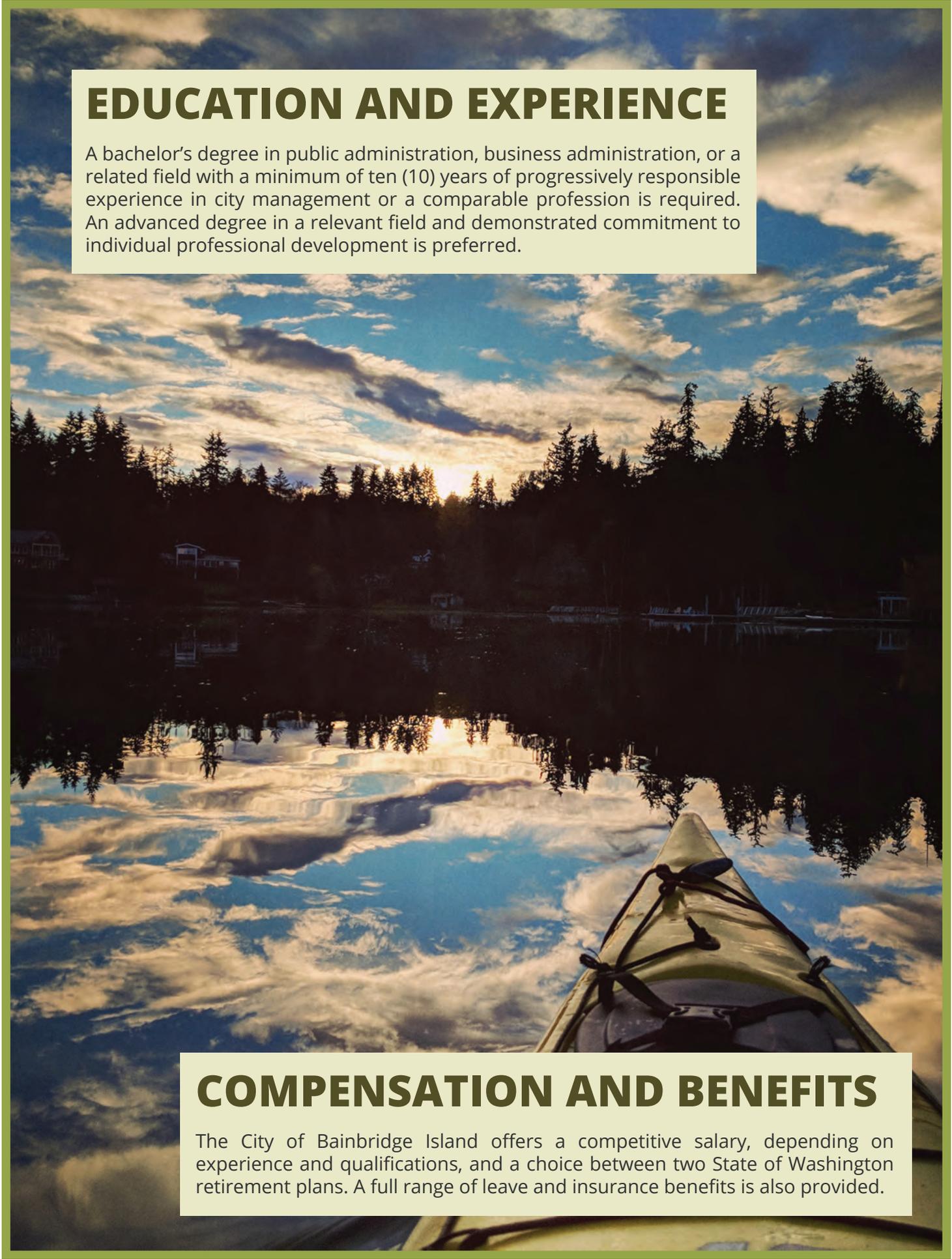
While technical proficiency in delivering City services is essential, the successful candidate must also demonstrate a capacity for adaptive leadership in working with the City Council to address the complex problems that must be faced in the struggle to develop a sustainable community within the contexts of rapid climate, societal, and economic changes. The next City Manager must be able to garner the trust and support of the community, advise the City Council on the best paths to develop its objectives and achieve its vision, and lead the organization in planning and execution of those strategies. Accessibility and accountability to the public is highly valued and the successful candidate must be a strong advocate for implementation of the Comprehensive Plan.

The City Council values diversity and places a high priority on selecting a candidate with a demonstrated ability and commitment to increasing racial diversity.

Attributes of the successful candidate include:

- A deep understanding of land use planning and the knowledge and experience of working with the departmental operations of a high-demand, high-performance municipal organization.
- An inclusive, collaborative leadership style and an engaging, confident interpersonal style that acknowledges and respects the roles of all stakeholders—from the general public to the City Council, as well as city staff, local business and tourism sectors, and regional and state partners.
- A strategic thinker and creative problem solver with the ability to identify objectives, determine plans to meet those objectives, and lead the organization in executing the operations that will achieve those objectives.
- A high degree of political sensitivity in all matters, including the ability to help the City Council navigate the decision-making process of serving the varied needs and expectations of the Bainbridge Island community.
- Strong communication skills to listen and absorb information, coupled with the skills to inform, educate, and inspire at every level of the organization and throughout every sector of the community. This includes a commitment to embracing and advocating for a high level of public participation in the decision-making process to ensure inclusivity, openness, and transparency.
- A successful record supervising and mentoring staff and teams, including professional and leadership development, to encourage public service and community engagement to build credibility.
- A strong focus on innovation and healthy governance with leading edge thinking on how to run a small and unique city.





## **EDUCATION AND EXPERIENCE**

A bachelor's degree in public administration, business administration, or a related field with a minimum of ten (10) years of progressively responsible experience in city management or a comparable profession is required. An advanced degree in a relevant field and demonstrated commitment to individual professional development is preferred.

## **COMPENSATION AND BENEFITS**

The City of Bainbridge Island offers a competitive salary, depending on experience and qualifications, and a choice between two State of Washington retirement plans. A full range of leave and insurance benefits is also provided.



# APPLICATION PROCESS

Please apply online at: <http://bit.ly/SGROpenRecruitments>

For more information on this position contact:

**Ron Holifield, Chief Executive Officer**

[Ron@GovernmentResource.com](mailto:Ron@GovernmentResource.com)

214-676-1691

*The City of Bainbridge Island is an Equal Opportunity Employer. Applicants selected as finalists for this position will be subject to a comprehensive background check.*

# RESOURCES

**CITY OF BAINBRIDGE ISLAND**

[bainbridgewa.gov](http://bainbridgewa.gov)

**BAINBRIDGE ISLAND CHAMBER OF COMMERCE**

[bainbridgechamber.com](http://bainbridgechamber.com)

**KITSAP ECONOMIC DEVELOPMENT ALLIANCE**

[kitsapeda.org](http://kitsapeda.org)

**VISIT BAINBRIDGE ISLAND**

[bainbridgeisland.com](http://bainbridgeisland.com)

[visitkitsap.com](http://visitkitsap.com)

**BAINBRIDGE ISLAND SCHOOL DISTRICT**

[bisd303.org](http://bisd303.org)

**BAINBRIDGE ISLAND DOWNTOWN ASSOCIATION**

[bainbridgedowntown.org](http://bainbridgedowntown.org)

# BAINBRIDGE ISLAND SOCIAL MEDIA AND COMMUNICATIONS

**CITY MANAGER'S REPORT**

[bainbridgewa.gov/500/City-Managers-Report](http://bainbridgewa.gov/500/City-Managers-Report)

**COBI CONNECTS**

[bainbridgewa.gov/1151/COBI-Connects](http://bainbridgewa.gov/1151/COBI-Connects)



**From:** [Monica Aufrecht](#)  
**To:** [City Clerk](#); [Council](#)  
**Subject:** City Manager candidate should demonstrate experience with race equity  
**Date:** Wednesday, August 26, 2020 6:24:39 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear Councilmembers,

Thank you for your commitment to race equity on Bainbridge Island and to making our community welcoming to all. These conversations are not always easy, but I recognize and appreciate the sincerity that each of you have been bringing to the table.

There is an opportunity to further this shared goal while searching for a new city manager. I urge you to consider adding to the candidate search the criteria that the new COBI city manager have experience and a demonstrated commitment to race equity.

Thank you!

Monica Aufrecht  
Bainbridge Island, WA

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Monica Aufrecht, Ph.D.  
Philosophy Instructor  
Logic, Ethics, Philosophy of Science

<https://commons.bellevuecollege.edu/monicaaufrecht/>

“We are the first generation to feel the sting of climate change, and we are the last that can do something about it.” - Washington State Governor Jay Inslee

**From:** [Patty Lyman](#)  
**To:** [City Clerk](#); [Council](#)  
**Subject:** City Manager Position  
**Date:** Wednesday, August 26, 2020 1:07:29 PM

---

**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear COBI,

As COBI starts the search for a new City Manager, it is crucial that those being considered have experience working for racial equity. COBI agreed to participate in training from Government Alliance on Race and Equity. (GARE )The new City Manager would be responsible for leading the city through training with GARE. A manager with experience in using a race equity lens when working with city staff and government as well as residents of Bainbridge Island will move all of us forward in erasing institutional racism and making Bainbridge Island welcoming for all.

Patty Lyman  
448 Seed Path NW  
206 218-6453

**From:** [Gary L Johnson](#)  
**To:** [City Clerk](#)  
**Subject:** City manager search  
**Date:** Tuesday, August 25, 2020 8:15:33 PM

---

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I can only hope that we find more future employees who desire and respect the desire to keep our main commercial and tourist area «Winslow» a truly VILLAGE rather than just another town. We do not need to pollute our atmosphere with over sized HOTELS and apartment/condo complexes.

The new proposed Hotel is two blocks from my residence on Grow Ave. and after living here for almost 25 years I will most likely sell my home to relocate to a more livable town.

Thank you for allowing me to comment on this matter,

Gary L Johnson

**From:** [Susan Loftus](#)  
**To:** [City Clerk](#)  
**Subject:** City Manager Search  
**Date:** Wednesday, August 26, 2020 1:18:13 PM

---

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Council Members,

Thank you for the opportunity to comment on the selection of the new city manager. The follow are some thoughts I'd like to offer for the qualities that are important in a city manager for these very consequential times we live in.

Most of you, if not all, recognize that we have just a short window left in order to act boldly to avoid the worst consequences of climate change. Most of us would love to see Bainbridge Island being an inspiration for other communities. The new city manager will need to be someone very comfortable with big changes and big visions. He or she will need to be adept at fostering collaborative relationships between the city and community members and organizations. Once we've identified the most impactful bold actions to take, it will require all of us to working together to implement them. While Bainbridge Island has its share of naysayers, we have more than out fair share of talented innovative folks ready and willing to help.

It's a tricky business separating the role of implementing the vision setting of the council versus actually setting the direction of vision setting. It's not easy to understand the implication of certain implementation decisions without understanding the big picture. While It may be unrealistic to expect a manager to have expertise in all topics of importance for Bainbridge Island, I would hope we could find someone with some expertise in climate change and sustainability.

Thank you,  
Susan Loftus

**From:** [cindy4253@aol.com](mailto:cindy4253@aol.com)  
**To:** [City Clerk](#)  
**Subject:** City Manger candidate criteria  
**Date:** Tuesday, August 25, 2020 5:31:46 PM

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Dear City Council,

Please ask members of the Race Equity Task Force to help you with setting the experience required by candidates for the City Manger position.

Cindy Anderson

**From:** [Don Willott](#)  
**To:** [City Clerk](#)  
**Subject:** Comments re. City Manager Search  
**Date:** Wednesday, August 26, 2020 1:56:58 PM

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**August 26, 2020**  
**Comments re. City Manager Search for the City of Bainbridge Island**  
**Don Willott**

**Desirable Qualities**

Demonstrated orientation and personal skill to engage with citizens & advisory committee leaders.

Demonstrated investment in support of all levels of staff. Hiring practices transparent & equitable.

Knowledgeable and experienced with developing greenway, urban forestry, regional trails, and open space conservation.

Demonstrated personal life commitment to active transportation and community development of systems.

Forthcoming and transparent.

**What Candidates should know about Bainbridge Island**

The Bainbridge community espouses high value for “rural character” & “tree-lined roads.” A combination of community efforts over decades has set the stage to more actively plan for an environmentally sustainable multi-modal transportation system on Bainbridge. Leadership by the new City Manager is vital to progressive realization of that vision. This is particularly important to development of the Sound to Olympics Trail, and the SR 305 corridor to live up to its designation as a Scenic and Recreational Highway.

An eight million dollar COBI bond levy overseen by a highly regarded Open Space Commission was heavily leveraged to successfully bring large blocks of conserved open space with trails into community ownership. The highly respected Bainbridge Island Land Trust continues progressive successful conservation and stewardship of critical areas. The Bainbridge Island Parks Foundation has been highly successful facilitating creation and improvement of easements and acquisitions to develop trail connectivity through natural areas.

The Bainbridge Island Metropolitan Parks and Recreation District has been a leader in acquiring and managing open space with trails, partnering with the City, Parks, and other organizations.

The City's, as recommended and assisted by its Non-Motorized Transportation Advisory Committee, led in planning and development of the Sound to Olympics Trail. The STO is a regional trail across Kitsap County, connecting regional trails from the Seattle side of Puget Sound with regional trail across the Olympic Peninsula to the Pacific Ocean. The STO has been adopted by the Rails to Trails Conservancy as the designated route for its Great American Rail Trail, connecting Washington, D. C. with the Pacific Ocean in Washington State.

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In 2018, the City completed the first fully constructed mile of STO as a linear park along SR 305 through the heart of Winslow between Winslow Way and High School Road. Despite early controversy over loss of trees at the time of its construction, the "STO Winslow Connector" is now heavily used as anticipated by a wide variety of users. As with other regional trails nationwide, trail use increased still more with COVID 19 restrictions. Current privately funded native habitat enhancement with the Sound to Olympics Trail Fund through the Bainbridge Island Parks Foundation is receiving high praise by users.

The City Council has prioritized continuing planning, feasibility assessments, funding and construction of the STO. This active transportation trunkline for Bainbridge is a key element for multi-modal and sustainable transportation. City Council has prioritized work with consultants and community to develop a Sustainable Transportation Plan, to be completed in 2021.

Successful City Manager candidates should demonstrate ability to lead and integrated process with staff and community leaders to implement the STO as a greenway, doubling as wildlife habitat corridor and a corridor for the movement of people. The STO is a key element in the City's Sustainable Transportation Plan. The City Manager should be prepared to actively engage with leadership of the Washington State Department of Transportation, as well as community organizations concerned with multi-modal transportation and environmentally sustainable planning for our Scenic and Recreational Highway on Bainbridge.

**From:** [responsible\\_citizenry](#)  
**To:** [City Clerk](#); [Council](#); [editor@bainbridgereview.com](mailto:editor@bainbridgereview.com)  
**Subject:** Excellent candidate for city manager!  
**Date:** Wednesday, August 26, 2020 4:40:56 PM

---

**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

P L E A S E sincerely consider and responsibly appoint to the city manager position our highly qualified local resident and present Deputy Major and Central Ward representative ... **Rasham Nassar**,

I N D E E D with sincere respect, Rasham is an extraordinary candidate for that position. She is wise, highly capable and deeply committed to honesty and true sustainability in our community.

T O O - with the gift of Rasham being "local" ... COBI will not need to spend unnecessary funds to bring from afar a candidate who is as yet NOT familiar with the existing dynamics, limitations and needs of our community.

Y E S, P L E A S E ... appoint **Rasham Nassar** to the position of city manager!

Thank you

Lawrence Koss, M.Ed.

**From:** [Laura Van Dyke](#)  
**To:** [City Clerk](#)  
**Cc:** [Council](#)  
**Subject:** Include Leadership in Racial Equity as Key Attributes for City Manager Position  
**Date:** Tuesday, August 25, 2020 8:53:45 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear COBI,

I believe including leadership in racial equity as a key attribute for the new City Manager position is really important.

It is crucial that the city hire someone who is knowledgeable and committed to carrying out this implementation.

The new City Manager must be someone who can lead the city in undertaking GARE training, creating a Race Equity Action Plan for the city, and guiding staff in its implementation. The successful candidate should have a high equity IQ, have a solid equity analysis (be able to articulate the concepts of racism and equity) and be able to explain to you how the city's equity commitments can be accomplished while carrying out the business of the city.

**Key attributes of such a leader must include:**

- • Cultural competency and racial literacy
- • Extensive training in equity and inclusion
- • Previous experience in implementing and executing racial justice initiatives
- • Understanding and experience in using a race equity lens in decision making and policy
- • Inclusive leadership style
- • Strengths in community engagement and inclusion

**Preferred attributes, in addition to the ones listed above would include:**

- • Familiarity or experience with GARE
- • Enthusiasm for the implementation of equity initiatives
- • Personal passion for racial equity and social justice

In addition to placing these attributes into the position profile for the new City Manager, those who vet and interview candidates should be prepared to thoroughly question candidates to ascertain their cultural competence and racial equity knowledge and experience. The Race Equity Task Force can help provide appropriate questions and skills for analyzing candidate responses.

The new City Manager can potentially be a great asset or a great detriment to COBI's commitments to race equity. The right person will be a leader who champions equity and

knows how to get us there!

Thank you.

Laura Van Dyke

296-920-5610

--

*Laura Van Dyke*

*206-920-5610 cell*

*[lauravandyke5@gmail.com](mailto:lauravandyke5@gmail.com)*

**From:** [robin hunt](#)  
**To:** [Council](#)  
**Cc:** [James Friday](#); [Brenda Fantroy-Johnson](#)  
**Subject:** Incorporation of race equity into new City Manager search  
**Date:** Tuesday, August 25, 2020 6:33:37 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

25 August 2020

Dear COBI,

In searching for a new City Manager, could you please seek and find someone who, in addition to meeting standard administrative qualifications, has the heart and dedication (1) to advance the City's recently adopted principles for building race equity within the city government structure and practices. in general; and (2) to support the City's Race Equity Task Force, in particular. Hiring such a person will not also serve the managerial needs of the City, but also help lead Bainbridge to become a truly welcoming community.

Whether intentionally or not, you have already hired people with heart for racial equity and justice for all—our past and current police chiefs, former Chief Hamner and current Chief Clark. Because of his extensive past interactions with people of color, Chief Clark, for example, naturally sees and treats everyone as an individual, not some anonymous member of a racial class. Because he is naturally comfortable working and talking with our citizens of color, he does not face the steep learning curve of a person without such background.

I also urge you to engage representatives of The Race Equity Task Force to participate in the new city manager interview and selection process. They can help discern which candidates have the heart and dedication to help the City of Bainbridge Island achieve the race equity to which we aspire.

Thank you for considering this critical, though somewhat intangible, qualification for our new city manager.

J. Robin Hunt, Bainbridge Island  
206-842-6459  
[jrobinhunt@msn.com](mailto:jrobinhunt@msn.com)

Sent from [Mail](#) for Windows 10

**From:** [Kristine Kelleher](#)  
**To:** [City Clerk](#)  
**Cc:** [Robin Simons](#); [Jack Dyste](#)  
**Subject:** Re: City Manager Search  
**Date:** Friday, August 28, 2020 9:56:08 AM

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CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Hello City Hall...

As you move through your hiring process for City Manager, May I suggest you don't hire the person whom you like how they think. Look for the person who doesn't think like you. This island needs more diversity of thinking, then the current myopic group thinking being done at City Hall right now. We need more leaders who are open to listening to the tax payers of the island and not just enacting policies of a small group of City Hall staff.

Regards, Kristine Kelleher

Sent from my iPad

**From:** [Deanna Vandiver](#)  
**To:** [City Clerk](#)  
**Cc:** [Council](#); [Peggi Erickson](#)  
**Subject:** RE: City Manager Search  
**Date:** Wednesday, August 26, 2020 9:34:17 AM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

26 August 2020

RE: City Manager Search

Dear COBI:

I am writing in response to the City Council's desire for public input to inform the development of the City Manager position profile.

It is essential that the next COBI Manager have an intimate awareness of and commitment to understanding that this island is part of the aboriginal territory of the Suquamish Tribe and beholden to the requirements of the Point Elliott Treaty of 1855. As such, the City Manager is responsible for supporting the decolonization of Island functions and the decriminalization of indigenous presence and practices in this place. Island government must engage in an equitable and respectful relationship with the Suquamish Tribal Council.

The City Manager shall possess a strong analysis about the anti-Blackness, systemic racism, and colonial structures and practices that are present in the COBI governmental structures and a deep commitment to eradicating these inhumane structures and practices. Skill sets should include a high tolerance for holding space for a multiplicity of experiences and perspectives and the ability to learn without defensiveness.

I request that you engage COBI's Race Equity Task Force in the shaping of this position profile and in the candidate selection process. Racial justice and systemic equity are core competencies required for city managers and this must be clear throughout the entirety of the hiring, selection, and accountability process.

As the ancestor Maya Angelou instructed us, "*Do the best you can until you know better. Then when you know better, do better.*" COBI now knows that it matters to stretch beyond the narrative of liberalism on this island to the reality of the endemic racism in our governmental structures and practices. This position hire is an opportunity for COBI to do better.

With gratitude,

Rev. Deanna Vandiver, Bainbridge Island

\*\*\*\*\*

Rev. Deanna Vandiver

(504) 821-9284

Church of the Larger Fellowship, [Community Minister for Love and Liberation](#)

**From:** City Clerk  
**To:** ["Thompson Brooke"](#)  
**Subject:** RE: Selection of City Manager  
**Date:** Friday, August 28, 2020 10:11:00 AM

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**From:** Thompson Brooke <brooke@raincity.com>  
**Sent:** Tuesday, August 25, 2020 1:01 PM  
**To:** City Clerk <cityclerk@bainbridgewa.gov>  
**Subject:** Selection of City Manager

**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

In the selection process, interview with the interested applicants for City Manager should include questions about their commitment and experience with race equity policies.

The letter below expounds the details well,  
Brooke Thompson  
Central Ward Bainbridge

Dear COBI,

I am writing to ask you to please incorporate the city's recent commitments to implement racial equity into the new City Manager position profile. It is crucial that the city hire someone who is knowledgeable and committed to carrying out this implementation.

The new City Manager must be someone who can lead the city in undertaking GARE training, creating a Race Equity Action Plan for the city, and guiding staff in its implementation. The successful candidate should have a high equity IQ, have a solid equity analysis (be able to articulate the concepts of racism and equity) and be able to explain to you how the city's equity commitments can be accomplished while carrying out the business of the city.

Key attributes of such a leader must include:

- Cultural competency and racial literacy
- Extensive training in equity and inclusion
- Previous experience in implementing and executing racial justice initiatives
- Understanding and experience in using a race equity lens in decision making and policy
- Inclusive leadership style
- Strengths in community engagement and inclusion
- Preferred attributes, in addition to the ones listed above would include:
  - Familiarity or experience with GARE
  - Enthusiasm for the implementation of equity initiatives
  - Personal passion for racial equity and social justice

In addition to placing these attributes into the position profile for the new City Manager, those who vet and interview candidates should be prepared to thoroughly question candidates to ascertain their cultural competence and racial equity knowledge and experience. The Race Equity Task Force

can help provide appropriate questions and skills for analyzing candidate responses.  
The new City Manager can potentially be a great asset or a great detriment to COBI's commitments to race equity. The right person will be a leader who champions equity and knows how to get us there!  
Thank you.

**From:** [Carol Appenzeller](#)  
**To:** [City Clerk](#)  
**Subject:** City Manager Input  
**Date:** Wednesday, August 26, 2020 9:04:28 AM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Bainbridge is such an amazing place full of people with great values. Yet, we also know that, even with our loving intentions, things we don't notice can exclude people or make them feel unwelcome. I'm white, as are most of my neighbors and friends, and we often talk about why Bainbridge doesn't represent the world as it is. We know in our hearts that we don't want to be Palm Springs or Carmel where only one sort of person is heard. Hiring a new City Manager is the perfect opportunity to help Bainbridge become the model of appropriate inclusivity that we all know it could be. Please find a manager who is truly literate and experienced in racial equity and inclusion. Our neighbors around the Sound, the state, and indeed the whole world see that America needs this kind of change, and they are watching, waiting to see what we do.

Sincerely,  
Carol Appenzeller  
203 Gideon Lane

**From:** [Patty Lyman](#)  
**To:** [City Clerk](#); [Council](#)  
**Subject:** City Manager Position  
**Date:** Wednesday, August 26, 2020 1:07:29 PM

---

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Dear COBI,

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Patty Lyman  
448 Seed Path NW  
206 218-6453

**From:** [Gary L Johnson](#)  
**To:** [City Clerk](#)  
**Subject:** City manager search  
**Date:** Tuesday, August 25, 2020 8:15:33 PM

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Thank you for allowing me to comment on this matter,

Gary L Johnson

**From:** [Susan Loftus](#)  
**To:** [City Clerk](#)  
**Subject:** City Manager Search  
**Date:** Wednesday, August 26, 2020 1:18:13 PM

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Thank you,  
Susan Loftus

**From:** [cindy4253@aol.com](mailto:cindy4253@aol.com)  
**To:** [City Clerk](#)  
**Subject:** City Manger candidate criteria  
**Date:** Tuesday, August 25, 2020 5:31:46 PM

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Dear City Council,

Please ask members of the Race Equity Task Force to help you with setting the experience required by candidates for the City Manger position.

Cindy Anderson

**From:** [Don Willott](#)  
**To:** [City Clerk](#)  
**Subject:** Comments re. City Manager Search  
**Date:** Wednesday, August 26, 2020 1:56:58 PM

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**August 26, 2020**

**Comments re. City Manager Search for the City of Bainbridge Island  
Don Willott**

### **Desirable Qualities**

Demonstrated orientation and personal skill to engage with citizens & advisory committee leaders.

Demonstrated investment in support of all levels of staff. Hiring practices transparent & equitable.

Knowledgeable and experienced with developing greenway, urban forestry, regional trails, and open space conservation.

Demonstrated personal life commitment to active transportation and community development of systems.

Forthcoming and transparent.

### **What Candidates should know about Bainbridge Island**

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**From:** [responsible\\_citizenry](#)  
**To:** [City Clerk](#); [Council](#); [editor@bainbridgereview.com](mailto:editor@bainbridgereview.com)  
**Subject:** Excellent candidate for city manager!  
**Date:** Wednesday, August 26, 2020 4:40:56 PM

---

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I N D E E D with sincere respect, Rasham is an extraordinary candidate for that position. She is wise, highly capable and deeply committed to honesty and true sustainability in our community.

T O O - with the gift of Rasham being "local" ... COBI will not need to spend unnecessary funds to bring from afar a candidate who is as yet NOT familiar with the existing dynamics, limitations and needs of our community.

Y E S, P L E A S E ... appoint **Rasham Nassar** to the position of city manager!

Thank you

Lawrence Koss, M.Ed.

**From:** [Laura Van Dyke](#)  
**To:** [City Clerk](#)  
**Cc:** [Council](#)  
**Subject:** Include Leadership in Racial Equity as Key Attributes for City Manager Position  
**Date:** Tuesday, August 25, 2020 8:53:45 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear COBI,

I believe including leadership in racial equity as a key attribute for the new City Manager position is really important.

It is crucial that the city hire someone who is knowledgeable and committed to carrying out this implementation.

The new City Manager must be someone who can lead the city in undertaking GARE training, creating a Race Equity Action Plan for the city, and guiding staff in its implementation. The successful candidate should have a high equity IQ, have a solid equity analysis (be able to articulate the concepts of racism and equity) and be able to explain to you how the city's equity commitments can be accomplished while carrying out the business of the city.

**Key attributes of such a leader must include:**

- • Cultural competency and racial literacy
- • Extensive training in equity and inclusion
- • Previous experience in implementing and executing racial justice initiatives
- • Understanding and experience in using a race equity lens in decision making and policy
- • Inclusive leadership style
- • Strengths in community engagement and inclusion

**Preferred attributes, in addition to the ones listed above would include:**

- • Familiarity or experience with GARE
- • Enthusiasm for the implementation of equity initiatives
- • Personal passion for racial equity and social justice

In addition to placing these attributes into the position profile for the new City Manager, those who vet and interview candidates should be prepared to thoroughly question candidates to ascertain their cultural competence and racial equity knowledge and experience. The Race Equity Task Force can help provide appropriate questions and skills for analyzing candidate responses.

The new City Manager can potentially be a great asset or a great detriment to COBI's commitments to race equity. The right person will be a leader who champions equity and

knows how to get us there!

Thank you.

Laura Van Dyke

296-920-5610

--

*Laura Van Dyke*

*206-920-5610 cell*

*[lauravandyke5@gmail.com](mailto:lauravandyke5@gmail.com)*

**From:** [robin hunt](#)  
**To:** [Council](#)  
**Cc:** [James Friday](#); [Brenda Fantroy-Johnson](#)  
**Subject:** Incorporation of race equity into new City Manager search  
**Date:** Tuesday, August 25, 2020 6:33:37 PM

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25 August 2020

Dear COBI,

In searching for a new City Manager, could you please seek and find someone who, in addition to meeting standard administrative qualifications, has the heart and dedication (1) to advance the City's recently adopted principles for building race equity within the city government structure and practices. in general; and (2) to support the City's Race Equity Task Force, in particular. Hiring such a person will not also serve the managerial needs of the City, but also help lead Bainbridge to become a truly welcoming community.

Whether intentionally or not, you have already hired people with heart for racial equity and justice for all—our past and current police chiefs, former Chief Hamner and current Chief Clark. Because of his extensive past interactions with people of color, Chief Clark, for example, naturally sees and treats everyone as an individual, not some anonymous member of a racial class. Because he is naturally comfortable working and talking with our citizens of color, he does not face the steep learning curve of a person without such background.

I also urge you to engage representatives of The Race Equity Task Force to participate in the new city manager interview and selection process. They can help discern which candidates have the heart and dedication to help the City of Bainbridge Island achieve the race equity to which we aspire.

Thank you for considering this critical, though somewhat intangible, qualification for our new city manager.

J. Robin Hunt, Bainbridge Island  
206-842-6459  
[jrobinhunt@msn.com](mailto:jrobinhunt@msn.com)

Sent from [Mail](#) for Windows 10

**From:** [Kristine Kelleher](#)  
**To:** [City Clerk](#)  
**Cc:** [Robin Simons](#); [Jack Dyste](#)  
**Subject:** Re: City Manager Search  
**Date:** Friday, August 28, 2020 9:56:08 AM

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CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Hello City Hall...

As you move through your hiring process for City Manager, May I suggest you don't hire the person whom you like how they think. Look for the person who doesn't think like you. This island needs more diversity of thinking, then the current myopic group thinking being done at City Hall right now. We need more leaders who are open to listening to the tax payers of the island and not just enacting policies of a small group of City Hall staff.

Regards, Kristine Kelleher

Sent from my iPad

**From:** [Deanna Vandiver](#)  
**To:** [City Clerk](#)  
**Cc:** [Council](#); [Peggi Erickson](#)  
**Subject:** RE: City Manager Search  
**Date:** Wednesday, August 26, 2020 9:34:17 AM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

26 August 2020

RE: City Manager Search

Dear COBI:

I am writing in response to the City Council's desire for public input to inform the development of the City Manager position profile.

It is essential that the next COBI Manager have an intimate awareness of and commitment to understanding that this island is part of the aboriginal territory of the Suquamish Tribe and beholden to the requirements of the Point Elliott Treaty of 1855. As such, the City Manager is responsible for supporting the decolonization of Island functions and the decriminalization of indigenous presence and practices in this place. Island government must engage in an equitable and respectful relationship with the Suquamish Tribal Council.

The City Manager shall possess a strong analysis about the anti-Blackness, systemic racism, and colonial structures and practices that are present in the COBI governmental structures and a deep commitment to eradicating these inhumane structures and practices. Skill sets should include a high tolerance for holding space for a multiplicity of experiences and perspectives and the ability to learn without defensiveness.

I request that you engage COBI's Race Equity Task Force in the shaping of this position profile and in the candidate selection process. Racial justice and systemic equity are core competencies required for city managers and this must be clear throughout the entirety of the hiring, selection, and accountability process.

As the ancestor Maya Angelou instructed us, "*Do the best you can until you know better. Then when you know better, do better.*" COBI now knows that it matters to stretch beyond the narrative of liberalism on this island to the reality of the endemic racism in our governmental structures and practices. This position hire is an opportunity for COBI to do better.

With gratitude,

Rev. Deanna Vandiver, Bainbridge Island

\*\*\*\*\*

Rev. Deanna Vandiver

(504) 821-9284

Church of the Larger Fellowship, [Community Minister for Love and Liberation](#)

**From:** City Clerk  
**To:** ["Thompson Brooke"](#)  
**Subject:** RE: Selection of City Manager  
**Date:** Friday, August 28, 2020 10:11:00 AM

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**From:** Thompson Brooke <brooke@raincity.com>  
**Sent:** Tuesday, August 25, 2020 1:01 PM  
**To:** City Clerk <cityclerk@bainbridgewa.gov>  
**Subject:** Selection of City Manager

**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

In the selection process, interview with the interested applicants for City Manager should include questions about their commitment and experience with race equity policies.

The letter below expounds the details well,  
Brooke Thompson  
Central Ward Bainbridge

Dear COBI,

I am writing to ask you to please incorporate the city's recent commitments to implement racial equity into the new City Manager position profile. It is crucial that the city hire someone who is knowledgeable and committed to carrying out this implementation.

The new City Manager must be someone who can lead the city in undertaking GARE training, creating a Race Equity Action Plan for the city, and guiding staff in its implementation. The successful candidate should have a high equity IQ, have a solid equity analysis (be able to articulate the concepts of racism and equity) and be able to explain to you how the city's equity commitments can be accomplished while carrying out the business of the city.

Key attributes of such a leader must include:

- Cultural competency and racial literacy
- Extensive training in equity and inclusion
- Previous experience in implementing and executing racial justice initiatives
- Understanding and experience in using a race equity lens in decision making and policy
- Inclusive leadership style
- Strengths in community engagement and inclusion
- Preferred attributes, in addition to the ones listed above would include:
  - Familiarity or experience with GARE
  - Enthusiasm for the implementation of equity initiatives
  - Personal passion for racial equity and social justice

In addition to placing these attributes into the position profile for the new City Manager, those who vet and interview candidates should be prepared to thoroughly question candidates to ascertain their cultural competence and racial equity knowledge and experience. The Race Equity Task Force

can help provide appropriate questions and skills for analyzing candidate responses.  
The new City Manager can potentially be a great asset or a great detriment to COBI's commitments to race equity. The right person will be a leader who champions equity and knows how to get us there!  
Thank you.

**From:** [Andrea](#)  
**To:** [City Clerk](#)  
**Subject:** City Manager Search  
**Date:** Friday, August 14, 2020 11:53:08 AM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

As a resident of Bainbridge Island for over 30 years I've seen many changes to our island's government. I've seen power concentrated in the council and the manager. I've seen people from far and wide rise to these positions of authority, much of which has saddened me deeply. These are not people who know our unique character. This is not something that can be learned from literature but only from living here for many years.

With that in mind, I believe that it is of utmost importance that our next city manager be someone who has lived here for many years. I was thrilled to see Morgan Smith take on this position after Doug Schulz left. Doug had no experience with life on our island and in my opinion did not serve us well. Morgan, on the other hand, knows us well and has been a wonderful leader of our community. I am sad to see her go.

Please don't bring someone from far away to our beautiful little island to become our next City Manager. We are a well educated community with many intelligent people who would be able to lead us into the future with honesty and integrity. A person who knows us well and understands the intricacies of the job is of paramount importance.

Pick someone from here.

Thank you,  
Andre'a Steurer

**From:** [responsible citizenry](#)  
**To:** [City Clerk](#)  
**Subject:** City Manager Search  
**Date:** Saturday, August 15, 2020 12:09:37 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

OMG ... finally, this is going to happen! BI may "finally" get a new city manager! Question is, will this person be sincerely committed and able to main "sustainability" on BI, or will he/she be hellbent as our present and the past managers to further exploit our community to benefit realtor and housing construction income?

With due respect, this moment has been far too long in happening. INDEED, in order to come on board, our present city manager demanded a salary exceeding that of our WA State governor no less. who himself was ("is"?) the 4th or 5th highest paid in our nation! She then demanded a significant raise months later!

My concern at this point is that I see no presentation from COBI of a search process that publically promises greater integrity than to date. INDEED, by the very fact that the search will be "nationwide" - as was our search and employment of a new Chief of Police (whom don't get me wrong, I've met and like tho' he replaced a long time local officer who did a great job filling in for a year after the former resigned) - I find myself questioning COBI's search criteria.

INDEED AGAIN - why not find someone "local" who's an invested interest in the healthy preservation of our community - i.e., not someone who will further sell out our community to the realty industry that "floods" our local BI Review with full - if not "double page" advertising. Indeed, last week's edition containing about twelve (12) full size pages replete with Georg & Arthur realty buying TWO (2) FULL side-by-side pages!!!!

Above said, owing to: (1) the choice of our present city manager, (2) the major high-end growth portion of the city council and (3) seeming behavior of our city planning commission - I feel little confidence that COBI is intent on commitment to true balance and "sustainability". Alas, I fear it will remain dedicated to high end realty construction therein ensuring advertising for evermore attraction of the wealthy in order to feed "COBI" therein forfeiting reasonable cost of homes and lifestyles for the majority of our citizenry.

Keolalani Koaloha

**From:** [Penny Lamping](#)  
**To:** [City Clerk](#)  
**Subject:** City Manager Search  
**Date:** Monday, August 17, 2020 10:06:27 AM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for the opportunity to provide my input on the search for the new city manager. I would first like to say that I wish the council had seen fit to keep Morgan Smith for one more year – I believe she has done a very good job during this difficult time.

I would like the Council to find someone who will speak truth to power! This council is distracted and side-tracked by every shiny object which comes along and I have no reason to believe future councils will behave any differently. Consequently they don't seem to get much work completed. I would like a city manager who will keep them on track, tell them when they are getting sidetracked and help them to see the end of their projects. That would be my most important criteria – keeping the council to their workplan and explaining to them when they are not doing their job.

Thank you,  
Penny Lamping  
Crystal Springs Dr.

**From:** [Robin Simons](#)  
**To:** [City Clerk](#)  
**Subject:** City Manager search  
**Date:** Sunday, August 23, 2020 5:06:26 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council members,

Thank you for inviting public input on a profile and priorities for a new city manager.

**I hope you will hire someone who has high level management experience in a similar size city that is facing similar growth pressures.** I hope you will examine the experience of that city closely to see how it has handled growth. Did it readily embrace growth with the belief that all growth is necessary and beneficial? Did it evaluate development opportunities and proposals with a strict eye to its own comprehensive plan and planning guidelines? How do citizens in that city feel about the city's growth? How do the members of the citizen advisory committees feel about the city's growth? I hope you will ask these questions and evaluate the answers critically because a person's past experience, and the mindset that was held in that city, will be significant indicators of what we might expect on Bainbridge.

**I hope you will hire someone who understands and respects the *intention* as well as the specific requirements of our comp plan and Winslow Master Plan.** I hope to see a city manager who understands that Guiding Principle #1 of our comprehensive plan is to "preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function," as well as later sections of the comp plan which emphasize that development on Bainbridge should serve the people who live here first and foremost; while tourism is an important part of our economy, serving tourists must come second to serving the needs and wishes of island residents. I hope you will hire someone with a proven track record of shepherding development in a manner that accords with that vision.

**I hope you will hire someone who has a proven track record of listening to citizen input and to citizen advisory committees.** Again, I would like to see you ask for feedback in that regard from the citizens and committee members in the city or cities where the candidates have worked.

**I would like to see a hiring process that is transparent and invites ongoing citizen input.** I hope citizens will have a chance to meet and review the finalists, and then discuss our thoughts about them in a public session with council members (separate from a regular council meeting so that adequate time can be allowed for a thorough discussion). I would like to see evidence that you are seriously considering the input you receive from citizens.

I applaud your start on that process by inviting citizens to offer input on the manager's profile and priorities. I encourage you to keep the public well informed as you craft a draft job description, a final job description, and at each stage of the hiring process. **Perhaps you might create a listserv called City Manager Search to make it easy for citizens to stay informed.**

Perhaps you might also **send every household a survey, as the parks department has done, asking for input.** This would help you gauge citizens' priorities, especially if people are asked to weigh priorities against each other as must happen given the constraints of the city budget.

I appreciate the opportunity to offer this input, and look forward to more such opportunities in the future. Thank you.

Robin Simons  
343 Winslow Way West

**From:** [Fred Truitt](#)  
**To:** [City Clerk](#); [Fred Truitt](#)  
**Subject:** Fwd: City Manager Search  
**Date:** Saturday, August 22, 2020 5:23:43 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

To City Council Search for City Manager:

Thank you for the invitation to provide public input.

First, please consider the expenditure of resources required for a nationwide search vs the likely benefits of such a large and expensive search. What evidence do you have that a nationwide search is likely to yield much better results than a more limited search?

(I have served on a number of academic search committees over the last 50 years, (Manchester Business School, UofW and Willamette University) and although the law sometimes required a national search in some cases the best candidate was much closer to home.

In light of our past experience with city managers not staying here very long it might be prudent to conduct a less expensive and more limited search.

Is it not a good idea to find someone already familiar with our local problems, preferences and peculiarities than someone from a totally different context and unfamiliar with the local landscape of conditions and constraints?

I recall an expensive consultancy report on city planning from back in the bad old days when COBI had such grand plans (and more money than it knew what to do with) for "world class this" and "world class that". The "national search" consultants brought their deep ( and deeply irrelevant) familiarity with Boulder, Colorado to solve all our needs and problems on Bainbridge Island. Please try to avoid repeating this mistake with the selection of city manager.

Second, consider that the most likely predictor of "success" here is success in previous employment, not a sparkling appearance in an interview or a professionally enhanced resume.

Third, please keep in mind that not everyone on Bainbridge Island lives in or can afford a waterfront MacMansion. Some of us live on limited incomes so please look for a city manager who might recognize this.

Yours,

John Frederick Truitt  
10100 NE Yaquina Ave.  
Bainbridge Island, WA 98110

206 780 5017

[fruitt@willamette.edu](mailto:fruitt@willamette.edu)

**From:** [Earth As One](#)  
**To:** [City Clerk](#)  
**Subject:** City Manager Search  
**Date:** Friday, August 21, 2020 6:14:02 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

With sincere respect - please appoint Deputy Mayor/Council Member Rasham Nassar to the position of City Manager. She is without question wholly capable and committed to the wellbeing of our community.

TOO, given Ms. Nassar's capabilities, there seems no reason for BI to devote time and expense to a "national search". We need to recognize and honor our local capabilities.

Sincerely,  
Lawrence N. Koss, M.Ed.

5192 NE Sullivan Road  
Bainbridge Island, WA 98110  
August 24, 2020

TO: Members of the Bainbridge Island City Council; City Manager Morgan Smith

FROM: Jon Quitslund

I welcome this opportunity to contribute to the Council's development of a profile for the position of COBI's next City Manager. I think it's important that the Council and the search firm, SGR, take into account the experience and opinions of many different citizens as they work together and make up their own minds about the credentials and personal qualities that are most desirable in a City Manager at this juncture in Bainbridge Island's history.

My perspective is that of a Planning Commissioner with almost nine years of experience, in the course of which I have learned a good deal about our Island's population and its political culture; about both the natural and built environments of Bainbridge; and about the structures and functions of governance in and around City Hall. I also draw upon a longer acquaintance with the goings-on in COBI, dating back to 2000.

I've been encouraged, in recent years, by high levels of interest in the workings of our local government, and by the numbers of people who step forward to serve in elected or appointed capacities. Things get done and changes happen, but slowly. Many citizens don't trust the Council (or trust only one or two members); many don't trust the Manager and staff. To be successful, the City Manager will need patience, good communication skills and a willingness to listen, and an instinct for the right moment to assert leadership.

Policy-making leadership and decision-making power are primarily vested in the City Council, so it is up to the Council, working together, to moderate the conflicts and confusion that exist within our community. In the best of times, this is never easy. In the years since the changeover to a Council / City Manager form of government, I have seen many improvements on the administrative side of COBI. I've seen a similar seriousness about their responsibilities on the Council, but their working relationships have been more prone to disarray and breakdown.

In times of trouble on the Council, should we look to the City Manager to be a problem-solver? Perhaps not, but I wouldn't respect a Manager who sits and waits for a fractious Council to figure things out on their own. I want to see a dynamic relationship, with some tensions built into it, where policies and decisions are worked out together.

We have had a succession of good City Managers. My acquaintance with day to day and month to month operations is limited, but it's my impression that across all departments things are going well: Morgan Smith and her team are entitled to take pride in running a 'tight ship.' Perhaps the Council, and the community as a whole, wants no change of course, but more of the same management style.

At this juncture, however, I want to add an emphasis on expertise and a kind of vision that I find missing from the City's administration today. Planning & Community Development is the department I know best (and the only department I know well). I find the staff there dedicated, very good at what they do, but severely handicapped, struggling to keep up with changing times and rising expectations. Shortcomings in Planning & Community Development reflect poorly on COBI as a whole, and on the City's capacity for coordinated leadership.

I am not inclined to blame the current or past managers of the Department. They have been doing, I believe, what the Council and the City Manager expect of them – which seems to be limited to 'minding the store.' The Department is short on staff, not equipped with all the expertise that is needed for the longstanding challenges we face here on Bainbridge. Long Range Planning needs at least two senior planners, and we now have only one. It was years ago that the Affordable Housing Task Force's *Final Report* called for the hiring of a Housing specialist, and so far as I know, that recommendation has never been taken seriously.

Beginning several years ago with the Comprehensive Plan update, COBI took up a number of big initiatives, and the Council was instrumental in that process, which continued through a broad and deep implementation of the Comp Plan that has involved major changes to the Municipal Code. That process is still moving forward, somewhat behind schedule; it won't be complete until the Winslow Master Plan has been updated and Title 18 is thoroughly revised, including overdue attention to a comprehensive Affordable Housing Ordinance. Other important initiatives have included the Climate Action Plan, the Sustainable Transportation Plan, the Green Building Code. Somehow, also, the Shoreline Master Program has to be updated.

I give the City Council a lot of credit for working with engaged citizens and undertaking several forward-looking initiatives. The Council can't be expected to supply all of the forward momentum needed to see those plans carried through to completion; that's the City Manager's job. We need a City Manager who is not only supervising the ordinary activities of the administrative departments; s/he also has to be a manager of aspiration and achievements. This means that Department heads need to be empowered and equipped to achieve what is assigned to them. I don't see that happening where it matters most, and I hold both the Council and the City Manager responsible for this shortcoming.

In their definition of essential characteristics for the next City Manager, is the Council looking for someone who will provide leadership toward progressive policy objectives, who will empower and support department heads who participate in leadership on behalf of those objectives? Or is the Council looking for an employee who can be relied upon to 'mind the store,' leaving leadership in the Council's hands?

A few weeks ago, after what I felt was a shallow and inconclusive discussion of a significant item on the Council's agenda, I sent an email to Planning Director Heather Wright, and that email led to what I found to be a forthright and positive telephone conversation later in the week. At the risk of going too deep into wonky policy detail, I will share with you some of the substance of that conversation.

In the Council meeting on July 28, item 7.C on the agenda was billed as “Update on PSRC Vision 2050 and Countywide Planning Policies.” Planning Director Wright provided a power point presentation pertaining to the regional Vision 2050 and long range countywide planning for population, transportation, and jobs. In my email, I said that I have been consulting the PSRC website and had learned a great deal from the research and policy papers developed in connection with Vision 2050. I said, “With those regional perspectives in mind, I was sorry that the discussion of Bainbridge Island’s planning for an increase in population (4,500 of Kitsap County’s 34,000 increase between 2017 and 2050) came down, in the end, to a focus on a small adjustment in our next update to the Comprehensive Plan.”

Why was I not surprised that the Planning Director was so careful in broaching this subject? We all know that population growth, and development to provide for it, are the untouchable third rail in our politics. So why does this matter to me? Well, sooner or later we will have to get with the program of Vision 2050, and I believe that Bainbridge Island will be better off for doing so.

I suppose that Heather Wright was wise not to go any deeper than she did on July 28. I don’t think the Council was ready to listen, or to engage with the inconvenient demographic facts, locally and regionally. But let me say something about what I heard in my telephone conversation with Ms. Wright. First, she encouraged me to be direct with her, to hold nothing back. I said that I wasn’t interested in criticizing her; I wanted primarily to encourage her as she develops in her role as the Planning Director. She should feel free to speak from what she knows as a professional. She responded (I won’t be quoting her exact words), “The Council scares me.” She didn’t need to explain why.

This is not OK, and it’s not just about Heather Wright. She is the latest in a line going back through the long tenure of Kathy Cook, and further than that. By what seems to have been an implicit understanding, Planning Directors have been subordinate and subservient to the Council, and susceptible also to criticism from citizens that is often outrageous. No doubt some of this just comes with the territory, but the problem needs to be recognized and brought under control, or we will not make much progress with our ambitious work plans. The City Manager should have the Planning Director’s back, and should also expect big picture thinking and forthright leadership from whoever is in that role.

I will end with thanks to all who will be involved in the recruitment and evaluation of applicants for the critically important job of City Manager for the City of Bainbridge Island.

**From:** [Peggi Erickson](#)  
**To:** [City Clerk](#); [Council](#)  
**Subject:** Add race equity skills to the new City Manager Position Profile  
**Date:** Tuesday, August 25, 2020 11:47:48 AM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear COBI,

I am a member of the Race Equity Task Force, but today I am writing as a private citizen.

I am writing to ask you to please incorporate the city's recent commitments to implement racial equity into the new City Manager position profile. It is crucial that the city hire someone who is knowledgeable and committed to carrying out this implementation.

The new City Manager must be someone who can lead the city in undertaking GARE training, creating a Race Equity Action Plan for the city, and guiding staff in its implementation. The successful candidate should have a high equity IQ, have a solid equity analysis (be able to articulate the concepts of racism and equity) and be able to explain to you how the city's equity commitments can be accomplished while carrying out the business of the city.

**Key attributes of such a leader must include:**

- • Cultural competency and racial literacy
- • Extensive training in equity and inclusion
- • Previous experience in implementing and executing racial justice initiatives
- • Understanding and experience in using a race equity lens in decision making and policy
- • Inclusive leadership style
- • Strengths in community engagement and inclusion

**Preferred attributes, in addition to the ones listed above would include:**

- • Familiarity or experience with GARE
- • Enthusiasm for the implementation of equity initiatives
- • Personal passion for racial equity and social justice

In addition to placing these attributes into the position profile for the new City Manager, those who vet and interview candidates should be prepared to thoroughly question candidates to ascertain their cultural competence and racial equity knowledge and experience. The Race Equity Task Force can help provide appropriate questions and skills for analyzing candidate responses.

The new City Manager can potentially be a great asset or a great detriment to COBI's commitments to race equity. The right person will be a leader who champions equity and knows how to get us there!

Thank you.

Peggi Erickson, Bainbridge Island

206-842-2232



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)

**From:** [Dusb2](#)  
**To:** [City Clerk](#)  
**Subject:** city manager positon  
**Date:** Monday, August 24, 2020 6:51:25 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

The island can't afford candidates of the quality of Schultz or Morgan who were both a disaster. These candidates were both disasters, they both promoted the reverse of what the island was advised by Environmental Protection Agency NOT TO DO--and this present obscene development along Madison is a prime example for it JEOPARDIZES ALL ISLANDERS AND OUR WATER since we're on a SOLE SOURCE AQUIFER. If the council was more concerned about our WATER and less concerned about development we wouldn't be in the situation we are in today--jeopardy for water quality for the entire island. It's obvious to me that the water downtown is being treated if it's drinkable--treated, misleading the public, putting chemicals in the water that could be harmful! All of this for development--obscene, unnecessary, and vulgar development spread over large acreage, sticking out like a sore thumb, replacing some of the most unique and beautiful properties downtown--doing the complete reverse of what EPA warned the island 25 years ago--I know, I worked for it at that time. This represents irresponsible leadership both with the council and the city managers.!

But the council hires the city mangers it wants, doing what it wants, and it's obvious it wants development. Just as the ugly hotel just approved--something that will kill all other lodgings in the downtown area! But, what you fail to see is that it's the impact for there are only so many visitors who choose to visit the island--and that hotel will be the negative for all the others especially in downtown! So rather than remaining unique, the island decides to be a copycat, ruin our air, our water resources, and competitors! Those of us outside of downtown won't be as impacted for we have our own unique qualities that attract tourists that the city businesses can't compete with.

What this city needs is a local business person who values the uniqueness of the island, who has success, who can't be bought at any price. Now that's the person that will encourage positive development and not this rambling copycat development witnessed throughout the county and likely state. The managers have gone from awful to totally irresponsible. Morgan giving M&E to Fof the Farm was a prime example for it violates that well written and protective contract for which your actions have harmed future land donations--I know just from those donators who have spoken to me--the ones who are dissatisfied with the city/council's word being meaningless--that's what your decision making has done for BI. No one trusts the city, the council! That's quite a message.

Patti Dusbabek

**From:** [Fran Korten](#)  
**To:** [City Clerk](#)  
**Subject:** City Manager Search  
**Date:** Tuesday, August 25, 2020 12:15:57 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

To Honorable City Council members,

Thank you for inviting public input into the qualities you are looking for in the next City Manager. The person you choose will significantly influence how Bainbridge Island evolves in the years ahead.

Here are some qualities I hope you will look for in candidates as you conduct your search.

**The Nature of Bainbridge Island.** The candidate should understand that while all of Bainbridge Island is formally a city, it has many rural areas that our citizens highly value. And we want our downtown to maintain a “small town atmosphere” as elucidated in our Comprehensive Plan.

**Our Climate Action Plan.** The candidate should be ready to give full support to the Bainbridge Island Climate Action Plan and its multiple actions to significantly reduce our greenhouse gases. One important step is creating the infrastructure that gets people out of their cars. Experience in achieving such reductions would be a plus.

**A Prudent Approach to Growth.** The candidate should have a record of being cautious in supporting new development and able to ensure that development proposals fit a larger vision, as is described in our Comprehensive Plan. In providing development permits, the candidate should be ready to require conditions that benefit the whole community.

**The Challenge of Affordable Housing.** The candidate should have experience in finding effective ways to provide affordable housing in an expensive market.

**Citizen Input.** The candidate should have a record of transparent management and welcoming and using the input of citizens and citizen advisory committees.

Thank you for this opportunity to comment.

Fran Korten  
123 BJune Dr. SE, Apt 303

Bainbridge Island, WA 98110

**From:** [Ann Lovejoy](#)  
**To:** [City Clerk](#)  
**Subject:** City manager search  
**Date:** Tuesday, August 25, 2020 1:07:42 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Hi my friends,

I am writing to encourage COBI to include a strong inclusion and anti racism background as a vital part of the City Manager candidate requirements. In addition, please make sure that candidates are well educated in senior citizens' issues, including affordable housing, health services and public transportation.

Thank you!

Ann Lovejoy  
413 Madrona Way NE  
Bainbridge Island WA 98110

From: [debby haase](#)  
To: [City Clerk](#)  
Subject: New City manager to be experienced with racial equity  
Date: Tuesday, August 25, 2020 12:40:34 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear COBI,

I am writing to ask you to please incorporate the city's recent commitments to implement racial equity into the new City Manager position profile. It is crucial that the city hire someone who is knowledgeable and committed to carrying out this implementation.

The new City Manager must be someone who can lead the city in undertaking GARE training, creating a Race Equity Action Plan for the city, and guiding sta\* in its implementation. The successful candidate should have a high equity IQ,

have a solid equity analysis (be able to articulate the concepts of racism and equity) and be able to explain to you how the city's equity commitments can be accomplished while carrying out the business of the city.

Key attributes of such a leader must include:

- Cultural competency and racial literacy

- Extensive training in equity and inclusion

- Previous experience in implementing and executing racial justice initiatives

- Understanding and experience in using a race equity lens in decision making and policy

- Inclusive leadership style

Strengths in community engagement and inclusion  
Preferred attributes, in addition to the ones listed above would include:

Familiarity or experience with GARE

Enthusiasm for the implementation of equity initiatives

Personal passion for racial equity and social justice

In addition to placing these attributes into the position profile for the new City Manager, those who vet and interview candidates should be prepared to thoroughly question candidates to ascertain their cultural competence and racial equity knowledge and experience. The Race Equity Task Force can help provide

appropriate questions and skills  
for analyzing candidate responses.

The new City Manager can  
potentially be a great asset or a  
great detriment to COBI's  
commitments to race equity. The  
right person will be a leader who  
champions equity and knows how  
to get us there!  
Thank you, Debby Haase

**From:** [Kathryn Lafond](#)  
**To:** [City Clerk](#)  
**Subject:** New City Manager  
**Date:** Tuesday, August 25, 2020 12:04:16 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Dear COBI,

I am writing to ask you to please incorporate the city's recent commitments to implement racial equity into the new City Manager position profile. Now is the perfect time as the new City Manager can potentially be a great asset or a great detriment to COBI's commitments to race equity.

Ideally the new City Manager is someone who can lead the city in undertaking GARE training, creating a Race Equity Action Plan for the city, and guiding staff in its implementation. The successful candidate should have a high equity IQ, have a solid equity analysis (be able to articulate the concepts of racism and equity) and be able to explain to you how the city's equity commitments can be accomplished while carrying out the business of the city.

Key attributes of such a leader must include:

- Cultural competency and racial literacy, including training in equity and inclusion
- Previous experience in implementing and executing racial justice initiatives
- Experience in using a race equity lens in decision making and policy
- Inclusive leadership style which includes community engagement

Preferred attributes, in addition to the ones listed above would include:

- Familiarity or experience with GARE
- Enthusiasm and passion for the implementation of equity initiatives and social justice

In addition to placing these attributes into the position profile for the new City Manager, those who vet and interview candidates should be prepared to thoroughly question candidates to ascertain their cultural competence and racial equity knowledge and experience. Please use the Race Equity Task Force to help provide appropriate questions and skills for analyzing candidate responses.

The right person will be a leader who champions equity and knows how to get us there!

Sincerely,

Kathryn Lafond

**From:** [Thompson Brooke](#)  
**To:** [City Clerk](#)  
**Subject:** Selection of City Manager  
**Date:** Tuesday, August 25, 2020 1:00:44 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

In the selection process, interview with the interested applicants for City Manager should include questions about their commitment and experience with race equity policies.

The letter below expenses the details well,  
Brooke Thompson  
Central Ward Bainbridge

Dear COBI,

I am writing to ask you to please incorporate the city's recent commitments to implement racial equity into the new City Manager position profile. It is crucial that the city hire someone who is knowledgeable and committed to carrying out this implementation.

The new City Manager must be someone who can lead the city in undertaking GARE training, creating a Race Equity Action Plan for the city, and guiding staff in its implementation. The successful candidate should have a high equity IQ, have a solid equity analysis (be able to articulate the concepts of racism and equity) and be able to explain to you how the city's equity commitments can be accomplished while carrying out the business of the city.

Key attributes of such a leader must include:

- [if !supportLists]-->• <!--[endif]-->Cultural competency and racial literacy
- [if !supportLists]-->• <!--[endif]-->Extensive training in equity and inclusion
- [if !supportLists]-->• <!--[endif]-->Previous experience in implementing and executing racial justice initiatives
- [if !supportLists]-->• <!--[endif]-->Understanding and experience in using a race equity lens in decision making and policy
- [if !supportLists]-->• <!--[endif]-->Inclusive leadership style
- [if !supportLists]-->• <!--[endif]-->Strengths in community engagement and inclusion

Preferred attributes, in addition to the ones listed above would include:

- [if !supportLists]-->• <!--[endif]-->Familiarity or experience with GARE

--[if !supportLists]-->• <!--[endif]-->Enthusiasm for the implementation of equity initiatives

--[if !supportLists]-->• <!--[endif]-->Personal passion for racial equity and social justice

In addition to placing these attributes into the position profile for the new City Manager, those who vet and interview candidates should be prepared to thoroughly question candidates to ascertain their cultural competence and racial equity knowledge and experience. The Race Equity Task Force can help provide appropriate questions and skills for analyzing candidate responses.

The new City Manager can potentially be a great asset or a great detriment to COBI's commitments to race equity. The right person will be a leader who champions equity and knows how to get us there!

Thank you.



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** September 1, 2020

**ESTIMATED TIME:** 20 Minutes

**AGENDA ITEM:** (7:00 PM) Update on the Development Moratorium - Planning,

**SUMMARY:** On March 24, 2020, the City Council approved Ordinance No. 2020-09 to extend the development moratorium "as is" for an additional six months through October 3, 2020. See attached Work Program Status Report, Ordinance No. 2020-09, and moratorium summary.

If the Council wants to extend the moratorium, the Council would at its September 8 meeting schedule the public hearing for September 22 to consider an extension ordinance, and the public hearing on that ordinance would then occur on September 22. If the Council extends the moratorium for six months, that extension would run through April 3, 2021.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Planning & Community Development

**RECOMMENDED MOTION:** Discussion and feedback from the City Council regarding whether the Council is interested in extending the development moratorium.

**STRATEGIC PRIORITY:** Green, Well-Planned Community

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:** City staff have been working to address the issues identified in the development moratorium (Ordinance No. 2018-02, amended by Ordinance Nos. 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, 2018-43, 2019-10, 2019-26, and 2020-09). Most recently, on March 24, 2020, the City Council extended the development moratorium via Ordinance No. 2020-09 in order to address the two remaining items on the work plan, which are: (1) integration of the updated (2018) Critical Areas Ordinance (CAO) into the Shoreline Master Program (SMP); and (2) various actions related to affordable housing. See attached moratorium work program status report for the status on these two items.

**ATTACHMENTS:**

[20200828 Abbreviated moratorium work program status report.docx](#)

[Moratorium Summary](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**

Moratorium on Accepting Certain Development Applications: Work Program Status Report – August 28, 2020

Moratorium Topic	Status	Timeline
Critical Areas Ordinance (CAO)	Incomplete.	Adopt the new critical areas ordinance (CAO) into the Shoreline Master Program (SMP). The City sent a draft ordinance to the Dept. of Ecology (Ecology) and received their response on December 9, 2019. Ecology determined that the amendment is largely consistent but has identified elements that appear inconsistent with applicable laws and rules. Due to COVID-19, City staff held a rescheduled March 2020 Council discussion about Ecology's response during the June 23, 2020 City Council meeting. At that meeting, the Council authorized staff to move forward with the preparation of an ordinance that incorporates Ecology's required changes, staff's recommended changes based on Ecology's recommended changes, and staff's own recommended changes, as well as to schedule a public hearing for that ordinance at a future meeting.
Status on August 28, 2020:	Incomplete: City staff plans to request to set the public hearing on September 8, 2020 and to hold the public hearing on September 22, 2020. Following a public hearing and local adoption by the City Council, Staff will transmit the SMP amendment to Ecology in accordance with WAC 173-26-110 and it will become effective 14 days after final approval by Ecology. With that timeline, the effective date could be as early as the week beginning Monday, October 5, 2020. The development moratorium is currently slated to expire on Saturday, October 3, 2020.	
Moratorium Topic	Status	Timeline
Affordable Housing	Incomplete.	<p>Develop an affordable housing work program in response to an Inclusionary Zoning Feasibility Analysis and Affordable Housing Task Force reports. Affordable housing tools that are being considered for adoption include inclusionary zoning and the multifamily property tax exemption (MFTE).</p> <p>The City Council had a policy discussion on February 4, 2020 regarding inclusionary zoning and MFTE programs. The Council also requested that the consultant leading the discussion return with information and analysis regarding transfer of development rights (TDR's). It was anticipated that the Council would continue this policy discussion in the</p>

Moratorium on Accepting Certain Development Applications: Work Program Status Report – August 28, 2020

	<p>Spring of 2020. Further discussion was originally postponed due to COVID.</p> <p>The City Council and Planning Commission held a joint meeting on June 22, 2020 to discuss ongoing affordable housing and related land use initiatives, including inclusionary zoning and MFTE. The outcome of this joint meeting was the creation of an ad hoc subcommittee of three Council members and three Planning Commissioners to assist in prioritizing affordable housing efforts and other overlapping initiatives.</p> <p>On July 14, 2020 (postponed from April 2020 due to COVID), the Council held a discussion on Ordinance No. 2020-02 related to requiring common ownership and limiting short-term rental use for accessory dwelling units (“ADUs”). On July 28, 2020, the Council referred the ADU topic to the City Council/Planning Commission subcommittee mentioned above for further review.</p> <p>The Council had requested that the Planning Commission provide policy recommendations on alternative affordable housing types including tiny homes, recreational vehicles as residences, and tiny home villages. The Planning Commission elected to further discuss tiny homes in a separate, future ordinance. It is anticipated that consideration of this topic is deferred to 2021, according to the Planning Department’s adjusted 2020 Work Plan.</p>
<p>Status on August 28, 2020:</p>	<p>The Council discussed Ordinance No. 2020-02 related to requiring common ownership for ADUs on July 14, 2020 and on July 28, 2020 referred the topic to the Council/Planning Commission subcommittee.</p> <p>The Council/Commission subcommittee members have been selected, and their first meeting occurred on July 27, 2020. The subcommittee consists of Councilmembers Christy Carr, Kirsten Hytopoulos, and Michael Pollock and Commissioners Bill Chester, Kimberly McCormick Osmond, and Lisa Macchio.</p> <p>The Planning Commission also has an affordable housing subcommittee, which consists of Commissioners Jon Quitslund, Joe Paar, and Sarah Blossom.</p>

## **ORDINANCE NO. 2020-09**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; amending Ordinance No. 2019-26; providing for severability; leaving the effective date of the moratorium unchanged; and extending the moratorium for six months to October 3, 2020.

**WHEREAS**, on January 9, 2018, the City Council enacted Ordinance No. 2018-02 and thereby established a temporary emergency moratorium on the acceptance and processing of certain Permit Applications, as defined in Section 2 of Ordinance No. 2018-02; and

**WHEREAS**, the City Council and City staff received feedback and comment from individuals related to the moratorium and, based partly on that feedback and comment, the Council determined that certain exclusions to the moratorium needed to be amended to clarify the Council's intent regarding such exclusions; and

**WHEREAS**, on January 16, 2018, the Council enacted Ordinance No. 2018-03, which amended Ordinance No. 2018-02 to clarify some of the exclusions; and

**WHEREAS**, the Council and City staff received additional feedback and comment from individuals related to the moratorium and, based partly on that feedback, the Council determined that further amendment was necessary to clarify which types of activities are subject to the moratorium, and which activities are excluded from the moratorium; and

**WHEREAS**, on February 15, 2018, the Council enacted Ordinance No. 2018-05, which amended and restated Ordinance No. 2018-02 and Ordinance No. 2018-03; and

**WHEREAS**, based on additional information and consideration related to educational facilities and preschools, as well as related to the applicability of the moratorium in the Mixed Use Town Center/Central Core Overlay District, on March 13, 2018, the Council approved Ordinance No. 2018-09 to further clarify which types of activities are subject to the moratorium, and which activities are excluded from the moratorium; and

**WHEREAS**, this moratorium was imposed, in part, to allow the City Council and City staff adequate time to complete the Critical Areas Ordinance Update process, and to address the Council's concerns about the City's development review process, standards, and guidelines, as well as regarding affordable housing related issues; and

**WHEREAS**, the Council adopted the Critical Areas Ordinance Update (Ordinance No. 2018-01) on February 27, 2018, and the updated Critical Areas Ordinance took effect on April 23, 2018; and

**WHEREAS**, critical areas within the City's shoreline jurisdiction are regulated by the City's shoreline master program (see, e.g., Chapter 16.12 BIMC, RCW 36.70A.480(3)(b)); and

**WHEREAS**, integration of applicable critical areas regulations into the shoreline master program is essential to ensuring adequate protection of critical areas within the shoreline jurisdiction and no net loss of shoreline ecological functions; and

**WHEREAS**, regulations for critical areas within the City's shoreline jurisdiction are in the process of being updated through an amendment of the City's shoreline master program consistent with the Shoreline Management Act and that amendment process was ongoing as of July 9, 2018, which was the original date that the moratorium was set to expire, and that process continues to be ongoing; and

**WHEREAS**, the City Council approved Ordinance No. 2018-14 on April 24, 2018, amending the development moratorium in order to have the provisions of Section 3.B. only apply within the City's shoreline jurisdiction areas (Chapter 16.12 BIMC); and

**WHEREAS**, a number of moratorium priorities were identified at a joint meeting of the City's Design Review Board and Planning Commission on February 22, 2018, including the following:

- (1) Revise review procedures for preliminary subdivisions to include the Design Review Board and Planning Commission in process; and
- (2) Analyze alternatives to decision-making authority for the Design Review Board, Planning Commission, and Hearing Examiner for subdivisions, conditional use permits, and site plan and design review; and
- (3) Identify specific development standards to review/revise in Chapters 18.12 and 18.15 of the Bainbridge Island Municipal Code; and
- (4) Initiate rewrite of subdivision design standards in Chapter 17.12 of the Bainbridge Island Municipal Code; and

**WHEREAS**, at the April 3, 2018, City Council study session, the City's Department of Planning and Community Development provided a briefing on the Design Review Board and Planning Commission joint meeting wherein the Council authorized staff to proceed with a work plan addressing the priorities identified at the joint meeting; and

**WHEREAS**, on April 2 and 23, May 7 and 21, June 4 and 18, August 6, 13, and 20, September 4 and 17, and October 15, 2018, the City's Design Review Board discussed alternatives for revisions to the City's land use review procedures and/or subdivision design guidelines; and

**WHEREAS**, on March 22, May 10, June 7, 14, and 21, July 12 and 26, August 9, 23, and 30, September 13 and 27, October 25, November 8 and 29, and December 13, 2018, as well as on January 10, and February 13 and 28, 2019, the City's Planning Commission discussed alternatives for revisions to the City's land use review procedures, subdivision design guidelines, and/or subdivision standards; and

**WHEREAS**, the City provided legal background on the roles of land use bodies, presented in a memorandum from attorney James E. Haney (outside legal counsel for the City) entitled, “*Roles of City Council, Planning Commission, Design Review Board, and Hearing Examiner in Land Use Permits*,” dated June 1, 2018, and the City Council had a special workshop related to land use review procedures on August 27, 2018; and

**WHEREAS**, the City’s Planning Commission completed their review of land use review procedures and forwarded their recommendations on those issues to the City Council, and on December 11, 2018, the Council enacted Ordinance No. 2018-20 related to revisions and updates to the City’s land use review procedures; and

**WHEREAS**, in addition to updating standards, guidelines, and land use procedures, another moratorium work plan item was to update the decision criteria for Site Plan and Design Review and Conditional Use Permits to ensure that future development is appropriately and thoroughly analyzed; and

**WHEREAS**, together with the land use review procedural changes approved by Ordinance No. 2018-20, amending the Site Plan and Design Review and Conditional Use Permits decision criteria implements Land Use Element Policies LU 6.5 and LU 6.8; and

**WHEREAS**, the Planning Commission discussed Ordinance No. 2019-24 modifying the decision criteria for Site Plan and Design Review during five meetings in 2019, including on March 14, August 8 and 22 (public hearing), September 5 and 26, and October 10, 2019, and recommended approval to the City Council; and

**WHEREAS**, the City Council discussed Ordinance No. 2019-24 on November 26, 2019 and again on December 10, 2019 and approved the ordinance on December 10, 2019; and

**WHEREAS**, as part of the Planning Commission’s review and consideration of the City’s subdivision review procedures, design guidelines, and standards, the Commission reviewed the proposed ordinance related to such regulations, Ordinance No. 2019-03; and

**WHEREAS**, on February 13, 2019, and continuing to February 28, 2019, the Planning Commission conducted a public hearing on Ordinance No. 2019-03, and subsequently forwarded the proposed ordinance and their recommendations to the City Council; and

**WHEREAS**, each of the multiple Design Review Board and Planning Commission meetings as described above included an opportunity for public comment on the alternatives for revisions to the City’s subdivision guidelines, standards, dimensional standards, and/or land use review procedures; and

**WHEREAS**, the City Council reviewed and considered proposed updates to the City’s subdivision regulations at regularly scheduled meetings on September 4 and 11, October 9, and December 4, 2018, and January 22, 2019; and

**WHEREAS**, the City Council considered the Planning Commission’s recommendations related to proposed updates to the City’s subdivision regulations as included in Ordinance No. 2019-03, including at Council meetings on March 19, April 2 and 16, May 28, and July 23, 2019;

**WHEREAS**, the City Council held a public hearing on Ordinance No. 2019-03 on August 27, 2019 and September 24, 2019; and

**WHEREAS**, the City Council approved Ordinance No. 2019-03 on September 24, 2019 related to updates to the City’s subdivision regulations, and the ordinance went into effect on October 24, 2019; and

**WHEREAS**, City staff worked with the Design Review Board and a consultant team related to updating the City’s Design Guidelines (BIMC 18.18.030) more generally (i.e., the design guidelines that aren’t included in the separate effort described above related to design guidelines for subdivisions), and that work was completed in August 2019; and

**WHEREAS**, on January 30 and May 22, 2019, the City hosted public meetings on the design review regulations update; and

**WHEREAS**, on March 18, April 1, May 6, June 17, and July 15, 2019, the City’s Design Review Board discussed the design review regulations update; and

**WHEREAS**, at the February 5 and June 4, 2019 City Council study sessions, the City’s consultant, Framework, provided briefings on the design review regulations update; and

**WHEREAS**, the Planning Commission held a public hearing on Ordinance No. 2019-25 (related to design review regulations) on September 5, 2019; and

**WHEREAS**, City staff provided the Planning Commission’s September 5, 2019 recommendations related to the design review regulations update to the City Council for consideration at the Council’s September 17, 2019 study session; and

**WHEREAS**, the City Council held a public hearing on Ordinance No. 2019-25 and subsequently approved the ordinance on September 24, 2019, after considering the input it received related to Ordinance No. 2019-25 prior to adopting the ordinance; and

**WHEREAS**, on June 12, 2018, the City Council authorized the execution of a professional services agreement to conduct an economic market analysis and feasibility study regarding a new inclusionary zoning program and updates to the City’s Transfer of Development Rights program, both of which address affordable housing related issues; and

**WHEREAS**, on July 24, 2018, the Affordable Housing Task Force (“AHTF”) presented its final report to the City Council and the Council discussed the recommendations more thoroughly on August 21, 2018; and

**WHEREAS**, on October 2 and December 4, 2018, the City Council received a project update on the economic market analysis from the consultant (ECONorthwest/Forterra) related to inclusionary zoning and possible updates to the City's Transfer of Development program; and

**WHEREAS**, on February 19, 2019, the City Council reviewed and provided direction to staff related to the ECONorthwest/Forterra final report and the AHTF report recommendations, and the Council discussed the status of the Council's Affordable Housing Ad Hoc Committee; and

**WHEREAS**, City staff members continue to work on prioritizing and organizing work on the inclusionary zoning and other AHTF report recommendations which were endorsed by the Council at its February 19, 2019, meeting and work is ongoing in this effort; and

**WHEREAS**, the City Council had policy discussions on September 17, 2019 and February 4, 2020 regarding inclusionary zoning or multifamily property tax exemption programs; and

**WHEREAS**, on February 27, 2018, the City Council was provided with a moratorium work program; and

**WHEREAS**, on April 10, May 22, June 5, June 19, July 17, August 21, September 4 and 18, October 2 and 16, November 6 and 20, and December 4, 2018, as well as on January 15, February 5 and 19, March 5 and 19, April 2 and 16, May 7 and 21, June 4 and 18, July 2 and 16, August 6 and 20, September 3 and 17, November 5, and December 3, 2019, and January 7, February 4, and March 3, 2020, the City Council was provided further moratorium work program status report updates; and

**WHEREAS**, on June 26, 2018, the City Council held a public hearing and approved Ordinance No. 2018-23, extending the development moratorium for another 90 days until October 9, 2018; and

**WHEREAS**, on September 25, 2018, the City Council held a public hearing and approved Ordinance No. 2018-41, and thereby extended the development moratorium for another six (6) months, and in so doing narrowed the moratorium to remove two-lot short subdivisions in which there is an existing single-family residence from the moratorium; and

**WHEREAS**, on October 16, 2018, the City Council discussed integrating critical area regulations into the Shoreline Master Program (Chapter 16.12 BIMC) and made the policy decision to not apply new Aquifer Recharge Protection Area regulations (BIMC 16.20.100) within the City's shoreline jurisdiction areas; and

**WHEREAS**, as a result of that policy decision, and the City Council's affirmation on October 23, 2018 that the moratorium should be narrowed in that manner, the Council directed staff to prepare an ordinance to entirely remove Section 3.B. (which, in effect, applied the Aquifer Recharge Protection Area regulations in the City's shoreline jurisdiction areas) from the moratorium; and

**WHEREAS**, on October 23, 2018, the City Council discussed additional revisions to the development moratorium, including related to excluding from the moratorium certain permit applications for development in the Business/Industrial zoning district, and the Council directed staff to prepare an ordinance to narrow the moratorium accordingly; and

**WHEREAS**, on October 23, 2018, the City Council also discussed potentially further narrowing provisions of the moratorium related to applications for new short subdivisions that the Council had previously narrowed, and the Council decided to not take such action at that time pending the Planning Commission's ongoing but not yet completed work related to subdivisions, including new subdivision design guidelines and revised subdivision standards and review procedures; and

**WHEREAS**, on October 23, 2018, the City Council also discussed issues related to making condominiums out of accessory dwelling units ("ADUs") and common ownership of ADUs, and the Council directed staff to work on possible revisions to the BIMC to allow the Council to further consider the common ownership issue related to ADUs; and

**WHEREAS**, the City Council discussed requiring common ownership for new ADUs at its meetings on June 18, July 23, September 10, and October 22, 2019, and directed staff to begin legislative review with the Planning Commission to adopt such regulations via draft Ordinance No. 2019-09; and

**WHEREAS**, the Planning Commission discussed Ordinance No. 2019-09 on December 12, 2019 and then held a public hearing on Ordinance No. 2020-02 (formerly Ordinance No. 2019-09) on January 9, 2020; and

**WHEREAS**, on January 9, 2020, the Planning Commission created a temporary subcommittee to further discuss these topics and other ADU regulations, and that subcommittee submitted recommended changes related to Ordinance No. 2020-02 to the Planning Commission at its February 13, 2020 meeting; and

**WHEREAS**, the Planning Commission endorsed the subcommittee recommendations on February 13, 2020, and reviewed amended Ordinance No. 2020-02 on February 27, 2020; and

**WHEREAS**, the Planning Commission held another public hearing on Ordinance No. 2020-02 on March 12, 2020, and after closing the public hearing, recommended approval of Ordinance No. 2020-02 to the City Council; and

**WHEREAS**, on November 13, 2018, the City Council approved Ordinance No. 2018-43, and thereby narrowed the moratorium as requested by the Council and described above related to entirely removing Section 3.B. (which, in effect, applied the Aquifer Recharge Protection Area regulations in the City's shoreline jurisdiction areas) from the moratorium, and broadening an exclusion related to certain Major Site Plan and Design Review and Major Conditional Use Permit proposals to include in that exclusion such proposals for properties located in the Business/Industrial District; and

**WHEREAS**, although the City has been working to address the land use issues identified in the development moratorium, as described above, the work is ongoing and not yet completed on affordable housing and some other moratorium work plan items; and

**WHEREAS**, on September 3 and 10, 2019, the City Council discussed the moratorium, including the option of extending it for two additional months (to December 3, 2019) to allow time for public outreach to educate the public about the new subdivision standards and design review regulations and to possibly extend a more narrow form of the moratorium beyond December 3, 2019, in order to adopt affordable housing requirements; and

**WHEREAS**, it was anticipated that an extended moratorium would be narrowed to apply only to certain types of development in the Winslow Master Plan Study Area, with some exceptions; and

**WHEREAS**, on September 24, 2019, the City Council enacted Ordinance No. 2019-26, which extended the moratorium in its then-current form until December 3, 2019, and in a more narrow form from December 4, 2019, until April 3, 2020; and

**WHEREAS**, the City Council had a policy discussions on February 4, 2020 regarding inclusionary zoning and multifamily property tax exemption programs, and it is expected that the Council will continue this policy discussion in the Spring of 2020; and

**WHEREAS**, the City Council is currently scheduled to discuss and consider Ordinance No. 2020-02 (related to requiring common ownership for ADUs) in April 2020 or thereafter; and

**WHEREAS**, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

**WHEREAS**, the moratorium promotes the public good and is necessary for the protection of public health, property, safety, and welfare, and the public emergency on which this moratorium was imposed continues to exist and this ordinance does not change the basis for that declaration of emergency, except as described above, nor the effective date of the moratorium, which is January 9, 2018.

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

**Section 1. Findings of Fact.** The recitals set forth above are hereby adopted as additional and supplemental findings of fact to the City Council's initial findings of fact in support of the moratorium, as established by Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, 2018-43, 2019-10, and 2019-26.

**Section 2. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council conducted a public hearing on this extension of the moratorium at its meeting on March 24, 2020, and took public testimony and considered further findings of fact.

**Section 3. Moratorium Amended.** The moratorium is hereby amended, as also stated in Section 7 below, to extend the moratorium in its current form as described in Ordinance No. 2019-26 for six months until October 3, 2020.

**Section 4. Moratorium Work Plan.** As provided for under RCW 35A.63.220 and RCW 36.70A.390, the City may renew a moratorium for one or more six-month periods if a work plan has been developed, a public hearing has been held, and findings of fact have been made, and the City has thereby previously extended the moratorium as described herein based on the work plan that has been developed and the findings of fact that have been made in this ordinance and the previous ordinances related to this moratorium, and the City is hereby extending the moratorium for an additional six months based on an updated work plan (see attached Exhibit A), conducting another public hearing, and adopting additional findings of fact as stated in this ordinance.

**Section 5. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 6. No Change to Basis for Declaration of Emergency or Effective Date.** This ordinance shall take effect and be in force five (5) days from and after its passage and publication as required by law. Provided, that this ordinance is not intended to change the basis of the emergency declarations stated in the moratorium ordinances which preceded this ordinance, Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, 2018-43, 2019-10, and 2019-26, except as described in the “Whereas” clauses of this ordinance. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support the emergency declarations adopted as part of the enactment of this moratorium were included in the “Whereas” clauses of Ordinance No. 2018-02 and Ordinance No. 2018-03, and were restated and supplemented in Ordinance No. 2018-05 and Ordinance No. 2018-09, and Ordinance Nos. 2018-14, 2018-23, 2018-41, 2018-43, 2019-10, and 2019-26, as well as in this ordinance, and those “Whereas” clauses are adopted as findings of fact.

**Section 7. Change to Duration to October 3, 2020.** This ordinance amends Ordinance No. 2019-26 and hereby extends the current moratorium, and this ordinance shall cause the moratorium to remain effective in its current form until October 3, 2020, unless terminated earlier by the City Council. This ordinance does not change the effective date of the moratorium, which is January 9, 2018. The Council may, at its sole discretion, renew the moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED by the City Council this 24<sup>th</sup> day of March, 2020.

APPROVED by the Mayor this 24<sup>th</sup> day of March, 2020.

  
\_\_\_\_\_  
Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

 DEPUTY CITY CLERK  
\_\_\_\_\_  
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK	March 20, 2020
PASSED BY THE CITY COUNCIL	March 24, 2020
PUBLISHED:	March 27, 2020
EFFECTIVE DATE:	April 1, 2020
ORDINANCE NO:	2020-09

Attached:

Exhibit A (Updated Work Plan)

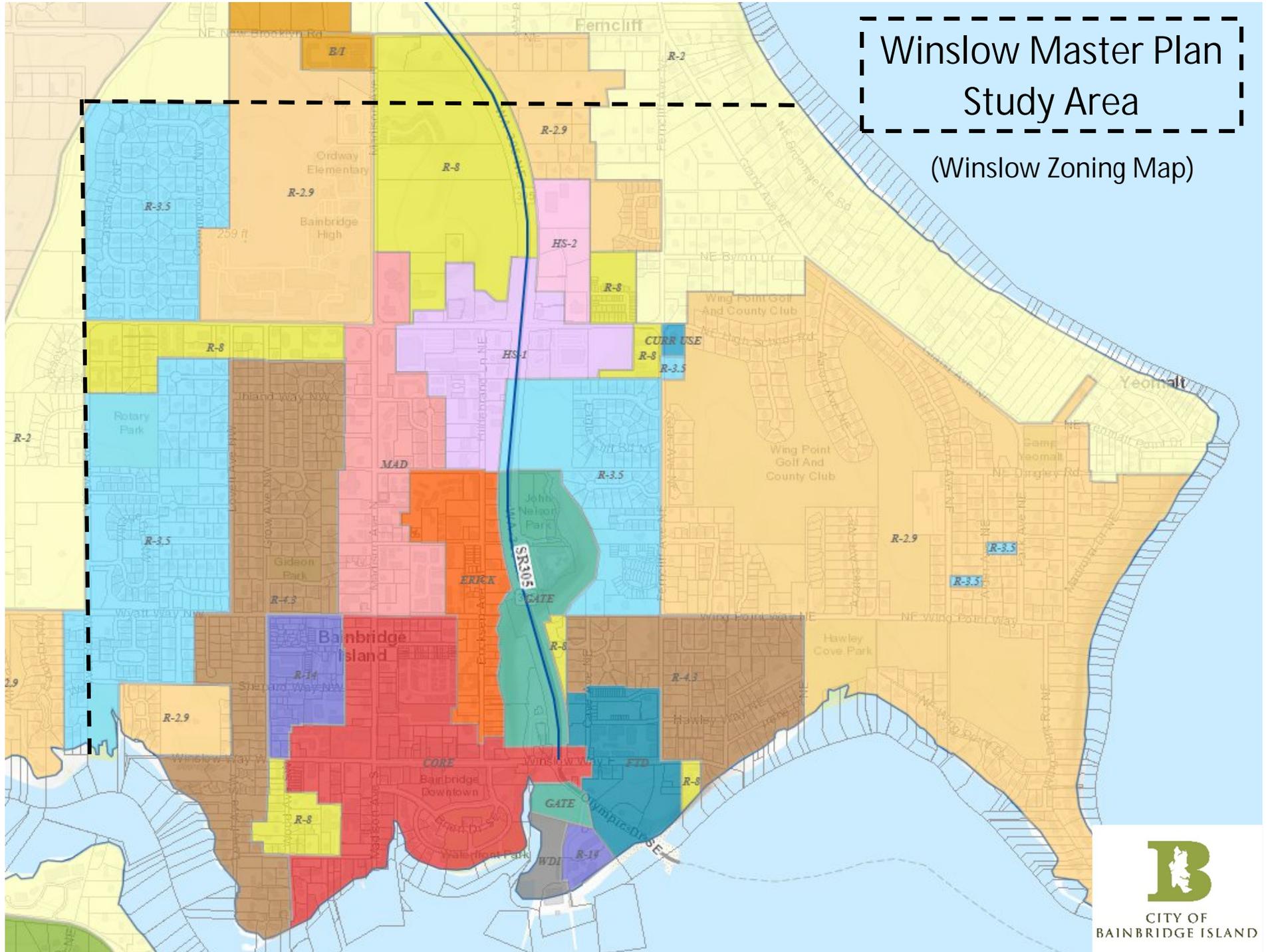
Exhibit B (Winslow Master Plan Study Area)

## Exhibit A

### Moratorium on Certain Development – Updated Work Plan Schedule Ordinance No. 2020-09 (April 2020 – October 2020)

Work Program Item	Description
<b>Critical Areas Ordinance</b>	<p>Adopt the new critical areas ordinance (CAO) into the Shoreline Master Plan (SMP). The City sent a draft ordinance to the Dept. of Ecology (Ecology) and received their response on December 9, 2019. Ecology determined that the amendment is largely consistent but have identified elements that appear inconsistent with applicable laws and rules. It is anticipated that City staff will return to the Council in Spring 2020 to discuss Ecology’s inconsistent elements before beginning the legislative process to update the SMP to integrate the CAO.</p>
<b>Affordable Housing</b>	<p>Develop an affordable housing work program in response to an Inclusionary Zoning Feasibility Analysis and Affordable Housing Task Force reports. Affordable housing tools that are being considered for adoption include inclusionary zoning and the multifamily property tax exemption.</p> <p>The City Council had a policy discussions on February 4, 2020 regarding inclusionary zoning and multifamily property tax exemption programs, and it is anticipated that the Council will continue this policy discussion in the Spring of 2020.</p> <p>The Council is scheduled to discuss and consider Ordinance 2020-02 (related to requiring common ownership for ADUs) in April 2020 or thereafter.</p> <p>The Council has requested that the Planning Commission provide policy recommendations on alternative affordable housing types including tiny homes, recreational vehicles as residences, and tiny home villages. The Planning Commission began discussing tiny homes as a permitted use along with the ADU ordinance, Ordinance No. 2020-02, and elected to further discuss tiny homes in a separate, future ordinance. It is anticipated that consideration of this topic will continue with the Planning Commission in the Spring 2020.</p>

# EXHIBIT B



Winslow Master Plan  
Study Area

(Winslow Zoning Map)

**DEVELOPMENT MORATORIUM SUMMARY:** Effective beginning January 9, 2018. A narrowed development moratorium will be in effect beginning December 4, 2019 until October 3, 2020

On September 24, 2019 the City Council approved Ordinance 2019-26, which extended the development moratorium through December 3, 2019. On December 4, 2019 the development moratorium was narrowed, but in effect until April 3, 2020. On March 24, 2020, the City Council extended the development moratorium **AS IS** again by approving Ordinance 2020-09. The development moratorium after December 3, 2019 is described below.

**Development Activity PROHIBITED During Current Development Moratorium (December 4, 2019-October 3, 2020)**

Subject to the exclusions below, the moratorium shall apply to Major Site Plan and Design Review and Major Conditional Use Permit proposals that are for development within the Winslow Master Plan Study Area (see map on next page) and did not, before the effective date of the moratorium, have a pre-application conference on the Planning Department's calendar.

***EXCEPTIONS to the Above Development Activities Prohibited During the Narrowed Moratorium:***

Exclusions.

1. The moratorium shall not apply in the Mixed-Use Town Center/Central Core Overlay District.
2. The moratorium shall not apply to development proposals that include 10% or more of total residential units designated as affordable housing. "Affordable housing" means affordable housing as governed by Chapters 18.21 and 18.12 of the Bainbridge Island Municipal Code ("BIMC"), as well as BIMC 18.36.030.
3. The moratorium shall not apply to subdivisions.
4. The moratorium shall not apply to permits and approvals for affordable housing projects that qualify as Housing Design Demonstration Project (HDDP) Tier 3 projects pursuant to BIMC 2.16.020.S. and Table 2.16.020.S-1.
5. The moratorium shall not apply to permits and approvals for government facilities and structures; educational facilities and preschools; wireless communication facilities; and emergency medical and disaster relief facilities.





CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** September 1, 2020

**ESTIMATED TIME:** 45 Minutes

**AGENDA ITEM:** (7:20 PM) Green Building Task Force Green Building Program Briefing and Timeline for Ordinance Adoption - Planning,

**SUMMARY:** On June 16th, the City Council directed the Green Building Task Force (GBTF) to recommend an interim “off the shelf” green building program (or components of a program) to be implemented before the current development moratorium expires, in order to support the City’s greenhouse gas emission reduction goals in the time while a full Bainbridge Island program is developed. This agenda item will allow the Council to receive a presentation on and discuss:

- \* The GBTF recommendations for a multi-phase “Road Map” and a “First Steps” Ordinance
- \* Revised schedule for adopting the "First Steps" ordinance

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Planning & Community Development

**RECOMMENDED MOTION:** Discuss the task force recommendation, determine Council support of the recommendation and provide staff direction on a draft ordinance.

**STRATEGIC PRIORITY:** Green, Well-Planned Community

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	Yes

**BACKGROUND:** See attached staff memo.

**ATTACHMENTS:**

[Staff Memo GBTF Recommendation 20200901](#)

[Attachment 1 - History Log](#)

[Attachment 2 - GBTF Roster](#)

[Attachment 3 - City Priorities, Policies, & Goals](#)

[Attachment 4 - GHG Inventory Fact Sheet](#)

[Attachment 5 - Energy Demand & Conservation](#)

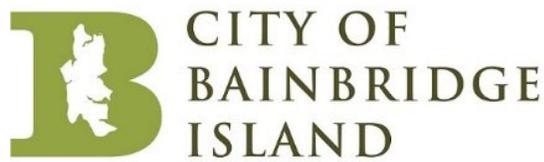
[Attachment 6 - Road Map](#)

[Attachment 7 - First Steps Recommendations](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



Department of Planning and Community Development

## Memorandum

Date: August 28, 2020  
To: City Manager  
City Council  
From: Heather Wright, Planning Director  
Peter Best, Senior Planner  
Subject: Green Building Task Force Update

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### I. BACKGROUND

On June 16<sup>th</sup>, the City Council directed the Green Building Task Force (GBTF, Attachment 2) to recommend an interim “off the shelf” green building program (or components of a program) to be implemented before the current development moratorium expires<sup>1</sup> to help with the City’s greenhouse gas (GHG) emission reduction goals while a full Bainbridge Island program is developed. The Council also stated this direction was made within the context of their recent declaration of a climate emergency ([Resolution 2020-05](#)) and reaffirmed their previous direction for the green building initiative to aggressively contribute to GHG emission reductions.

Adopting a green building code is (see Attachment 3):

- A City 2020 work plan priority
- A Comprehensive Plan policy
- A Climate Action Plan goal and priority strategy

A green building code will benefit the Bainbridge Island community by:

- Reducing greenhouse gas emissions (see attachment 4)
  - The City’s goal is to reduce community emissions 90% by 2045 (from 2014 levels)
  - 55% of 2018 community emissions were from building energy use
- Conserving energy (see Attachment 5)
  - Demand is increasing due to transportation electrification (ferries, cars, etc) and growth
  - Capacity is limited and we wish to avoid (or at least delay) building a new substation
- Conserving water
  - Bainbridge Island is a sole source aquifer

Note: A summary of prior actions related to the Green Building Initiative is provided as Attachment 1.

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<sup>1</sup> The adopted motion specified October 20, 2020 as the implementation deadline for an interim green building program. However, the development moratorium (Ordinance 2020-09) expires on October 3, 2020, which is the implementation deadline staff will work towards unless otherwise directed.

## II. GBTF RECOMMENDATIONS

The GBTF recommendations are provided in two deliverables.

Road Map (Attachment 6) – The Road Map outlines a 3-phase process for developing and implementing a comprehensive green building program for Bainbridge Island. The Road Map is guided by five overarching principles and each phase is guided by a general theme.

First Steps (Attachment 7) – These First Steps provide the initial interim program requested by the City Council. These recommendations represent Phase 1 of the Road Map and contain the core elements of the comprehensive green building program, including the following:

1. Mandatory off-the-shelf green building certification for all new construction as well as larger remodels and additions.
  - To our knowledge, Bainbridge Island would be the first community in Washington to mandate green building certification for all building types. A few communities have mandated green building for commercial buildings in certain high-density zones or for their own municipal projects and the state mandates green building certification for buildings funded through the state capital budget. Many communities have incentivized green building for residential construction.
  - All building types would need to meet the International Living Future Institute's [Zero Carbon Certification](#). This certification would require offsets for the operational energy use and the embedded carbon<sup>2</sup> of new buildings or the area of the remodel or addition. The project would have some choices for how to achieve the offsets.
  - In addition to the Zero Carbon Certification, commercial and institutional buildings larger than 5,000 square feet would need to meet one of the following:
    - International Living Future Institute's [Core Green Building Certification](#)
    - US Green Building Council's [LEED](#) Platinum Certification
  - All projects could voluntarily choose to meet any other green building certification program of their choosing in addition to the required programs.
  - The level of certification is scaled to building size reflecting that smaller buildings are inherently more efficient, including lower energy consumption and a lower carbon footprint.
  - Most of the common green building certifications available today have been used on Bainbridge Island and have been used for tens of thousands of structures in Washington. However, most construction on Bainbridge Island currently does not utilize a green building certification program.
  - There are currently qualified professionals on Bainbridge Island (and in nearby communities) for most of the common green building certification programs available today. However, we anticipate that majority of building professionals working on Bainbridge Island will need to become educated in the required green building programs.
  - Affordable housing projects funded by the State Housing Trust Fund are required to follow a green building certification program administered by the State Department of Commerce [see [RCW 39.35D.080](#)]. Other affordable housing projects and other state funded facilities subject to RCW 39.35D (high-performance public buildings) would be subject to the City's green building requirements.

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<sup>2</sup> Embedded carbon includes the greenhouse gas emissions associated with the raw material extraction, manufacturing and processing, transportation, and installation of a building material. Various approved calculators are available to estimate the amount of embedded carbon in a project.

2. City buildings should lead by example, including the police/court facility (retroactively).
  - This would require more carbon offsets than what the City Council has already committed to and require the facility be certified to either the LEED Platinum standard or the Core Green Building standard (referenced above).
  
3. Incentives and an economic assessment of the green building program would be primarily addressed in Phase 2 due to time limitations, including incentives and assistance for retrofitting existing structures. Phase 1 recommendations include:
  - Refunding a portion of building permit fees at final certification. This could help address the cost to building professionals of learning the certification programs.
  - Provide education and outreach to building professionals and the community.
  - Promote Puget Sound Energy incentives which may apply to new construction and remodels built to the recommended green building certifications.
  
4. A few additional carbon footprint reduction measures are included in the Phase 1 recommendations. These would apply to commercial and institutional buildings but their applicability to residential buildings is subject to ongoing review regarding compatibility with the state residential energy code. Phase 1 recommendations are:
  - Use heat pump technology whenever possible for space and water heating.
  - Propane may be used as secondary backup heat, or where heat pumps are not capable of providing for the task (such as for tankless water heaters or high demand boiler systems)
  - Do not allow electric resistance elements for space heating.

### III. CONSIDERATIONS

Given that the GBTF First Steps recommendations were finalized on August 27<sup>th</sup>, the night before publication of the Council packet, staff review of these recommendations is ongoing. Below are some initial areas for Council consideration. Staff will have additional information to present to Council during the meeting.

1. The City cannot mandate that residential buildings meet a more stringent energy efficiency standard than what the state energy code requires but can do so for non-residential buildings.
  
2. Any amendment to the state building code that would be applicable to residential buildings must be approved by the State Building Code Council (SBCC), which has 90-days to review such amendments from the date they are received by the SBCC. Getting a local residential amendment approved requires demonstrating unique local circumstances and is a very high threshold to pass. [see [WAC 51.04.030\(4\)](#)]
  
3. The GBTF believes the International Living Future Institute's [Zero Carbon Certification](#), which would be required for all building types, would not be considered an amendment to state building code or the state residential energy code. Further staff review is necessary to confirm this.
  
4. Green building certification programs are managed by third party organizations. Fees and inspections by these organizations or independent auditors are required. Additional costs associated with project design, documentation, materials, and operations are likely. These up-front costs may or may not be offset by direct long-term operational savings as well as indirect health, social, and environmental benefits.

5. Developing effective incentive and assistance programs requires economic assessment, budget analysis, and research into the programs administered by other jurisdictions. The GBTF needed to shift that work into Phase 2 due to the time constraints for developing the Phase 1 interim recommendations.
6. Training and/or certification for city building staff may be necessary for the implementation of any of these programs.
7. Public engagement regarding a green building code has been limited to prior engagement during the 2016 Comprehensive Plan update and the Climate Action Plan as well as one anticipated public hearing on the First Steps interim green building ordinance. Additional public engagement is anticipated during Phase 2.

#### IV. NEXT STEPS

If the Council desired to move forward with the GBTF recommendations, the following would be the anticipated next steps.

1. Staff will complete any remaining review and prepare a draft ordinance.
2. The Council could pursue the following schedule

Meeting Date	Mtg Type	Topic
9/15/2020	SS	Optional study session
9/22/2020	BM	Set public hearing for 10/13/2020 (draft ordinance must be in packet)
10/6/2020	SS	Optional study session
10/13/2020	BM	1 <sup>st</sup> reading and public hearing Action: hold public hearing and put on 10/27/2020 agenda for adoption
10/20/2020	SS	Optional study session
10/27/2020	BM	2 <sup>nd</sup> reading and adoption Action: adopt ordinance

Note: The feasibility of this schedule assumes the following:

- An ordinance must be adopted using normal legislative procedures. No special public engagement meetings will be scheduled, and no legislative procedure waivers or emergency actions will be taken.
- The ordinance will only amend the Building Code, BIMC Title 15 because time is not available for review by the Planning Commission. Planning Commission review is required for amendments to BIMC Chapter 2.16 and Titles 16, 17, and 18.

#### V. ATTACHMENTS

1. Green Building Initiative History Log
2. GBTF Roster
3. Green Building Policies
4. Greenhouse Gas Emission Inventory Fact Sheet
5. Bainbridge Island Energy Demand & Conservation
6. GBTF Road Map Recommendation
7. GBTF First Steps Recommendation

**Green Building Initiative  
History Log**

<b>Date</b>	<b>Description</b>
7/17/2018	CC study session on a green building incentive program
11/5/2019	CC study session on an approach to a green building code
12/3/2019	CC study session on the 2019 <a href="#">City of Bainbridge Island Greenhouse Gas Emissions Inventory Final Findings Report</a> which documented that 55% of the communities overall emissions came from building energy use.
12/10/2019	CC study session on workplan for green building code options
1/7/2020	CC provided direction on GBTF recruitment and for aggressive GHG reduction
1/16/2020	CC adopted its top priorities for 2020 as well as the <a href="#">2020 Citywide Work Plan</a> which affirmed green building remains a top priority
2/4/2020	CC update on GBTF applications and selection process
3/3/2020	CC update on GBTF applications and appointment process
3/10/2020	CC advanced a slate of GBTF candidates for appointment on 3/24/2020
3/24/2020	CC appointed GBTF members
5/19/2020	CC retained the green building initiative as a City workplan priority
5/26/2020	CC adopted the <a href="#">goals and strategies for the Climate Action Plan presented by the City's Climate Change Advisory Committee</a> , which includes overarching GHG reduction goals as well as goals and strategies related to green building
6/9/2020	CC declared a climate emergency ( <a href="#">Resolution 2020-05</a> )
6/16/2020	CC provided direction to the GBTF to recommend an interim "off the shelf" green building program (or components of a program) to be implemented before the current development moratorium expires (i.e.: Ordinance 2020-09 expires on 10/4/2020) to help with the City's greenhouse gas (GHG) emission reduction goals while a full Bainbridge Island program is developed.
7/7/2020	GBTF meeting #1
7/7/2020	CC update on GBTF schedule and startup
7/21/2020	GBTF meeting #2
8/4/2020	GBTF meeting #3
8/18/2020	GBTF meeting #4 – complete recommendations for multi-phase "Road Map" and "First Steps" ordinance
8/27/2020	GBTF meeting #5 – complete recommendations for multi-phase "Road Map" and "First Steps" ordinance

Acronyms

CC = City Council

GBTF = Green Building Task Force

GHG = Greenhouse gas emissions

## GREEN BUILDING TASK FORCE ROSTER



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6/26/2020

## City Priorities and Policies Applicable to Green Building

### 2020 Citywide Workplan Priorities

- Support Council consideration of Green Building Initiatives (Q1 – Q4)
  - to include consideration of proposed solar ordinances

### Comp Plan Goals & Policies

- Policy LU 5.5 - Implement a green building code.
- LU Action #3 - Amend the City's development code to implement green building codes. Utilize lessons learned from communities of comparable environmental and socio-economic characteristics to implement green building codes which address issues such as site sustainability, water use efficiency, energy use efficiency, indoor environmental quality, and the impact on the atmosphere, materials and resources by buildings.

### Applicable to All Types of Buildings

- Policy EC 3.1: Encourage use of green building materials and techniques in all types of construction, as well as design approaches that are responsive to changing conditions.
- Policy EC 10.2: Partner with island architects, landscape architects, builders and related construction professionals to draft development standards and practices that incorporate green building practices and context sensitive design.
- Policy EN 2.3: Use new technologies to reduce environmental impacts such as solar panels, electric and hybrid vehicles, high-efficiency lights and heating systems.
- Goal EN-4: Encourage sustainable development that maintains diversity of healthy, functioning ecosystems that are essential for maintaining our quality of life and economic viability into the future.
- Policy EN 4.1: Employ conservation design methods and principles such as low impact development techniques for managing storm and waste water, green building materials, high-efficiency heating and lighting systems.
- Policy U 14.2: Encourage the conservation of electrical energy, especially during periods of peak usage, and encourage energy saving building code strategies, local renewable energy, and other cost effective approaches to meeting the island's energy needs, including distributed energy systems.

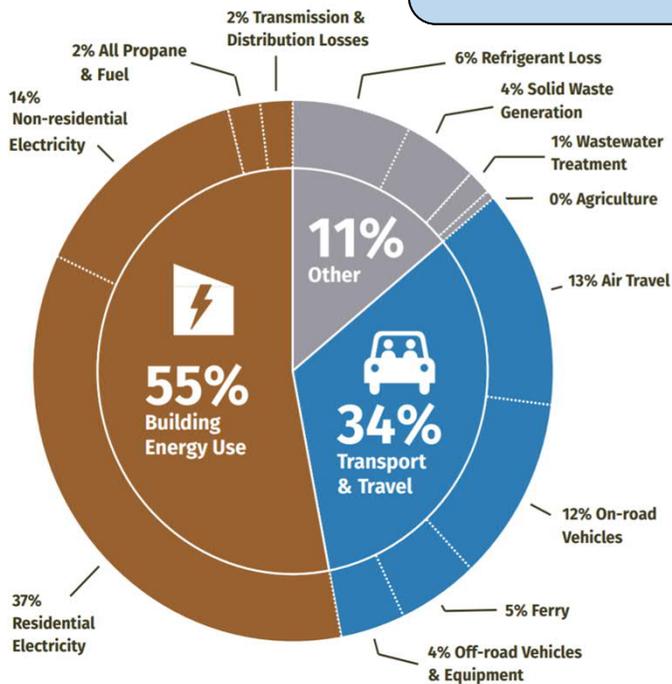
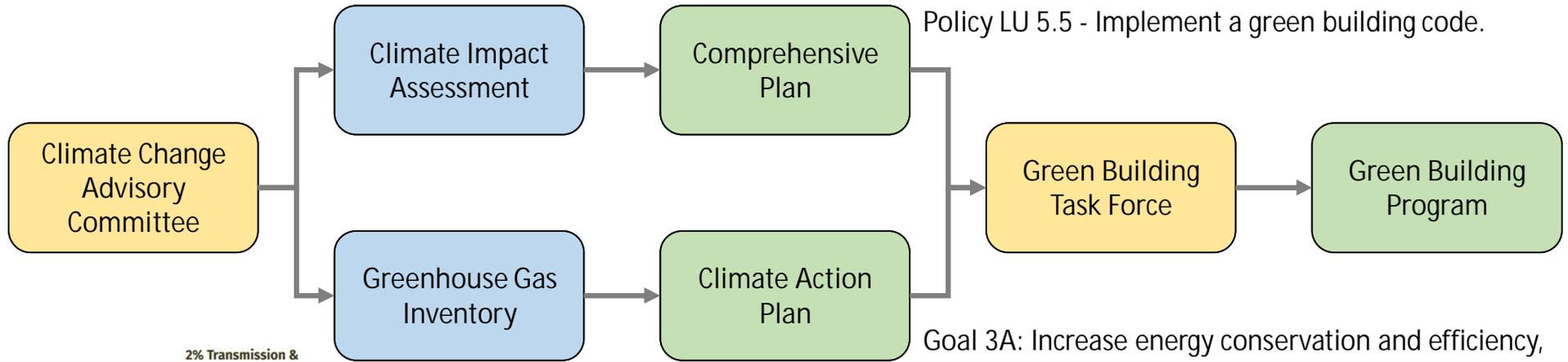
### Applicable to City and Public Facilities Only

- GOAL EN-2: Encourage sustainability in City Government operations.
- Policy EN 2.1: In managing City government operations, take reasonable steps to reduce impacts to the environment and ecosystems upon which we depend. This includes recognizing and preparing for the impacts of climate change.
- Policy U 14.5: New taxpayer-funded buildings shall use carbon-neutral energy for heating, cooling, and operational use to the maximum extent practical.
- Policy EN 10.4: Ensure beneficial indoor air quality in all renovations and new construction of City-owned facilities.
- Policy EN 12.6: Promote energy conservation measures by all government entities including:
  - Retrofitting offices, shops and garages with high-efficiency lighting;
  - Converting vehicles to hybrid fuel vehicles as replacement or new vehicles are acquired;

- Converting traffic signals and lighting to the most energy efficient and spectrum appropriate technology available; and
- Adopting incentive programs and design standards that encourage the employment of renewable energy sources and energy efficient appliances on the Island.
- Goal CF-4: Public facilities constructed on Bainbridge Island meet appropriate safety, construction, energy conservation, durability and sustainability standards.
- Policy CF 4.4: Require public facilities to incorporate energy generation when and where possible.

#### **Process Improvements**

- Policy EN 12.3: Strive for reduced greenhouse gas emissions by, among other actions, integrating climate change into the city planning process, including land use and transportation planning and management, and making climate change considerations and meeting greenhouse gas emission reduction goals a component of city decision making.
- Policy EN 12.4: Establish benchmarks, metrics and targets for reduction of greenhouse gas emissions, assess current conditions and progress in reducing greenhouse gas emissions from municipal, commercial, residential and transportation-related land uses, projects and programs.
- Policy EN 12.5: Support the development of a public education program which informs all citizens on the methods and progress for meeting the Island's greenhouse gas emission goals and ways citizens can assist in reaching the reduction goals.
- Policy HO 6.4: Create a new conservation villages permit process to apply outside of designated centers to increase housing choices including affordable housing and requiring green building practices while better conserving open space.



Goal 3A: Increase energy conservation and efficiency, including customer-owned generation, across all energy sectors.

Goal 3C: Create energy self-sufficiency for emergency preparedness and increase energy infrastructure reliability and resilience.

Goal 5A: Reduce GHG emissions from all municipal, commercial, industrial and residential buildings.

Goal 6B: Protect and maintain the integrity of our Island's surface and groundwater resources in the face of climate change.

Goal 7B: Increase diversion of waste from the landfill.

Goal 8C: Empower and prepare COBI, Bainbridge Island residents, and Bainbridge Island businesses for climate impacts and emergencies.



CITY OF BAINBRIDGE ISLAND

# UNDERSTANDING OUR IMPACT

## Bainbridge Island's Greenhouse Gas (GHG) Inventory Results

The City of Bainbridge Island (City) recently completed a comprehensive greenhouse gas (GHG) inventory. GHG inventories quantify the amount of climate pollution produced by an entity—in this case, from the Bainbridge Island community and municipal government operations. As the City continues to take action to reduce emissions, these inventories will serve as helpful tools for tracking progress and making improvements along the way.

### What are our emissions?

We estimate that the Bainbridge Island community emitted 233,998 metric tons of carbon dioxide equivalent (MTCO<sub>2e</sub>) in 2018—or 9.4 MTCO<sub>2e</sub> per resident. **Offsetting those emissions would require every Bainbridge resident to grow 11.1 acres of forestland for one year.** The biggest emissions contributors:



#### Energy use by residential and commercial buildings

55% of our emissions come from building energy use, residential fuels, and transmission and distribution losses.



#### Transportation, mainly on-road vehicles and air travel

34% of our emissions come from on-road and off-road vehicles, air travel, and ferry transportation.



### Trends Over Time...

The 2018 emissions results showed a 9% overall increase over 2014 emissions, but only a 1% increase in per-capita emissions. To meet our goals, we will need to decrease our overall emissions as well as our per-capita emissions.

#### Emissions increases were driven by:

- ↑ Changes in **electricity fuel sources** (e.g., from renewables versus coal)
- ↑ Growth in **population** and employment

#### Emissions increases were limited by:

- ↓ Improvements in **vehicle fuel economy**
- ↓ Reductions in the **distance** each person drives
- ↓ Declining per-household and per-business **energy consumption**

### GHG Inventory Quick Facts

#### Three inventory types



##### Communitywide

Emissions from community activities, like energy use, travel, and waste disposal.



##### City Government Operations

Emissions from everyday government activities.



##### Consumption-based

Emissions associated with our goods and services.



#### Three accepted protocols

The inventories were conducted using widely-accepted tools and protocols, including The Climate Registry's Local Government Operations Protocol, the U.S. Community Protocol, and U.C. Berkeley's CoolClimate Calculator.



#### Two representative years

Conducting inventories for both 2014 and 2018 allows us to see whether emissions are trending upward or downward over time.

See full inventory results on the back!

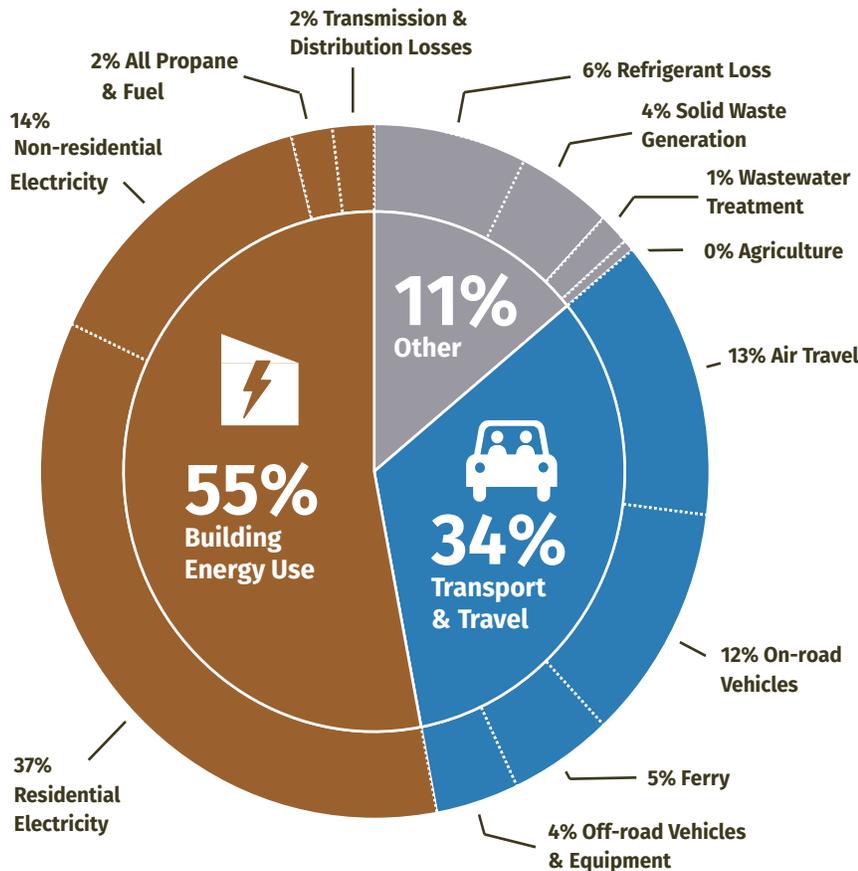


CITY OF BAINBRIDGE ISLAND



## Community Overall Emissions

# 233,998 MTCO<sub>2</sub>e



The Bainbridge Island community emitted an estimated 233,998 MTCO<sub>2</sub>e in 2018.

That equates to 9.4 MTCO<sub>2</sub>e per person—equivalent to the emissions from driving 50,000 passenger vehicles for a year!

The majority of those emissions are from consumption of energy in homes and commercial buildings.



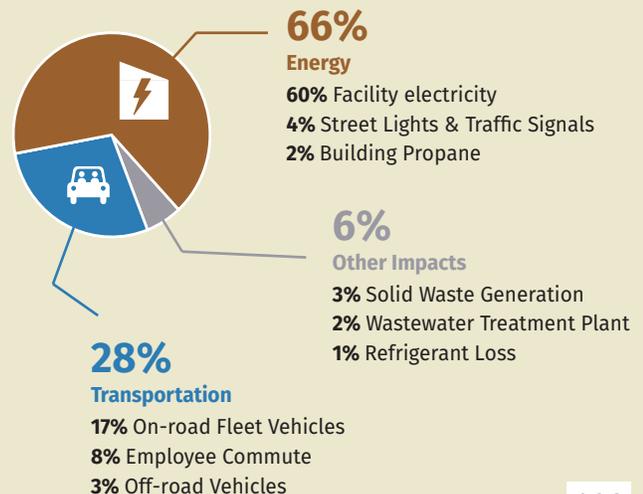
### Be a part of the solution

Everyone has a role in reducing Bainbridge Island's greenhouse gas emissions. The things we buy, the way we commute to work, the food we eat, and the way we use energy in our home all have an impact.

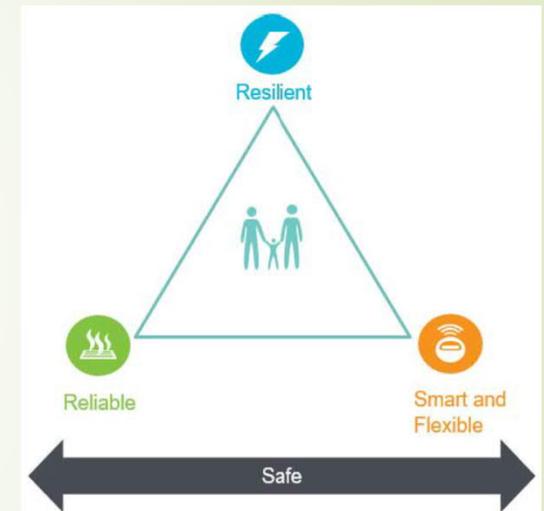
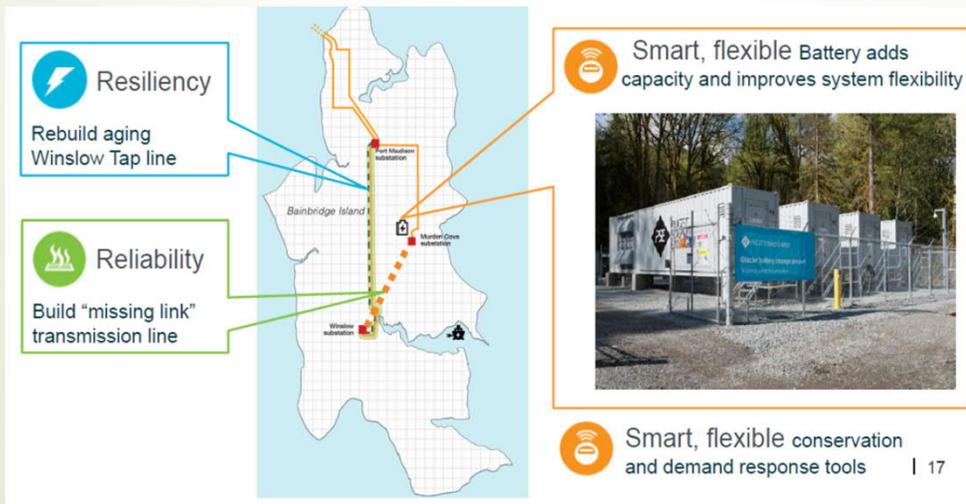
## City Government Emissions

### 2,291 MTCO<sub>2</sub>e in 2018

Emissions from City of Bainbridge Island activities—which only make up about 1% of the total community emissions—are largely from energy needed to power municipal buildings, equipment, and vehicles.



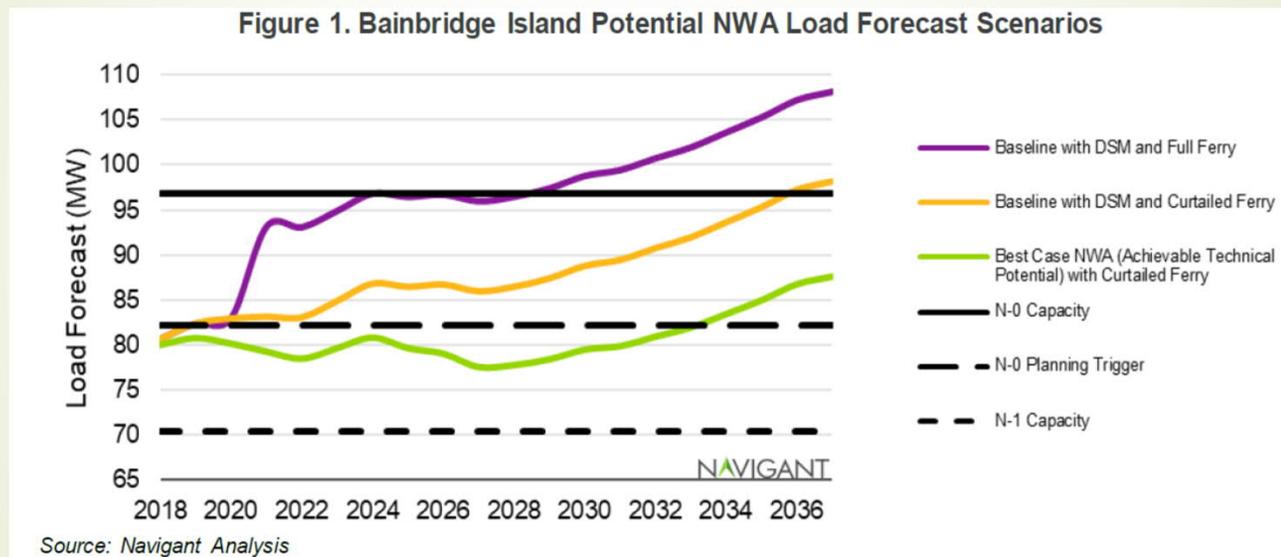
# PSE's Proposed Bainbridge Island Initiative Has Three Key Elements



Source: [PSE's town hall on Oct 17, 2019, final slide deck](#)

\*Source: [PSE's town hall on Oct 17, 2019, Appendix D](#)

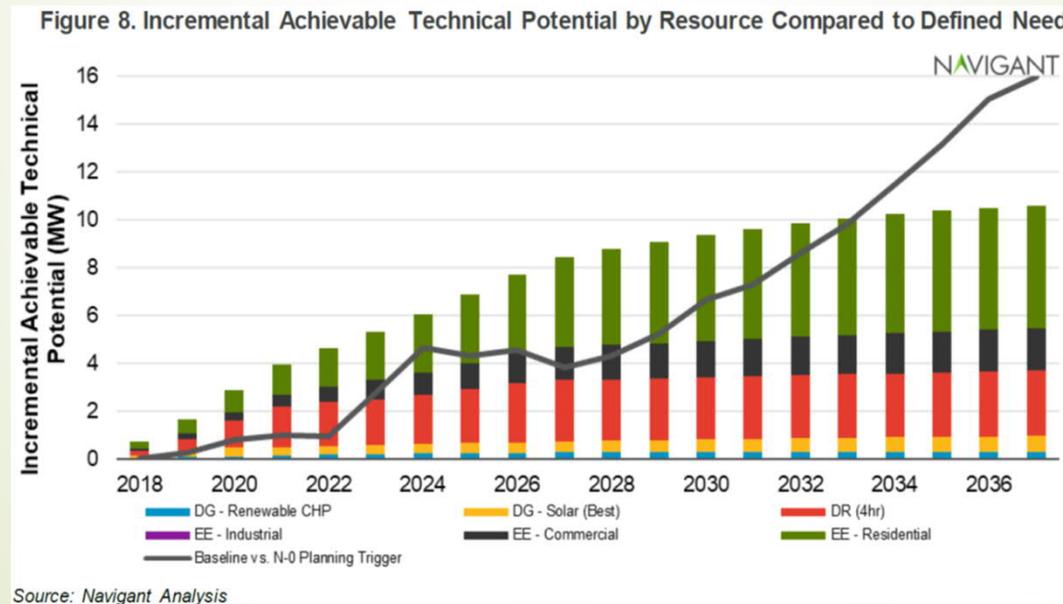
## If Implemented Fully, PSE's Bainbridge Island Initiative Would Defer Grid Upgrades to 2030



Source: [PSE's town hall on Oct 17, 2019, Appendix D](#)

## The Targeted Conservation and Demand Response Tools Require BI Resident's Action

- DERs considered in the analysis include energy efficiency (EE), demand response (DR), customer-sited solar photovoltaics (PV), energy storage, and combined heat and power (CHP) (renewable anaerobic digesters only).



- Note the cost-effective contribution from the anaerobic digester CHP

Source: [PSE's town hall on Oct 17, 2019, Appendix D](#)

## “Road Map” for a Bainbridge Island Green Building Program

Principles

Lead by example

Optimize materials/emissions

Equity/Justice

Wholistic approach/mutual benefits  
(people, environment, & economy)

Future ready (e.g. solar, EV, internet-based system controls/smart grid, battery storage, etc)

Theme

Phase 1 (Interim by Oct)

Carbon Reduction

Rely on prior public engagement and 1 public hearing

Mandatory “baseline” green building programs for all building types

Optional “stretch” green building programs

Scaled to building size

Mature programs & market acceptance

Few additional carbon reduction measures

Phase 2 (Oct - Feb)

Carbon Neutral

Expanded engagement (community & industry)

Economic assessment, incentives, assistance programs (affordability & health equity)

Electric vehicle & solar ready

Embedded carbon reductions (concrete & other materials)

Carbon offsets

Site requirements

Program evaluation process

Phase 3 (+1 year)

Carbon Storage

Adaptive Management (next steps based on program performance)

Components

## Green Building Task Force - "First Steps" Interim Green Building Recommendation

The green building programs listed in Table 1 are adopted by the City of Bainbridge Island and organized into green building categories. The programs indicated with:

- "BR" are baseline required programs within that category (choose one if more than one is listed);
- "AR" are required programs within that category in addition to the BR program (choose one if more than one is listed); and
- "O" are optional programs that may be used in addition to a required program but shall not be used instead of a required program.

Table 1 Green Building Categories

Organization	Green Building Program	Green Building Category			Existing Buildings on BI
		A	B	C	
International Living Future Institute	<a href="#">Core Green Building Certification</a>	O	O	AR	Yes
	<a href="#">Zero Carbon Certification</a>	BR	BR	BR	
US Green Building Council	<a href="#">LEED</a> Platinum Certification	O	O	AR	Yes
Other	Other	O	O		Yes

Table 2 Green Building Requirements

Building Type	Building Size	Green Building Category		
		A	B	C
Any Remodel and/or Addition	Up to 500 SF	N/A		
	More than 500 SF	Same category as below for building type and net building size (net = existing + addition)		
Any Residential	Any size	X		
Commercial and Institutional	Up to 5,000 SF		X	
	More than 5,000 SF			X

Table 2 notes:

- For remodels and additions over 500 SF, only the remodel/addition area needs to meet the applicable requirements. The remaining area of the existing building does not need to meet the applicable requirements.
- State funded buildings subject to RCW 39.35D (high-performance public buildings) would be subject to this requirement.
- Affordable housing projects would be subject to this requirement unless they receive funding through the State Housing Trust Fund and are therefore required to meet state mandated green building standards per RCW 39.35D.080.

### Other GBTF Recommendations

City Buildings – Lead by example (retroactive to police/court facility)

Possible Incentives (until Phase 2)

- Refund part of building permit fees at final certification (amount **TBD**)
- Education & outreach
- Puget Sound Energy – many of the existing rebates, grants, and design assistance will apply to green building projects

Additional Carbon Footprint Reduction Measures (pending legal review)

- Heat pumps used whenever possible for space & water heating
- Propane may be used as secondary backup heat, or where heat pumps are not capable of providing for the task (such as for tankless water heaters or high demand boiler systems)
- Do not allow electric resistance elements for space heating



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## City Council Study Session Agenda Bill

**MEETING DATE:** September 1, 2020

**ESTIMATED TIME:** 5 Minutes

**AGENDA ITEM:** (8:05 PM) Sustainable Transportation Plan Update - Public Works,

**SUMMARY:** Staff will present an update on the Sustainable Transportation Plan. Staff will also ask the Council to consider providing input and questions at the September 15th Plan update to inform the upcoming level of service (LOS) workshop planned for October 20th.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Public Works

**RECOMMENDED MOTION:** Information only

**STRATEGIC PRIORITY:** Reliable Infrastructure and Connected Mobility

**FISCAL IMPACT:**

<b>Amount:</b>	N/A
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	Yes

**BACKGROUND:** The Sustainable Transportation Plan was re-initiated in July after a three-month hiatus during the peak of the COVID-19 crisis. For this agenda item, an update will be presented by staff, which will include an initial report-out on the recent community outreach and engagement activities, and a look-ahead at the project schedule. A more in-depth update will be presented by staff and the project consultant team on September 15th.

**ATTACHMENTS:**

**FISCAL DETAILS:** N/A

**Fund Name(s):**

**Coding:**



CITY OF  
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## City Council Study Session Agenda Bill

**MEETING DATE:** September 1, 2020

**ESTIMATED TIME:** 10 Minutes

**AGENDA ITEM:** (8:10 PM) Update from Joint City Council and Planning Commission Land Use Subcommittee - Councilmembers Carr, Hytopoulos, and Pollock,

**SUMMARY:** Members of the Joint City Council and Planning Commission Land Use Subcommittee will provide an update to the City Council.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** City Council

**RECOMMENDED MOTION:** Discussion.

**STRATEGIC PRIORITY:** Green, Well-Planned Community

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:**

**ATTACHMENTS:**

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



CITY OF  
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## City Council Study Session Agenda Bill

**MEETING DATE:** September 1, 2020

**ESTIMATED TIME:** 10 Minutes

**AGENDA ITEM:** (8:20 PM) Update on Policing Town Hall - Police,

**SUMMARY:**

On July 25, the City Council received a briefing from Police Chief Joe Clark on the Bainbridge Island Police Department policies and use of force issues. As part of that discussion, the Council suggested the Police Chief plan to organize a community Town Hall on policing. This time is scheduled for the Council to receive an update from Chief Clark on the planned content and format for the Town Hall event.

A draft agenda is attached.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Police

**RECOMMENDED MOTION:** Discussion only.

**STRATEGIC PRIORITY:** Safe City

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:**

**ATTACHMENTS:**

[Virtual Policing Town Hall Event Brief CC 09-01-20.pdf](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



## **Virtual Policing Town Hall Event**

### **September 30, 2020**

**6:00pm – 7:30pm PST**

#### **Objective**

- The Bainbridge Island Police Department will host a virtual Policing Town Hall event to update the community on its activities this year and announce recent changes to department policy. The event will include an opportunity for public comment to help shape goals for the coming year.

#### **Virtual Presentation**

- **Speakers**

- MC: Chief of Police Joseph Clark
- Mayor to speak if available

- **Agenda**

- 5:45 pm Zoom Event Opens
- 6:00 pm Welcome and Introductions
- 6:05 pm Philosophy on Policing
- 6:10 pm Public Safety on Bainbridge Island
- 6:25 pm Policy Updates
- 6:30 pm Looking Ahead to 2021
- 6:35 pm Community Engagement in Public Safety
- 6:40 pm Live Question & Answer Period
- 7:25 pm Closing Remarks

#### **Outreach Plan**

- **Online Tools**

- Zoom, Public Link
- Recording of Livestream Event will be available on the BIPD Webpage
- COBI Zoom account Livestreamed to YouTube and BIPD Facebook
- Event to be promoted during September via Facebook, Twitter, Nextdoor, BIPD Webpage, COBI Calendar, City Manager Newsletter, Stakeholder Email, Newsflash, and Press Release



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## City Council Study Session Agenda Bill

**MEETING DATE:** September 1, 2020

**ESTIMATED TIME:** 30 Minutes

**AGENDA ITEM:** (8:30 PM) Shoreline Master Program Periodic Review Public Participation Program and Work Plan - Planning,

**SUMMARY:** The City is required by the State Shoreline Management Act to complete a periodic review of the Shoreline Master Program (SMP) every 8 years. The deadline for the City's current periodic review process has been pushed back to June 30, 2021 by the Department of Ecology due to the delayed availability of grant funds. The City's work on the periodic review has been delayed due to staffing vacancies and the COVID-19 pandemic. An updated Public Participation Plan and Work Plan has been prepared to reflect the new deadline as well as changes in budget and staffing.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Planning & Community Development

**RECOMMENDED MOTION:** I move to approve the Updated Shoreline Master Program Public Participation Program and Work Plan.

**STRATEGIC PRIORITY:** Green, Well-Planned Community

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	Yes

**BACKGROUND:** See attached memo.

**ATTACHMENTS:**

[Staff Memo](#)

[Attachment 2 - Updated PPP/WP](#)

[Attachment 1 - History Log](#)

[Attachment 3 - Prior PPP/WP](#)

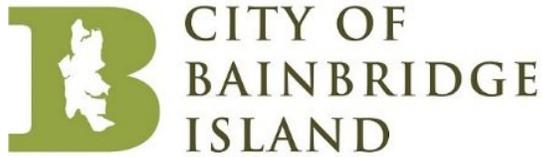
[Attachment 4 - Ecology Rule Summary](#)

**FISCAL DETAILS:** Partially supported by a \$22,400 grant from the Department of Ecology.

May require additional professional services dollars to conduct best available science for the aquaculture portion of the periodic review.

**Fund Name(s):** General Fund

**Coding:**



Department of Planning and Community Development

## Memorandum

Date: September 1, 2020  
To: City Manager  
City Council  
From: Heather Wright, Planning Director  
Peter Best, Senior Planner  
Subject: Shoreline Master Program Periodic Review Update

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### I. BACKGROUND

The City is required by the Shoreline Management Act (SMA) to complete a periodic review of the Shoreline Master Program (SMP) every eight years (Attachment 4 provides a summary of the SMA periodic review rule). The City's periodic review is expected to result in amendments to the SMP, however it is not a cover-to-cover substantive comprehensive update like that completed by the City in 2014. Therefore, the process will be significantly more focused.

### II. PERIODIC REVIEW DEADLINE

The deadline for the City's SMP Periodic Review has been extended by Ecology to June 30, 2021 (from June 30, 2020) due to the delayed availability of required grant funding. The City has an executed grant agreement providing \$22,400 to reimburse a portion of staff costs.

An updated timeline is provided in Attachment 2 (page 5).

### III. PUBLIC PARTICIPATION PROGRAM AND WORK PLAN

The SMA requires the City to publish a Public Participation Program for the periodic review. On March 12, 2019, the City Council approved a Public Participation Program and Work Plan (Attachment 3). The Department began working on the periodic review with the Planning Commission in June and July 2019. Since then the project has been delayed – first due to staffing vacancies and then due to the COVID-19 pandemic. The Department is now able to resume work on this project and proposes an updated Public Participation Program and Work Plan (Attachment 2).

The updated work plan shares the same overall goals as the prior work plan, including improving the clarity and administration of the SMP. The updated work plan has the following key differences from the prior work plan:

- Public participation opportunities have been adjusted to provide early and continuous public participation during the COVID pandemic. These include:
  - Online Open House
  - Stakeholder and Government Agency Focus Groups (See Attachment 2, page 5)
  - Workshop(s) with Planning Commission
  - Public online workshop
- Categorizing anticipated revisions into three categories (see Attachment 2, pages 8-9):
  - Clarifying edits
  - Substantive revisions consistent with existing policy or law
  - New substantive revisions
- Provided additional detail regarding the process, including (Attachment 2, page 3):
  - Start by creating a Baseline Draft SMP that incorporates clarifying edits and substantive revisions consistent with existing policy or law so that the process starts with a well organized and cleaned up version of the SMP
  - New substantive revisions will be developed as revisions to the Baseline Draft SMP

#### IV. AQUACULTURE AMENDMENT

The City has been working on a limited amendment to the SMP regarding aquaculture as part of litigation settlement discussions since the 2014 SMP was appealed. On May 19, 2020, the City Council approved a City-wide work plan that included pursuing topics addressed in the aquaculture limited amendment as part of the SMP periodic review rather than via the limited amendment process. The City Council is scheduled to formally withdraw the limited amendment at its September 8, 2020 meeting.

One of the reasons that such a withdrawal is necessitated at this point is due to the timing of the periodic review (with a target date of June 2021), which has resulted in the necessity of focusing the City's resources on the periodic review process and SMP amendments that will occur through that process, rather than continuing to pursue an aquaculture limited amendment that the City adopted in 2016 and for which the City has thus far been unsuccessful in obtaining the necessary approval from the Department of Ecology. Additionally, some provisions proposed in that aquaculture limited amendment are likely to require a review of best available science which would require additional funding for professional consultant services.

#### V. ATTACHMENTS

1. SMP Periodic Review History Log
2. Proposed Public Participation Program and Work Plan
3. Prior Public Participation Program and Work Plan
4. Summary of the Periodic Review Rule



**Shoreline Master Program Periodic Review  
Public Participation Program  
and Work Plan**

**Updated September 1, 2020**



# Shoreline Master Program Periodic Review Public Participation Program and Work Plan

## Table of Contents

Introduction	2
Goals	2
Scope of Periodic Review	2
Periodic Review Process Steps	3
Anticipated Timeline	5
Participation Opportunities	5
Outreach Methods and Tools	6
Potential Groups for Outreach	7
Attachment A – Anticipated Revisions	8

## Stay Informed

- **Sign up** on [Notify Me](#): Members of the public can sign up to receive email or text notifications about public meetings and other aspects of the SMP periodic review. Select the “Shoreline Master Program” list.
- **Sign up** for the [City Manager’s Report](#).
- **Website**: The City maintains a [Project Webpage](#) on its website with updates, important dates, background materials, and draft documents. This is where you can review prior activity on this project and find out what to anticipate next.
- **Invite**: Members of the public can request City staff to give a presentation and take Q&A on the SMP periodic review to community groups or any public forum.

## Get Engaged

- **Attend** public meetings, including workshops, Planning Commission, and City Council meetings. Planning Commission and City Council meetings are also recorded and available for later viewing on the City website.
- **Comment**: Public comments can be submitted during the public comment period:
  - Online: Check the [Project Webpage](#) during the public comment period
  - By email: [pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov)
  - By mail: Planning & Community Development  
Attn: SMP Periodic Review  
280 Madison Avenue N  
Bainbridge Island, Washington 98110

## Questions?

- **Contact**: Peter Best, Senior Planner  
(206) 780-3719  
[pbest@bainbridgewa.gov](mailto:pbest@bainbridgewa.gov)

## Introduction

The City of Bainbridge Island (City) is conducting a periodic review of its Shoreline Master Program (SMP), which is required every eight years by the Washington State Shoreline Management Act (SMA) [RCW 90.58.080(4); WAC 173-26-090(2)]. This document outlines the scope and timing of the amendment process and describes opportunities for public participation throughout.

The following are important notes regarding this periodic review:

- This periodic review is expected to result in amendments to the SMP, however it is not a cover-to-cover substantive comprehensive update like that completed by the City in 2014. Therefore, the process will be significantly more focused.
- The City is required to adopt this SMP periodic review by June 30, 2021. The process also requires initial review and final approval by the Washington State Department of Ecology (Ecology).
- The City and Ecology must “make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, tribes, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program.” [WAC 173-26-090(3)(a)(i)]
- The SMA requires the City to establish and distribute a public participation program with procedures that will “provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.” [WAC 173-26-090(3)(a)(ii)]
- The City has chosen to use the optional joint state/local review process in WAC 173-26-104. This joint review process means that the comment periods held by Ecology and the City will run concurrently and will include at least one joint public hearing.

## Goals

Overall goals of this Public Participation Program are to:

- Provide objective information to assist the public in understanding issues and solutions related to the SMP itself and the periodic review process.
- Provide opportunities for interested parties to contribute ideas and provide feedback through the periodic review process.
- Make the periodic review process accessible and engaging to interested parties by using a variety of media, plain language, and easy-to-understand materials.

## Scope of Periodic Review

The required minimum scope of the periodic review as established by the SMA [RCW 90.58.080(4)(a)] is:

- To assure the SMP complies with applicable law and guidelines in effect at the time of the review; and
- To assure consistency of the SMP with the City’s comprehensive plan and development regulations adopted under the Washington State Growth Management Act [RCW 36.70A], if applicable, and other local requirements.

The periodic review process provides the method for bringing the SMP into compliance with any requirements of the SMA that have been added or changed since the last SMP review and for responding to changes in guidelines adopted by the state, together with a review for consistency with any amendments to the City’s comprehensive plan and regulations. The periodic review also provides an opportunity to incorporate amendments to reflect changed circumstances, new information, or improved data.

The anticipated revisions to be addressed during the periodic review are described in Attachment A. The City will focus mostly on meeting the minimum requirements described above with revisions that can be characterized as clarifying edits or substantive revisions consistent with existing policy or law. A limited number of new substantive revisions are also described in Attachment A.

## Periodic Review Process Steps

Step  
1

### Staff Review

- Audit SMP consistency with State legislative changes
- Audit SMP consistency with the 2016 Comprehensive Plan and development regulations in the Bainbridge Island Municipal Code (BIMC)
- Audit for internal inconsistencies within the SMP
- Audit definitions
- Administrative program evaluation, including process improvement survey of former applicants
- Present results with Step 2

Step  
2

### Baseline Draft SMP

- Prepare a full baseline draft of the SMP including all:
  - Clarifying Edits
  - Substantive Revisions Consistent with Existing Policy or Law
- Flag sections where new substantive revisions will interact
- Government Agency focus group (online)
- Present draft to Planning Commission, City Council, and public
- Refine based on initial feedback as necessary

Step  
3

### New Substantive Revisions and Early Public Engagement

- Prepare issue papers and policy outlines for new substantive changes
- Public outreach effort (mailings, etc)
- Public Workshop (online)
- Focus groups (2 online meetings each)
- Workshop with the Planning Commission
- Finalize Department proposal

Step  
4

### Planning Commission Review

- Formal review of the Baseline Draft SMP and New Substantive Revisions
- Public comments accepted during Planning Commission meetings
- Planning Commission Recommendations

Step  
5

### City Council Endorses Draft SMP for Public Hearing

- City Council reviews the Planning Commission recommendations and endorses a draft SMP amendment to put forward for the joint public comment period and hearing

Step  
6

### Joint Public Comment Period and Hearing

- 30-day public comment period
- Public hearing jointly held by the City Council, Planning Commission, and Ecology
- Written comment and oral testimony is received by all three bodies
- Staff prepares a comment and response summary

Step  
7

### Draft SMP Periodic Review Submittal Package

- Staff prepares recommendations for modifications resulting from public comment
- City Council determines what modifications will be considered
- Planning Commission may be asked to advise the City Council
- A Draft SMP amendment submittal package is sent to Ecology

Step  
8

### Initial Determination of Consistency from Ecology

- Ecology evaluates the Draft SMP periodic review submittal package, including proposed modifications resulting from public comment
- Ecology makes an initial determination regarding consistency with the SMA, noting areas of concurrence and concern with possible required and/or recommended changes.

Step  
9

### Final SMP Periodic Review Submittal Package

- If necessary, staff prepares recommendations related to Ecology's recommended or required changes
- City Council reviews and adopts a Final SMP amendment
- Planning Commission may be asked to advise the City Council
- The City Council may hold an additional public hearing, but is not required to do so
- A final SMP submittal package is sent to Ecology

Step  
10

### Ecology Reviews and Approves SMP Periodic Review

- Ecology reviews the Final SMP periodic review submittal package and approves, approves with conditions, or denies the SMP amendment.

Step  
11

### Update Administrative Documents Consistent with Final SMP Periodic Review

- Update: COBI Administrative Manual for Planning Permits
- Update: COBI Guidance for a Site-Specific Analysis
- Update: COBI Qualified Specialist List
- Create: Summary sheets, checklists, and worksheets for the most common types of activities in shoreline jurisdiction

Step  
12

Appeals

- An SMP amendment may be appealed to the Central Puget Sound Growth Management Board

Anticipated Timeline

Year	2020					2021							
Month	8	9	10	11	12	1	2	3	4	5	6	7	8
Step 1	█	█	█										
Step 2		█	█	█									
Step 3		█	█	█									
Step 4					█	█							
Step 5							█						
Step 6								█					
Step 7									█				
Step 8										█			
Step 9											█		
Step 10												█	
Step 11													█
Step 12													→

Participation Opportunities

The City is committed to providing the following participation opportunities during the SMP periodic review process.

Focus Groups

The Department of Planning and Community Development will facilitate two focus groups, one for interested stakeholders and the other for interested government agencies. The focus groups will:

- Provide early input to staff before new substantive amendments to the SMP are drafted; and
- Review new substantive amendment language drafted by staff.

The stakeholder focus group is intended to include diverse perspectives with up to 15 members from industry, professional organizations, and civic groups that have an interest in shorelines. This focus group will likely meet twice.

The government agency focus group is intended to include representatives from tribal, federal, state, and local government agencies, including City departments and advisory committees. The government agency focus group will also help identify administrative improvements that will make multi-jurisdictional permitting more efficient. This focus group will likely meet four times.

## Public Workshop

The Department of Planning and Community Development will facilitate a public workshop on new substantive amendments to the SMP prior to finalizing the Department's recommendations to the Planning Commission. This early public engagement will help shape the Department's proposed recommendations.

## Planning Commission Meetings

Planning Commission meetings are held on the second and fourth Thursday of the month. Special meetings may be held at an earlier time or on a different day, as needed. Public comment is accepted at all Planning Commission meetings. Meeting materials are provided in the agenda packet, which is usually published on the City's website on the Friday prior to the meeting:

<https://www.bainbridgewa.gov/AgendaCenter>.

## Joint Local/State Public Comment Period and Public Hearing

The periodic review process requires a 30-day public comment period during which at least one public hearing must be held. A joint public hearing will be held by the Planning Commission, City Council, and Ecology staff. The public comment period provides an opportunity to provide written comment and the public hearing provides an opportunity to provide testimony. All comments are reviewed, cataloged, summarized, and summary responses are prepared. Modifications to the draft SMP resulting from public comments are also identified. The public hearing must be advertised on the City's website and in the local newspaper at least 10 days prior to the hearing.

## City Council Meetings

City Council meetings are held the first through fourth Tuesdays of each month. Special meetings may be held at an earlier time or on a different day. Public comment is accepted at all City Council Business Meetings, which are held on the second and fourth Tuesdays of each month. Meeting materials are published in the agenda packet, which is published on the City's website on the Friday prior to the meeting: <https://www.bainbridgewa.gov/1101/City-Council-Agendas>.

## Outreach Methods and Tools

The overall objective of this Public Participation Program is to describe how the City will engage the public during the course of the periodic review process. Public participation methods and tools may vary during the periodic review process. This Public Participation Program may continue to be reviewed and refined throughout the review process, if needed. The City will utilize a variety of modes of communication to engage the public. Public outreach will consist of interactive outreach efforts, traditional media and advertising, and outreach efforts utilizing technology and social media. Public meetings will be noticed as far in advance as possible.

## Interactive Outreach Methods

- Stakeholder groups
- Public workshop (via webinar format)
- Video call presentations at group meetings, e.g., Bainbridge Island Watershed Council, realtor groups

## Traditional Media and Advertising

- Press releases to local papers, blogs and newsletters
- Utilize community organization email lists, newsletters, and social media
- U.S. postal mail flyer to shoreline property owners
- Announcements in the *Bainbridge Island Review*
- Emails to current City email listservs, volunteer lists, and citizen advisory groups

## Technology and Social media

- City website – An online open house with background information, existing SMP, useful weblinks to planning resources, and materials prepared for public meetings will be available to the public on the City’s SMP [project page](#) and as hard copies at City Hall
- [Notify Me](#) – There is a listserv for the public to sign up for Shoreline Master Program announcements
- Updates related to the SMP periodic review process will be posted on Facebook
- Posting SMP periodic review meetings to the calendar on the City website
- City Manager’s Report – updates and announcements of meeting dates included as needed in the weekly report

## Potential Groups for Outreach

The following is an initial list of groups for outreach. Additional groups may contact staff to be added.

<p><b>City Citizen Advisory Groups</b>            Climate Change Advisory Committee            Environmental Technical Advisory Committee            Marine Access Committee            Planning Commission            Utility Advisory Committee</p>	<p><b>Other Public Agencies</b>            Bainbridge Island Fire District            Bainbridge Island Metro Park and Recreation District            Bainbridge Island School District            Kitsap Public Utility District            Kitsap Public Health District            Puget Sound Regional Council            Washington State Ferries</p>
<p><b>Community Groups</b>            Association of Bainbridge Communities            Bainbridge Island Japanese American            Exclusion Memorial Organization            Bainbridge Island Land Trust            Bainbridge Island Watershed Council            Chamber of Commerce            Housing Resources Board            Rotary Club of Bainbridge Island            Sustainable Bainbridge</p>	<p><b>Other Organizations</b>            Bloedel Reserve            Cooke Aquaculture            Kitsap Building Association            Kitsap County Association of Realtors            SEPA review agencies            Yacht clubs and marinas            Tribal governments</p>

## Attachment A - Anticipated Revisions

### Clarifying Edits

Clarifying edits are changes that will improve the administration of the SMP without modifying the effect of existing provisions. Examples of clarifying edits include:

- Integrate current administrative interpretations
- Correct scrivener's errors and incorrect cross-references
- General plain talking of complex provisions
- Add informational text and graphics that will facilitate the efficient use of the SMP
- Improve (and add) tables, footnotes, and graphics to consolidate and simplify the presentation of requirements
- Remove text that is redundant to tables, footnotes, and graphics, as appropriate
- Consolidate, reorganize, and cross-reference text as needed, particularly to avoid "surprise" requirements buried across multiple sections of the SMP
- Remove definitions for words that do not appear in the text of the SMP
- Republish the Shoreline Designation Map (Appendix A) in a tiled format at larger scale based on Shoreline Management Areas (no changes to designations)
- Combine Appendix A (Shoreline Designation Map) and Appendix E (Special Area Maps)
- Remove Appendix C (Buffer Recommendation Memorandums)
- Add shoreline example graphics to rules of measurement (BIMC 18.12.050)
- Replace BIMC 16.12 with a hyperlink to the full version of the SMP

### Substantive Revisions Consistent with Existing Policy or Law

These substantive revisions will modify the effect of existing SMP provisions for the purpose of achieving existing policy or law and will be color coded in the draft SMP for easy identification. Some changes will be required because of a change in state law, to resolve an inconsistency, or to comply with a court ruling. Other changes may propose alternative approaches to regulations that have proven difficult to administer or propose new regulations to improve administration. Examples of substantive revisions consistent with existing policy or law include:

- Required by state law
  - As needed for consistency with state legislative changes since 2014 (see [Ecology's checklist of legislative changes](#))
  - As need to resolve internal inconsistencies
  - As needed for consistency with the 2016 COBI Comprehensive Plan and development regulations in BIMC, such as 2016 stormwater regulations and 2019 subdivision regulations
  - As needed for compliance with court rulings, including the outcomes of the 2014 SMP appeals
    - Note: There are two ongoing appeals. If they are not resolved before the adoption of the periodic review, then COBI will need to adopt a separate compliance amendment following the periodic review.
- As needed to improve consistency with other state/federal shoreline regulations and permit agency procedures

- Address deficiencies identified during an administrative program evaluation
- Clarify what “modifications” are addressed by the regulations in Section 6.1
- Update definitions, as necessary
- Shoreline Designation Map corrections, if any
  - Note: “Corrections” are only to fix (1) an inconsistency between the published Shoreline Designation Map and the final decision of the City Council as clearly documented in the official record or (2) designations that are clearly erroneous compared to their designation criteria.

## New Substantive Revisions

These substantive revisions will change or add policies to the SMP as well as change or add related regulations and will be color coded in the draft SMP for easy identification. Such amendments can be a major undertaking and may need to be addressed through their own SMP amendment following the periodic review. The City’s capacity to complete new substantive revisions during the periodic review is significantly limited by resource and time constraints due to the COVID-19 pandemic and statutory deadline for adopting the periodic review. In particular, any new substantive amendment that would change the underlying assumptions used in the SMP cumulative impacts analysis would require the City to update that analysis which would add significant cost and time to this periodic review process. The following are the new substantive revisions proposed for consideration during this periodic review:

- Integrate the ongoing aquaculture limited amendment
- Incorporate climate adaptation/sea level rise into goals, policies and regulations with the focus being on flooding (future amendments will address other risks from sea level rise, such as bluff erosion)
- Review and clarify procedures for updating Priority Aquatic environment designations
- Update Aquatic environment designations on the Shoreline Designation Map based on available information, if applicable

Note: The current SMP amendment regarding critical areas and non-conforming provisions is anticipated to be adopted and take affect before the Fall 2020. Therefore, they will be included in the baseline SMP.

**SMP Periodic Review  
History Log**

Date	Notes
7/14/2014	CC adopted 2014 SMP (Ord 2014-04)
7/16/2014	ECY approved 2014 SMP (Ord 2014-04)
7/30/2014	2014 SMP (Ord 2014-04) goes into effect
	2014 SMP appealed <ul style="list-style-type: none"> <li>• Aquaculture limited amendment developed to resolve some of the appeal issues</li> </ul>
1/22/2019	CC meeting (removed from agenda)
2/26/2019	CC study session deferred to a future meeting
3/5/2019	CC study session on PPP/WP
3/12/2019	CC approved the SMP periodic review PPP/WP
5/23/2019	PC study session (introduction and PC sub-committee formed)
6/27/2019	PC study session on vegetation management
7/11/2019	PC study session on vegetation management
10/8/2019	CC authorized City to apply for SMP grant
8/17/2020	SMP grant agreement executed

CC = City Council  
 ECY = Washington State Department of Ecology  
 PPP = Public Participation Program  
 PC = Planning Commission  
 SMP = Shoreline Master Program  
 WP = Work Plan



Shoreline Master Program Periodic Review  
Public Participation Program  
and Work Plan

February 12, 2019



# Shoreline Master Program Periodic Review Public Participation Program and Work Plan

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### Contact Information for SMP Periodic Review

- To submit written comments:  
[pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov) or  
280 Madison Avenue N  
Bainbridge Island, Washington 98110
- To submit questions or comments over the phone:  
Christy Carr, Senior Planner, 206.780.3719
- To sign-up for Notify Me:  
<http://www.bainbridgewa.gov/list.aspx>
- To sign-up for the City Manager's Report:  
<http://www.bainbridgewa.gov/500/City-Managers-Report>
- To discuss alternative outreach ideas:  
Kristen Drew, Communications Coordinator  
[kdrew@bainbridgewa.gov](mailto:kdrew@bainbridgewa.gov) or 206.780.3741

## Introduction

The City of Bainbridge Island (City) is conducting the periodic review of its Shoreline Master Program (SMP). The Shoreline Management Act (SMA) requires each city and county to review, and, if necessary, revise their SMP at least once every eight years. The City's periodic review is due to be complete on or before June 30, 2020.

The City is using the optional joint state/local review process in partnership with the Department of Ecology (see, e.g., WAC 173-26-104). This joint review process means that the state and city public comment period, which includes at least one public hearing, will run concurrently. The review process also includes initial review and final approval by the Department of Ecology. The SMA requires that local governments provide a full opportunity for involvement in both the development and implementation of their SMPs (see, e.g., WAC 173-26-201(3)(b)). In other words, the periodic review requires a public participation program that provides for early and continuous involvement of interested parties throughout the review process. This Public Participation Program outlines the scope and timing of the amendment process and describes opportunities for public participation throughout.

## Goals

Overall goals of this Public Participation Program are to:

- Provide objective information to assist the public in understanding issues and solutions related to the SMP itself and the periodic review process.
- Provide opportunities to the public to contribute ideas and provide feedback through all phases of the periodic review process.
- Make the periodic review process accessible and engaging to interested participants by using a variety of media, plain language, and easy-to-understand materials.

## Scope of Periodic Review

The required minimum scope of review as established by the SMA is:

- (A) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and
- (B) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

The periodic review process provides the method for bringing shoreline master programs into compliance with the requirements of the SMA that have been added or changed since the last review and for responding to changes in guidelines adopted by the state, together with a review for consistency with amended comprehensive plans and regulations. The periodic review also provides an opportunity to incorporate amendments to reflect changed circumstances, new information, or improved data.

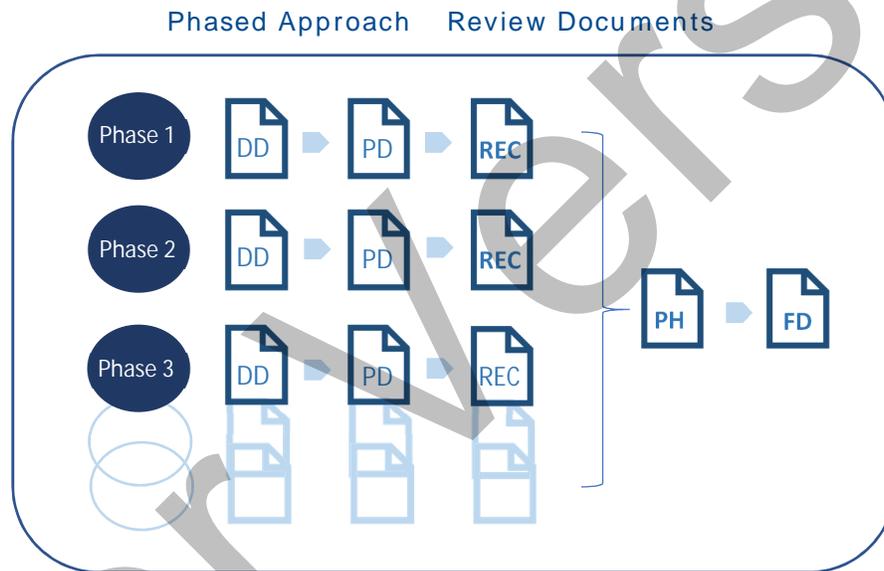
The City's periodic review will meet minimum requirements with a focus on amendments to (a) improve implementation effectiveness and (b) better reflect new information and improved data related to specific topics such as climate change adaptation and aquaculture. The scope of the periodic review is outlined in the proposed work plan included in this document.

## Phased Approach

The City recognizes that some parts of the SMP are important and interesting to some people, while other parts are important and interesting to others. The City also understands that people may be interested in participating in a particular phase (e.g., early discussions vs. final draft), rather than the entire process. In order for the work plan and review process to be more accessible – that is, broken down into identifiable, manageable pieces – the City is proposing the Planning Commission use a phased approach, both in terms of review documents and review topics.

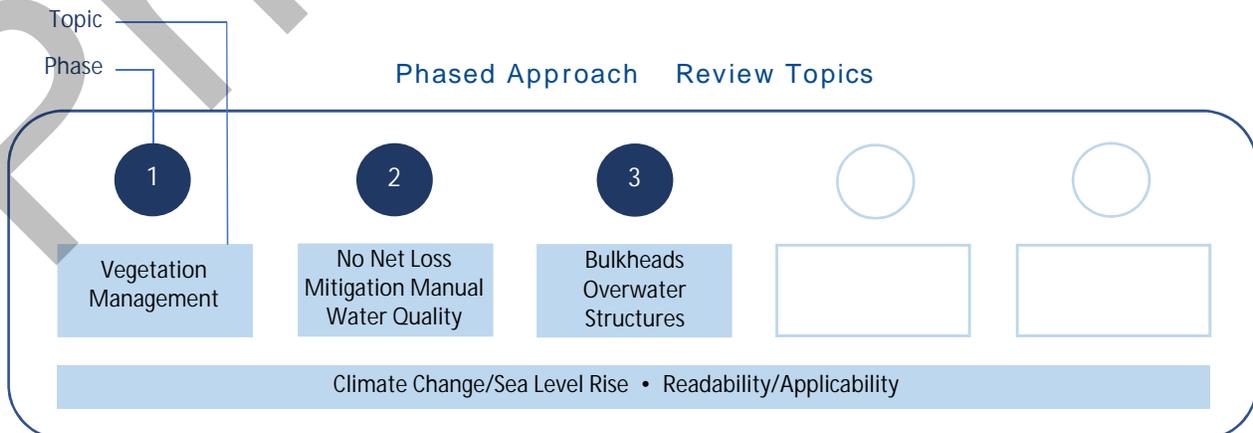
### Phased Approach Review Documents

Each phase will include one topic, or a group of related topics, and will be reviewed in a series of draft documents: discussion draft (DD), proposed draft (PD), and recommended draft (REC). The recommended drafts from each phase will be consolidated into a public hearing draft (PH). The public hearing draft will be updated based on public comment, then forwarded to the Department of Ecology for its initial review as a final draft (FD).



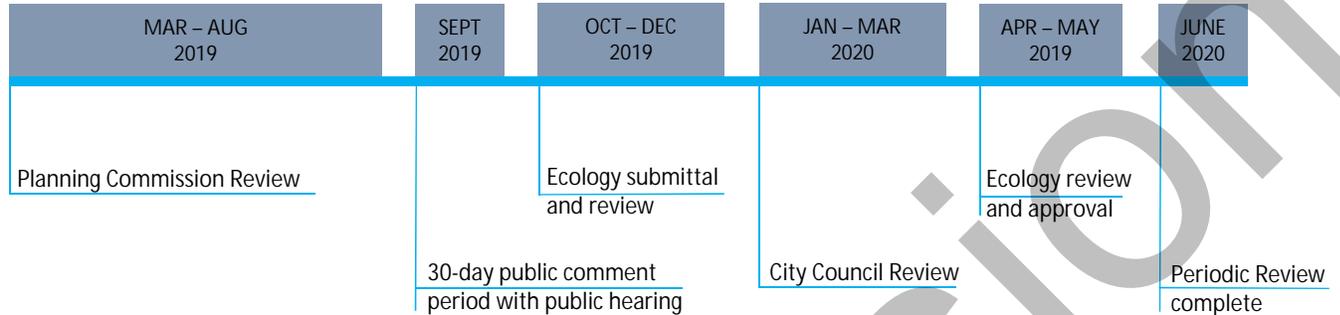
### Phased Approach Review Topics

Each phase of the periodic review will include one topic, or a group of related topics. In addition, issues that span all topics will be addressed in every phase. The anticipated sequence of review topics is shown below. Topics for future phases will be decided once the review is underway, based on the work plan.



## Anticipated Timeline

The City anticipates the periodic review will follow the general timeline below. Each phase, as discussed above, will have a distinct review period. Specific meeting and public hearing dates will be made available in accordance with state and local requirements and best practices.



## Opportunities for Public Participation

The City is committed to providing multiple opportunities for the public to engage in the SMP periodic review process. Most meetings will be hosted by the Planning Commission or the City Council. In-person public participation opportunities include:

### Planning Commission Meetings

The Commission will discuss and consider amendments to the SMP at regularly scheduled meetings and hold at least one public hearing. As described earlier, the Planning Commission will use a phased approach for review. The public hearing will be a joint public hearing with the Department of Ecology during the required 30-day public comment period. The Commissioners will consider public input to craft draft revisions to the SMP. After completing their review, the Planning Commission's recommended draft amendments will be submitted to the Department of Ecology for the state's initial determination of consistency with the SMA.

Planning Commission meetings are held on the second and fourth Thursday of the month from 7:00 to 9:00 pm at City Hall in the Council Chamber. Special meetings may be held at an earlier time or on a different day, as needed. Public comment is accepted at all Planning Commission meetings. Meeting materials are provided in the agenda packet, which is usually published on the City's website on the Friday prior to the meeting: <https://www.bainbridgewa.gov/AgendaCenter>.

### Joint Local/State Public Comment Period and Public Hearing

The periodic review process requires a 30-day public comment period during which at least one public hearing must be held. Pursuant to the joint review process, the City will hold at least one joint public hearing with the Department of Ecology. The public hearing will be held at a Planning Commission meeting and be advertised, including via the City's website and in the local newspaper 10 days prior to the hearing. The public comment period provides opportunity for written comment and in-person testimony at the public hearing.

## City Council Meetings

Staff will present the Department of Ecology's initial determination to the Department of Ecology. The City Council will discuss and consider amendments to the SMP at regularly scheduled City Council meetings and may choose to hold a public hearing. [Note: Only one public hearing is required. The required public hearing will be held by the Planning Commission.] At the end of its review process, the City Council must take legislative action declaring the review process complete. It is anticipated that the City Council will adopt an ordinance approving the amendments proposed during the periodic review and authorizing staff to forward the periodic review to the Department of Ecology for state approval.

City Council meetings are held the first through fourth Tuesdays of each month, beginning at 6:00 pm at City Hall in the Council Chamber. Special meetings may be held at an earlier time or on a different day. Public comment is accepted at all City Council Business Meetings, which are held on the second and fourth Tuesdays of each month. Meeting materials are published in the agenda packet, which is published on the City's website on the Friday prior to the meeting:  
<https://www.bainbridgewa.gov/1101/City-Council-Agendas> .

## How to Get and Stay Involved

The City will use several modes of communication to inform the public and encourage participation, including:

- Sign up on [Notify Me](#): Members of the public can sign up to receive email or text notifications about public meetings and other aspects of the SMP amendment.
- Comment: Members of the public can comment in-person to the Planning Commission, City Council or Staff, or by written comment submitted to the City by letter or email. All comments will be documented, retained, and available for public review.
- Website: The City maintains a [project page](#) on its website with updates, important dates, background materials, and draft documents.
- Invite: Members of the public can request City staff to give a presentation and take Q&A on the SMP periodic review to community groups or any public forum.

## Outreach Methods and Tools

The overall objective of this Public Participation Program is to describe how the City will engage the public during the course of the periodic review process. Public participation methods and tools may vary by phase of the periodic review process. This Public Participation Program may continue to be reviewed and refined throughout the review process, if needed. The City will utilize a variety of modes of communication to engage the public. Public outreach will consist of in-person outreach efforts, traditional media and advertising, and outreach efforts utilizing technology and social media. Public meetings will be noticed as far in advance as possible.

### In-Person Outreach Methods

- In-person presentations at group meetings, e.g., Bainbridge Island Watershed Council, realtor groups

### Traditional Media and Advertising

- Press releases to local papers, blogs and newsletters

- Utilize community organization email lists, newsletters, and social media
- U.S. postal mail flyer to shoreline property owners
- Announcements in the Bainbridge Island Review
- Emails to current City email listservs, volunteer lists, and citizen advisory groups

### Technology and Social media

- City website – Background information, existing SMP, useful weblinks to planning resources, and materials prepared for public meetings will be available to the public on the City’s SMP [project page](#) and as hard copies at City Hall
- [Notify Me](#) – There is a listserv for the public to sign up for Shoreline Master Program updates
- Updates related to the SMP periodic review process will be posted on Facebook
- Posting SMP periodic review meetings to the calendar on the City website
- City Manager’s Report – updates and announcements of meeting dates included as needed in the weekly report

### Potential Groups for Outreach

City staff will initiate contact and communicate about the SMP periodic review process with the following potential groups for outreach. Staff anticipates developing an email listserv to maintain communication with these groups.

<p><b>City Citizen Advisory Groups</b>          Climate Change Advisory Committee          Environmental Technical Advisory Committee          Marine Access Committee          Planning Commission          Utility Advisory Committee</p>	<p><b>Other Public Agencies</b>          Bainbridge Island Fire District          Bainbridge Island Metro Park and Recreation District          Bainbridge Island School District          Kitsap Public Utility District          Kitsap Public Health District          Puget Sound Regional Council          Washington State Ferries</p>
<p><b>Community Groups</b>          Association of Bainbridge Communities          Bainbridge Island Japanese American Exclusion Memorial Organization          Bainbridge Island Land Trust          Bainbridge Island Watershed Council          Chamber of Commerce          Housing Resources Board          Rotary Club of Bainbridge Island          Sustainable Bainbridge</p>	<p><b>Other Organizations</b>          Bloedel Reserve          Cooke Aquaculture          Kitsap Building Association          Kitsap County Association of Realtors          SEPA review agencies          Yacht clubs and marinas          Tribal governments</p>

## Work Plan

The work plan includes items that have been identified by staff, project applicants, and others as the most in need of review and revision. The work plan is presented in two formats: (a) a list of guiding themes under which most, if not all, of the anticipated revisions can fit, and (b) a detailed list of specific language or sections of the SMP that need to be revised. The detailed work plan assigns each proposed topic to consider to one or more of these guiding themes.

1. Vegetation management – Existing landscaping (“established yard”): Staff, shoreline property owners, and vegetation maintenance providers continue to struggle with what can or cannot be done in terms of existing landscaping. There are endless variations on what shoreline property owners may consider their “yard” and what constitutes “normal or routine maintenance” or “ongoing maintenance.” Clarity is needed as to if/when/which vegetation management provisions apply to existing landscaping.
2. Vegetation management – other: A number of vegetation management regulations need to be simplified and clarified, and with that, some policy direction is needed. Examples include: removal of significant trees, “1/3-2/3” provision where a structure is allowed to encroach into up to 1/3 of Zone 2 of the shoreline buffer with the remaining 2/3 of Zone 2 (and all of Zone 1) planted with native vegetation.
3. Consistency with no net loss standard: The current conditions of the shorelines, including existing development, are the starting point or baseline for determining no net loss. Regulations and provisions need to be reviewed for consistency with the no net loss standard. For example, do any vegetation management regulations result in “restoration” vs. “mitigation” for identified impacts? Examples of means to achieve the no net loss standard would also be helpful for project applicants and qualified professionals completing site specific impact analysis reports to clarify the concept of no net loss.
4. Integration of other codes/policies (stormwater, climate change): The City’s stormwater regulations have been updated since the SMP update (Chapter 15.20 BIMC). These should be integrated. A direct discharge criteria should be considered and consistency with the Single-Family Mitigation Manual can be improved. The Planning Commission may consider incorporating sea level rise and climate change adaptation.
5. Specific regulations or performance standards: While staff does not recommend any changes to current thresholds or performance standards, the Planning Commission may review and consider revisions to specific regulations. Any revisions would likely trigger the need to review and update background documents (e.g., Cumulative Impacts Analysis). Examples include:
  - a. Limits/requirements on bulkhead repair/replacement (SMP Section 6.2)
  - b. Prohibition of docks (SMP Section 6.3)
  - c. Buffer widths (SMP Section 4.1.3; Table 4-3)
  - d. Limit on liveboards (SMP Section 5.3)
  - e. New construction limit lines for Manzanita and Fletcher Bays (Special Area Maps)
6. Mitigation manual: The mitigation manual needs to be updated to reflect current standards of other agencies (e.g., U.S. Army Corps of Engineers), provide alternatives for impervious surface impacts, and improve consistency/integration with the text of the SMP.

7. Applicability: The applicability of the SMP in general needs to be clarified. The use of terms such as “development, use or activity,” “human activity,” “whether it requires a permit or not,” among others, is confusing. Complexity and redundancy could be reduced by eliminating the applicability subsection in every section of the SMP.

8. Readability: Shorten document, improve clarity, simplify and reduce complexity; correct errors and omissions

Prior Version

SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
4.1.5	Critical Areas	<ul style="list-style-type: none"> <li>Consistency audit with SMP amendment</li> </ul>	4,8
4.2.1	Existing Development (Nonconforming)	<ul style="list-style-type: none"> <li>Consistency audit with SMP amendment</li> </ul>	3,7,8
4.0	Table 4-1 Table 4-2 Table 4-3	<p>Table 4-1 (Use and Modification Table)</p> <ul style="list-style-type: none"> <li>Clarify footnotes (revisit #22 re: mixed use physical separation)</li> <li>Correct inconsistencies between table and text (e.g., subdivisions)</li> <li>Revisit requirement for shoreline conditional use permit for all retaining walls</li> <li>Clarify primary vs. accessory utilities</li> <li>Clarify allowance of overwater structures when used as public trails</li> </ul> <p>Table 4-2 (Dimensional Standards)</p> <ul style="list-style-type: none"> <li>Address missing footnotes (#5 and 7)</li> <li>Clarify utilities setbacks</li> </ul> <p>Table 4-3 (Buffers)</p> <ul style="list-style-type: none"> <li>Revise for improved readability and ease of administration</li> <li>Clarify when “expands to include existing native vegetation applies”</li> <li>Clarify that all shallow lots (&lt;200 feet deep) are assigned narrower buffer</li> <li>Clarify how buffer is measured for high bluff properties (i.e., what is between Zone 1 at OHWM and top of bluff)</li> <li>Clarify criteria for Category A and B lots</li> <li>Add figure reference and reference to Section 4.1.3</li> <li>Clarify what geomorphic classes are or where information about them is located</li> <li>No change in required buffer widths is anticipated</li> </ul>	8
4.1.2	Environmental Impacts	<ul style="list-style-type: none"> <li>Clarify that mitigation follows a sequence/“when mitigation is required” language – if an impact cannot be avoided, mitigation is required</li> <li>Simplify and clarify applicability section, clarify “development, use, activity”</li> <li>Move vegetation management regulations to Section 4.1.3 (e.g., 4.1.2.5, Revegetation Standards)</li> <li>Clarify and emphasize that either use of the Single-Family Mitigation Manual or submittal of a site-specific impact analysis is required; clarify when manual can be used</li> <li>Delete references that don’t exist</li> <li>Revisit “in perpetuity” requirement when mitigation is required (SMP 4.1.2.7)</li> <li>Clarify mitigation and monitoring requirements (SMP 4.1.2.8), consider threshold (e.g., not required for &gt; \$1000) for performance, mitigation/monitoring</li> </ul>	3,6,7,8

[Type here]

SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
		<ul style="list-style-type: none"> <li>• Clarify that new impervious surface area requires mitigation (only mentioned in Single-Family Mitigation Manual); better tie to manual</li> <li>• Consider new language that requires prioritizing where mitigation planting is located – has to go where it will have most ecological benefit</li> </ul>	
4.1.3	Vegetation Management	<ul style="list-style-type: none"> <li>• Relocate and revise, if needed, vegetation management-related regulations from SMP 4.1.2.5               <ul style="list-style-type: none"> <li>○ SMP 4.1.2.5.1 – Revegetation Standards – improve clarity</li> <li>○ SMP 4.1.2.5.3 – Clarify what “altered or reduced” means; when applicable?</li> <li>○ SMP 4.1.2.5.4 – Revise for clarity; remove requirement for offsite mitigation to be in Zone 1</li> </ul> </li> <li>• Clarify applicability section, non-retroactive nature of regulations</li> <li>• Clarify which requirements apply to new development vs. existing development</li> <li>• SMP 4.1.3.4 – Exceptions – clarify what is allowed without City review or approval, replace this section with tree and vegetation regulations (including exemption for yard and garden activities) from critical areas ordinance, remove requirement to leave downed hazard tree on site (if left, considered sufficient mitigation)</li> <li>• SMP 4.1.3.5 – Create new section that just explains establishment of shoreline buffers (2 options); revisit HMP requirement and review process; remove references to documents that don’t exist or consider programmatic approach to vegetation maintenance by City or other land managers (SOP manual, also referenced in SMP 4.1.3.7)</li> <li>• Provide mechanism for some level of significant tree removal (e.g., develop significant tree removal criteria)</li> <li>• Revisit requirements for vegetation removal/replacement outside shoreline buffer (native and non-native, significant trees)</li> <li>• SMP 4.1.3.6 – Clarify “1/3 2/3” provision; applicable to new development only?</li> <li>• SMP 4.1.3.7 – Clarify applicability, provide consistency with other vegetation maintenance provisions, define “modified area,” delete minor pruning section, refer to critical areas tree and vegetation regulations, revisit requirement for clearing permit, clarify connection to SMP 4.1.4, Land Modification, as referenced, clarify utilities</li> <li>• SMP 4.1.3.7.2 – Consolidate with new section relating to just shoreline buffers, clarify what “dimensions altered” means, clarify requirement for when Zone 1 must be restored</li> <li>• SMP 4.1.3.7.3 – Clarify what “minimum necessary for public use” means, improve connection to Single-Family Mitigation Manual, clarify whether stairs need to be grated and type of mitigation required if not grated</li> <li>• SMP 4.1.3.8.1 and 3 – Revise entire sections for clarity; no changes to size thresholds anticipated</li> <li>• SMP 4.1.3.8.4 – View maintenance – clarify and simplify; reference critical areas tree and vegetation requirements?, delete requirement for Bluff Management Plan</li> </ul>	1,2,3,5,6,7,8

SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
		<ul style="list-style-type: none"> <li>SMP 4.1.3.11 – Shoreline Structure Setback View Requirements – Clarify applicability, relocate option to build in Zone 2 language, correct figure references, simplify language, clarify what constitutes “most waterward point”</li> </ul>	
4.1.4	Land Modification	<ul style="list-style-type: none"> <li>Eliminate requirement for clearing permit for “all clearing” to allow for nominal landscaping activities (e.g., 25 cubic yards/200 square foot thresholds)</li> <li>Clarify language, better integrate with other sections</li> </ul>	7,8
4.1.6	Water Quality and Stormwater Management	<ul style="list-style-type: none"> <li>Integrate new (2016) stormwater regulations (BIMC 15.20)</li> <li>Add direct discharge criteria (i.e., when is one allowed? Considered necessary?)</li> <li>Update wood treatment regulations per agency guidelines</li> <li>Improve consistency with Single-Family Mitigation Manual</li> </ul>	4,8
Appendix D	Single-Family Mitigation Manual	<ul style="list-style-type: none"> <li>Better integrate into code language – when it can be used and how it relates to vegetation management requirements</li> <li>Provide alternatives to rain garden for new impervious surface area; clarify where rain garden must be located when required (inside or outside shoreline buffer)</li> <li>Update per current agency guidance/requirements (e.g. Corps of Engineers, WDFW)</li> </ul>	2,3,4,6,7,8
5.3	Boating Facilities	<ul style="list-style-type: none"> <li>Revisit liveaboard threshold (currently 10 percent)</li> <li>Revisit management and operations (implementation)</li> </ul>	6,8
6.3	Overwater Structures	<ul style="list-style-type: none"> <li>Improve consistency with Single-Family Mitigation Manual and other agency mitigation requirements</li> <li>Clarify grammar in prohibitions section</li> <li>Clarify length thresholds (how to determine)</li> <li>Clarify buoy density</li> </ul>	5,6,7,8
8.0	Definitions	<ul style="list-style-type: none"> <li>Add missing definitions (e.g., significant tree, alteration, redevelopment)</li> <li>Clarify definitions</li> </ul>	8
Appendix A	Shoreline Designation Map	<ul style="list-style-type: none"> <li>Correct inconsistencies between paper and GIS maps (one identified)</li> <li>Correct error (one identified)</li> <li>No changes to shoreline designations anticipated other than corrections</li> </ul>	8
Appendix E	Special Area Maps	<ul style="list-style-type: none"> <li>Include corrected maps</li> <li>Consider construction limit lines for Manzanita Bay and Fletcher Bay</li> </ul>	5,8
All	Global edits	<ul style="list-style-type: none"> <li>Clerical and implementation efficiency edits anticipated in every section</li> </ul>	8
--	Climate Change/Sea Level Rise	<ul style="list-style-type: none"> <li>Incorporate climate adaptation/sea level rise into goals, policies and regulations.</li> </ul>	4
5.2	Aquaculture	<ul style="list-style-type: none"> <li>Pending outcome of current limited amendment.</li> </ul>	5,8

SHORELINE MASTER PROGRAM PERIODIC REVIEW

## Summary of the Periodic Review Rule (WAC 173-26-090)

### Introduction

This document is an annotated version of Ecology’s rule ([WAC 173-26-090](#)) on conducting periodic reviews of Shoreline Master Programs (SMPs) under the Shoreline Management Act (SMA). The rule was based on [Department of Commerce rules](#) that guide local governments in meeting the analogous Growth Management Act (GMA) “periodic review” requirement.

The following is a brief summary of each section of the rule.

#### Section 1: Locally initiated review

This brief section is from a long-standing rule that encourages local governments to review their SMPs to reflect changing local circumstances, new information or improved data. Ecology retained this section to clarify that local governments may prepare SMP amendments outside the statutorily mandated review period. The rule encourages local governments to consult guidance materials available from Ecology that may inform their reviews.

#### Section 2: Periodic review requirements

The second section summarizes and explains statutory requirements. The SMA requires each city and county to review, and, if necessary, revise their SMP at least once every eight years. The legislature set a staggered schedule that alternates with similar reviews under the Growth Management Act (GMA).<sup>1</sup>

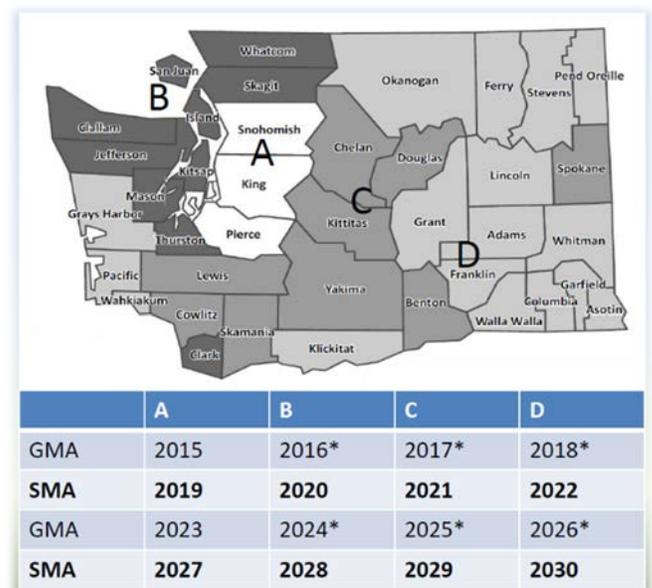


Figure 1. Periodic review schedules under the SMA and GMA. (NOTE \*For GMA reviews, the law gives an extra 2 years for smaller, slower-growing jurisdictions in groups B, C, and D.)

Figure 1 illustrates how GMA and SMA review deadlines alternate over time. For example, Column A indicates that King, Pierce and Snohomish counties and the cities within them have GMA review deadlines in 2015 and eight years later in 2023, interspersed with SMA reviews in 2019 and 2027.

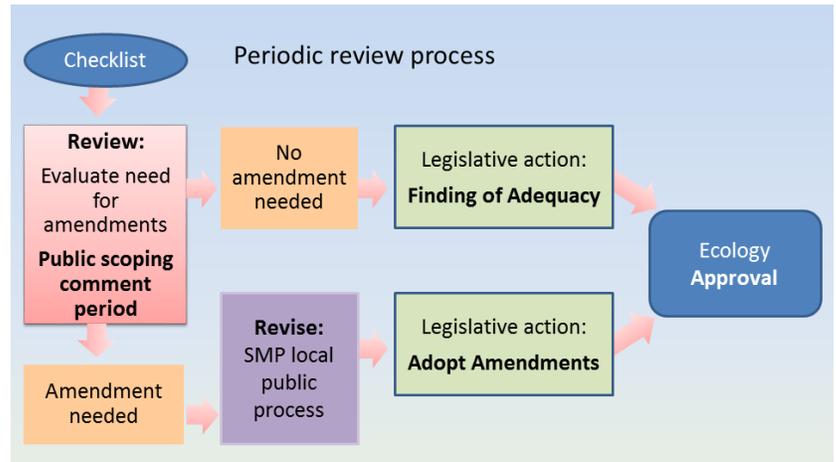
The rule clarifies that local legislative action is required to complete the review, even when a local government determines no changes are needed. It also clarifies how the scope of the periodic review differs from the comprehensive updates that were conducted starting in 2005.

<sup>1</sup> RCW 90.58.080(4)  
Summary of Periodic Review Rule (WAC 173-26-090)  
Shorelands and Environmental Assistance Program, September 20, 2017

### Section 3: Procedures

The third section of the rule outlines local and state procedures for conducting periodic reviews. The rule follows the GMA periodic review process, with unique steps to reflect Ecology’s formal approval role (see *Figure 2*).

The rule requires Ecology to maintain a checklist that includes potential review elements. The checklist is used at the beginning to help determine what to review, and at the end to identify where each applicable issue is addressed in the SMP.



*Figure 2. Schematic outline of SMP periodic review process. Ecology final approval triggers an appeal period.*

The rule requires a public participation program that provides for early and continuous involvement of interested parties throughout the review process.

For jurisdictions that find no amendments are needed, the scoping could lead directly to final legislative action determining that no amendments are needed (“Finding of Adequacy”). Under the SMA, amendments to SMPs are final only after approval by Ecology. Even when it is determined locally that no amendments are necessary under the periodic review, local governments will submit their Findings of Adequacy to Ecology for review of the local determination and to ensure a definitive conclusion to the periodic review process. If in agreement, Ecology would issue a formal approval. This would provide certainty to all parties that Ecology has concurred with the local determination.

Ecology’s approval triggers the appeal period. Any appeals would be of Ecology’s action as well as the local government action.

Below is the complete text of Ecology’s rule outlining the periodic review requirements and process. The annotation in colored boxes provides context and explanation for each section and is not part of the formally adopted rule.



## WAC 173-26-090 - Locally initiated review—Periodic review—Public involvement and approval procedures.

### (1) Locally initiated master program reviews

Each local government should review its shoreline master program and make amendments deemed necessary to reflect changing local circumstances, new information or improved data.

Local governments are encouraged to consult department guidance for applicable new information on emerging topics such as sea level rise.

The first sentence of §1 has been in place for decades. Ecology retained this direction to emphasize that local governments may amend their SMPs at any time to address changing circumstances, new information or improved data. Ecology’s 2017 amendments suggests local governments consult Ecology guidance for information on emerging issues such as sea level rise. Addressing sea level rise is an example of the kind of work that might be most effectively tackled as part of a broader comprehensive plan initiative, rather than during a focused SMA periodic review. Note that §(3)(b)(iii) calls on local governments to consider these kinds of amendments during the mandatory periodic review. The periodic review can be considered a minimum time period to convene a public process to consider as a community whether your SMP remains relevant with changing conditions. However, these kinds of amendments can be conducted at any time.

### (2) Periodic review requirements.

(a) Following the comprehensive updates required by RCW 90.58.080(2), each local government shall conduct a review of their master program at least once every eight years on a schedule established in the act. Following the review, local governments shall, if necessary, revise their master programs. This review and revision is referred to in this section as the periodic review.

§ 2 (a) starts with direct quotes from the SMA at RCW 90.58.080(4), with an additional clarification that the rule uses the term “periodic review” for the mandatory eight-year review. The term “comprehensive update” refers to the one-time updates required under RCW 90.58.080(2) with deadlines from 2005 – 2014.

#### (2)(b) Deadlines for periodic review.

Local governments must take action to review, and if necessary, revise their master programs according to the schedule established in RCW 90.58.080(4)(b). Deadlines for completion of periodic review are as follows:

*Table WAC 173-26-090.1 Deadlines for Completion of Periodic Review*

Reviews must be completed on or before June 30 of:	Affected counties and the cities and towns within:
2019/2027*	King, Pierce, Snohomish
2020/2028*	Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, Whatcom
2021/2029*	Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, Yakima
2022/2030*	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, Whitman

\* And every eight years thereafter.



§ 2(b) quotes the statutory directive to review and revise if needed and presents the deadlines in a table.

The statutory requirement is to conduct a periodic review *at least* once every 8 years by June 30 of the year listed. There is no absolute direction in law or rule for how early you can adopt, but as a general guide Ecology recommends conducting periodic review within two years of the deadline. For SMA reviews in particular it will actually be beneficial if local periodic review adoptions are “spread out” around the deadline to distribute the review workload, and ensure Ecology can provide adequate help to individual jurisdictions.

Note that if a local governments simply ignores their deadlines they are potentially vulnerable to a “failure to act” claim before the Growth Management Hearings Boards (for fully planning jurisdictions), or before the Shorelines Hearings Board (for partially planning jurisdictions). Ecology also has authority to adopt SMP amendments by rule under RCW 90.58.070.

### (2)(c) Taking legislative action.

(i) The periodic review must be accomplished through legislative action. Legislative action means the adoption of a resolution, motion, or ordinance following notice and a public hearing including, at a minimum, findings that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore. Legislative findings that no revisions are needed are referred to in this section as "findings of adequacy."

(ii) Legislative action includes two components. It includes a review of the shoreline master program and it includes the adoption of either findings of adequacy or any amendments necessary to bring the program into compliance with the requirements of the act.

(iii) Legislative actions concluding the periodic review must be followed by department approval.

§ 2(c) clarifies that statutory review must be concluded with legislative action. In other words, a local government cannot simply conduct a staff-level review, conclude no local action is needed, and be done with the review obligation. Just like under GMA reviews, the review is a formal public process concluding with elected officials taking formal action after a public hearing.

§ 2(c)(i) creates a new term – locally adopted findings that revisions to the SMP are not needed are called “Findings of Adequacy.” § 2(c)(ii) clarifies that legislative action includes a formal public review and formal action, whether the review results in amendments, or simple findings of adequacy where the review reveals no changes to the SMP are needed. § 2(c) (iii) clarifies Ecology approval is needed to conclude local reviews. This provides a definitive end to the local process. Note that an appeal of local periodic review amendments or local findings of adequacy would also be appeals of Ecology’s approval.

### (2)(d) The required minimum scope of review.

(i) The purpose and scope of the periodic review as established by the act is:

(A) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(B) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

(ii) The review process provides the method for bringing shoreline master programs into compliance with the requirements of the act that have been added or changed since the last review and for



responding to changes in guidelines adopted by the department, together with a review for consistency with amended comprehensive plans and regulations. Local governments should also incorporate amendments to reflect changed circumstances, new information, or improved data. The review ensures that shoreline master programs do not fall out of compliance over time through inaction.

(iii) The periodic review is distinct from the comprehensive updates required by RCW 90.58.080(2). The presumption in the comprehensive update process was that all master programs needed to be revised to comply with the full suite of ecology guidelines. By contrast, the periodic review addresses changes in requirements of the act and guidelines requirements since the comprehensive update or the last periodic review, and changes for consistency with revised comprehensive plans and regulations, together with any changes deemed necessary to reflect changed circumstances, new information or improved data. There is no minimum requirement to comprehensively revise shoreline inventory and characterization reports or restoration plans.

§ 2(d)(i) and (ii) define the required scope of review consistent with the purpose set in statute.

§ 2(d)(iii) is intended to distinguish the periodic reviews from the one-time comprehensive SMP update. Comprehensive updates involved a complete review of the SMP based on Ecology’s 2003 SMA rules, and included extensive inventory work to determine shoreline jurisdiction and analyze existing conditions. Periodic reviews are focused on new laws or rules that were not effect when the comprehensive update was adopted, or new information a local government finds warrants local amendments.

### (3) Procedures for conducting periodic reviews.

#### (3)(a) Public participation program.

(i) In conducting the periodic review, the department and local governments, pursuant to RCW 90.58.130, shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, tribes, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program. Local governments may follow the public participation procedures under either the standard local process outlined in WAC 173-26-100, or the optional joint review process outlined in WAC 173-26-104.

§ 3(a)(i) clarifies that the periodic review is a public process. Even though conducting the review may lead to the conclusion no actual revisions are necessary, the direction in statute for public involvement applies.

(ii) Counties and cities shall establish and broadly disseminate to the public a public participation program identifying procedures whereby review of the shoreline master program will be considered by the local governing body consistent with RCW 36.70A.140. Such procedures shall provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.

The public participation program should include a schedule for the periodic review and identify when legislative action on the review and update component are proposed to occur. The public participation program should also inform the public of when to comment on the scope of the review and proposed changes to the master program. Counties and cities may adjust the public participation program to best meet the intent of the participation requirement.

§ 3(a)(ii) require a public participation program for all jurisdictions, not just those fully planning under GMA. The new additions under (A) and (B) are modified from GMA rules [WAC 365-196-610(2)(a)(i) and (ii)]. The recommendation for a schedule and public scoping addresses Growth Management Hearings Board decisions – highlighting the importance of definitive notice when taking action on periodic reviews.

### (3)(b) Review and analysis to determine need for revisions.

#### (i) Review amendments to the act and shoreline master program guidelines.

Local governments must review amendments to chapter 90.58 RCW and department guidelines that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance. The department will maintain a checklist of legislative and rule amendments to assist local governments with this review. The department will provide technical assistance to ensure local governments address applicable changes to the act and master program guidelines.

#### (ii) Review relevant comprehensive plans and regulations.

Local governments must review changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them.

WAC 173-26-191(1)(e) and 173-26-211(3) provide guidance on determining internal consistency. It is the responsibility of the local government to assure consistency between the master program and other elements of the comprehensive plan and development regulations. Local governments should document the consistency analysis to support proposed changes.

#### (iii) Additional review and analysis.

Local governments should consider during their periodic review whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data as described under subsection (1) of this section. Local governments should consider whether the significance of the changed circumstances, new information or improved data warrants amendments.

§ 3(b) is based on the Commerce GMA periodic update rule [WAC 365-196-610(2)(b)].

§ 3(b)(i) borrows from the Commerce rule in requiring Ecology to maintain a checklist of statutory and rule amendments.

§ 3(b)(ii) references Ecology's existing rules on how to review SMPs for consistency with GMA plans and regulations. (Those rules clarify that local governments are responsible for determining whether their SMP is consistent with other local plans and regulations, and not Ecology).

§ 3(b)(iii) acknowledges local governments may combine locally initiated amendments together with the periodic review.

### (3)(c) Take legislative action.

(i) At the end of the review process, counties and cities must take legislative action declaring the review process complete.

(ii) The notice of hearing for legislative actions that are intended to address the periodic review process must state that the actions to be considered are part of the periodic review process under RCW 90.58.080(4).



(iii) The findings for any legislative action on the periodic review process must state that the action is intended to satisfy the requirements of RCW 90.58.080(4).

(iv) A local government that determines after review that amendments are not needed shall adopt a resolution, motion, or ordinance declaring findings of adequacy. Findings of adequacy are a local written determination that no revisions to a shoreline master program are needed to comply with the requirements of RCW 90.58.080(4).

§ 3(c)(i) – (iii) is based on the GMA periodic update rule [\[WAC 365-196-610\(2\)\(c\)\]](#). These rules are based on Growth Management Hearings Board decisions that found procedural errors in some local GMA periodic review adoptions. It is important to definitively conclude the periodic review in legislative findings.

§ 3(c)(iv) clarifies that when no changes are needed a local government will adopt formal “Findings of Adequacy.”

### (3)(d) Submittal to the department.

(i) A local government that determines amendments are needed shall submit the amendments to the department consistent with WAC 173-26-110.

(ii) A local government that determines amendments are not needed shall submit the following in lieu of the requirements of WAC 173-26-110:

(A) A resolution or ordinance declaring findings of adequacy.

(B) Evidence of compliance with applicable public notice and consultation requirements.

(C) Copies of all public, agency and tribal comments received during any applicable public comment periods, or where no comments have been received, a statement to that effect.

(D) A completed checklist demonstrating review elements have been considered, and are either inapplicable or have already been addressed through previous locally initiated amendments prior to the scheduled periodic review.

§ 3(d)(i) clarifies that when there are amendments, local governments will follow the normal amendment process.

§ 3(d)(ii) provides submittal requirements when there are no amendments – these are the required elements for complete submittal to accompany “findings of adequacy.”

### (e) State process for approving periodic reviews.

(i) The department must issue a formal approval of any amendment or findings of adequacy. Department approval is necessary to affirmatively conclude the periodic review process, to confirm that state review of local action has occurred, and to establish a definitive appeal window consistent with RCW 90.58.190.

(ii) Where the local government final action includes master program amendments, local governments and the department shall follow applicable adoption procedures described in WAC 173-26-120.



(iii) Where the local government final action is to adopt findings of adequacy, the department shall follow applicable adoption procedures described in WAC 173-26-120. The department shall review the findings of adequacy solely for consistency with RCW 90.58.080(4) and this section.

§ 3(e)(i) clarifies that Ecology must approve any amendment as well as the “findings of adequacy.” Any appeals would be of Ecology’s approval rather than the local government determination.

§ 3(e)(ii) clarifies that the normal adoption process applies if there are amendments.

§ 3(e)(iii) provides submittal requirements where there are no amendments. Ecology will follow the normal adoption process but substitute review of the local “findings of adequacy” with evaluation of actual amendments.



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** September 1, 2020

**ESTIMATED TIME:** 10 Minutes

**AGENDA ITEM:** (9:00 PM) Professional Services Agreement with Jurassic Parliament for Parliamentary Procedure Training - Executive,

**SUMMARY:**

On August 4, 2020, Mayor Schneider raised the question of whether Council would benefit from a training on parliamentary procedures provided by Ann McFarlane of Jurassic Parliament. On August 11, 2020, the Council discussed the need for the training and directed the City Manager to come back to the City Council with a proposal for a two-hour workshop on parliamentary procedure provided by Jurassic Parliament. Attached is a proposed Professional Services Agreement with Jurassic Parliament for a two-hour workshop on parliamentary procedure.

**AGENDA CATEGORY:** Contract

**PROPOSED BY:** Executive

**RECOMMENDED MOTION:**

I move to approve the Professional Services Agreement with Jurassic Parliament for parliamentary procedure training.

**STRATEGIC PRIORITY:** Good Governance

**FISCAL IMPACT:**

<b>Amount:</b>	\$1,400
<b>Ongoing Cost:</b>	0
<b>One-Time Cost:</b>	\$1,400
<b>Included in Current Budget?</b>	

**BACKGROUND:**

**ATTACHMENTS:**

[PSA with Jurassic Parliament for Council Parliamentary Procedure Training](#)

[Macfarlane Resume](#)

[Jurassic Parliament Fee Schedule 2020](#)

[Jurassic Parliament Client List 2019](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**

## **AGREEMENT FOR PROFESSIONAL SERVICES**

**THIS AGREEMENT FOR PROFESSIONAL SERVICES** (“Agreement”) is entered into between the City of Bainbridge Island, a Washington State municipal corporation, (“City”) and Macfarlane Estep Inc. d/b/a Jurassic Parliament, a Washington State corporation) (“Consultant”).

**WHEREAS**, the City needs professional services in connection with training regarding parliamentary procedure ; and

**WHEREAS**, the Consultant 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 Consultant as follows:

### **1. SERVICES BY CONSULTANT**

The Consultant shall provide the professional services as defined in this Agreement and as necessary to accomplish the scope of services attached hereto as **Attachment B** and incorporated herein by this reference as if set forth in full. The Consultant 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 Consultant pursuant to this Agreement shall be submitted to the City, and the Consultant 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 Consultant hourly, plus actual expenses, in accordance with **Attachment B**, but not more than a total of one thousand four hundred dollars (\$1,400.00);

B. The Consultant 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 Consultant 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 Consultant.

D. If the services rendered do not meet the requirements of this Agreement, the Consultant 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 Consultant 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 Consultant 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 Consultant 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 Consultant 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 Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants, and agrees that the Consultant'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 Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Consultant shall make no claim of City employment nor shall the Consultant claim any related employment benefits, social security, and/or retirement benefits.

B. The Consultant 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 Consultant 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 Consultant performs hereunder.

D. The Consultant 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 Consultant 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, gender identity, or other circumstance prohibited by federal, state, or local law or ordinance, except for a bona fide occupational qualification.

B. The Consultant 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. Where this section conflicts with Section VIII of Attachment B, Section VIII of Attachment B controls.

## **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 Consultant 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 Consultant 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 Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend hereunder, shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant'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 Consultant'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 Consultant shall maintain the insurance described in **Attachment A**:

## **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 Consultant 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 Consultant 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. NONWAIVER**

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 Consultant:       Jurassic Parliament  
P.O. Box 77553  
Seattle, WA 98177  
Attention: Ann G. Macfarlene

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.

MACFARLANE ESTEP INC.

CITY OF BAINBRIDGE ISLAND

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Ann G. Macfarlane

Morgan Smith, City Manager

Title \_\_\_\_\_

Tax I.D. # \_\_\_\_\_

City Bus. Lic. # \_\_\_\_\_

**ATTACHMENT A  
INSURANCE REQUIREMENTS**

**A. Insurance Term**

The Consultant 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 Consultant, its agents, representatives, or employees.

**B. No Limitation**

The Consultant's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Consultant 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 Consultant shall obtain insurance of the types and coverage described below:

1. 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 Consultant'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.
2. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
3. Professional Liability insurance appropriate to the Consultant's profession.

**D. Minimum Amounts of Insurance**

The Consultant shall maintain the following insurance limits:

1. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
2. 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 Consultant's 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

Consultant'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 Consultant shall provide to the person identified in Section 8 of the Agreement a Certificate of Insurance evidencing the required insurance. The Consultant 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 Consultant 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 Consultant 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 Consultant 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 Consultant 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 Consultant from the City.

**J. City Full Availability of Consultant Limits**

If the Consultant 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 Consultant, irrespective of whether such limits maintained by the Consultant 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 Consultant.

## **ATTACHMENT B SCOPE OF SERVICES**

### **I. Overview**

The Consultant will provide a two-hour online training workshop to elected officials and staff of the City on a date to be determined upon mutual agreement of the parties. There will be a maximum of 20 participants in this event. The workshop will be entitled “Great City Council Meetings.” The City will host the event on the Zoom meeting platform. The public may observe the workshop.

### **II. Format**

The workshop will take the form of an interactive scenario modeling the meetings of a city council. The workshop is based upon adult learning principles and is highly interactive.

### **III. Presenter**

The Consultant’s presenter for the workshop will be Ann G. Macfarlane, a Professional Registered Parliamentarian with wide experience in training both in-person and online. Her primary professional focus is training local governments.

### **IV. Materials**

Two business days before the workshop, the Consultant will provide the City with a PDF file giving the slides for the workshop in 3-up note-taking format. Note that this handout is not necessary to take the workshop, but some participants prefer to be able to take notes during the workshop.

### **V. Invitation to Mailing List Signup**

The Consultant will provide the opportunity during the training to invite attendees to sign up for the Consultant’s mailing list.

### **VI. Advance Preparation**

The City will be available for inquiries in order for the Consultant to customize the material for the attendees. The City will provide the Consultant with all relevant background materials and a list of participants at least five business days before the session.

### **VII. Terms**

The fee for the workshop is \$1,400. Checks should be made out to Macfarlane Estep Inc. DBA Jurassic Parliament. Payment will be provided in accordance with Section 3 of the Agreement. As the workshop will be held remotely, the Consultant will not incur any actual expenses, including travel costs, relating to the workshop. Therefore, \$1,400 is the complete and total cost for the workshop.

### **VIII. Intellectual Property.**

The intellectual property, training materials, and documents prepared by the Consultant and used during the workshop are and remain the property of the Consultant. To the extent that any such records constitute “public records” within the meaning of RCW 42.56.010(3), the Consultant shall provide all such public records to the City immediately upon request. In the interest of ensuring compliance with Chapter 42.56 RCW, the Washington State Public Records Act, and for the purposes of this Agreement, the City will have final authority to determine whether the records constitute “public records” within the meaning of RCW 42.56.010(3).

### **IX. Disclaimer**

Ann G. Macfarlane, the presenter for the workshop, is a Professional Registered Parliamentarian with extensive experience in parliamentary procedure as used in local governments. The Consultant will use its best efforts to provide accurate and relevant information within the area of its professional expertise. Nothing in this Agreement constitutes legal or business advice. Participants in the workshop will be advised to seek qualified counsel.

## **ANN G. MACFARLANE, PRP**

PO Box 77553  
Seattle WA 98177  
Tel: 206-542-8422  
Email: ann@jurassicparliament.com

Ann Griffin Macfarlane studied Russian and Ancient Greek at the University of California, Santa Cruz. She was awarded a Marshall Scholarship by the British government to earn a B.A./M.A. degree from Cambridge University, England. She began her career as a diplomat in the U.S. Foreign Service. Fluent in Urdu, Ann served in Lahore, Pakistan and on the Bangladesh desk of the State Department before becoming the first woman staff assistant in the Near East South Asia Bureau. In that position she supported Henry Kissinger's shuttle diplomacy in the Middle East and supervised the flow of reporting and memoranda for other hot spots in the region.

After study at the Army Russian Institute in Garmisch-Partenkirchen, Ann married fellow Foreign Service Officer Lew Macfarlane. She served on the Soviet desk before resigning her commission to devote herself to their family in the Congo, Tanzania, and Kathmandu.

The Macfarlanes returned to Seattle, Lew's native city, with their three sons. Ann became a professional translator and was elected President of the American Translators Association. She then served as Executive Director of the National Association of Judiciary Interpreters and Translators before becoming a partner with Andrew Estep as an owner of ERGA, Inc., an association management company, from 2007 to 2014.

Ann and Andrew developed "Jurassic Parliament" as a way of helping people run productive meetings. Their approach makes Robert's Rules of Order understandable, enjoyable, and easy to learn. They published *Mastering Council Meetings: A guidebook for elected officials and local governments* in 2013.

### Education and Credentials:

- Professional Registered Parliamentarian, National Association of Parliamentarians
- Certificate in Nonprofit Management, University of Washington
- U.S. Army Russian Institute Certificate, Garmisch-Partenkirchen, Germany
- B.A./M.A. Cambridge University, England
- Marshall Scholarship, Her Majesty's Government, United Kingdom
- B.A. with highest honors, University of California Santa Cruz

**Jurassic Parliament**  
P.O. Box 77553  
Seattle WA 98177  
Tel: 206-542-8422  
www.jurassicparliament.com

### Fees for Professional Services

Training at conference or other major event	\$3600
Local half-day customized training for up to 20 people Add fee of \$59/person for up to 40 total participants. (Includes a complimentary copy of <i>Mastering Council Meetings</i> for all participants)	\$1900
Customized live training via videoconference for up to 20 people 2 hours 3 hours	\$1400 \$1700
60 or 90-minute online interactive class or webinar	varies
Coaching services (Two-hour minimum for in-person coaching)	\$90/hour
Travel time (if applicable)	\$75/hour

Travel costs are additional to the above fees (economy air travel, baggage fees, ground transfers, mileage, tolls and parking, lodging, meals, tips)

*Mastering Council Meetings: A guidebook for elected officials and local governments* available from Amazon, \$24.95.

As of June 1, 2020

## JURASSIC PARLIAMENT TRAINING 2019

<b>Date</b>	<b>Client</b>	<b>Venue</b>
2019 01 03	King County OLEO	Videoconference
2019 01 08	Skagit County Planning Dept	Mt. Vernon WA
2019 01 12	UW Leadership Institute	Seattle WA
2019 01 16	Anchorage Charter Schools	Anchorage AK
2019 01 19	City of Tukwila WA	Bellingham WA
2019 01 30	City of Seattle WA	Seattle WA
2019 02 09	Utah School Boards Association	Salt Lake City UT
2019 02 15	Clark County Association of Realtors	Vancouver WA
2019 02 23	City of Sultan WA	Sultan WA
2019 03 02	City of Maple Valley WA	Maple Valley WA
2019 03 13	Washington State Association of Counties	Olympia WA
2019 03 19	Columbia River PUD	St. Helens OR
2019 03 29	City of SeaTac WA	SeaTac WA
2019 04 17	Washington Public Utility District	Olympia WA
2019 04 26	Washington State Association of Municipal Attorneys	Vancouver WA
2019 04 30	Roosevelt High School	Seattle
2019 05 06	City of Bellingham WA	Videoconference
2019 05 08	Sound Cities Association	Renton WA
2019 05 15	Puget Sound Regional Fire Authority	Covington WA
2019 05 21	City of Sumner WA	Sumner WA
2019 05 30	City of Sammamish WA	Sammamish WA
2019 06 06-07	Northwest Clerks Institute	Tacoma WA
2019 06 21	University of Washington NEW Leadership Institute	Seattle WA
2019 06 27	Association of Washington Cities	Spokane WA
2019 07 08	Boeing SPEEA	Everett WA
2019 07 12	Colorado Municipal Clerks Association	Denver CO
2019 07 17	City of Lynnwood WA	Videoconference
2019 07 23	Boeing SPEEA	Tukwila WA
2019 08 16	Michigan Association of School Boards	Bellair MI
2019 09 13	Nonprofit Leaders Conference for Rural & Coastal Washington	Aberdeen WA

2019 09 23	Scappoose School District	Scappoose OR
2019 10 03	City of Port Angeles WA	Videoconference
2019 10 17	Washington Realtors	Tukwila WA
2019 10 23	Pierce County Clerks and Finance Officers Association	Auburn WA
2019 10 30	Association of Washington State Public Facilities Districts	Yakima WA
2019 11 05	Oregon Rural Electric Cooperatives Association	Salem OR

11/11/2019



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** September 1, 2020

**ESTIMATED TIME:** 5 Minutes

**AGENDA ITEM:** (9:10 PM) Appointments to the Ethics Board - Mayor Schneider

**SUMMARY:** A call for participation was issued for volunteers to serve on the Ethics Board. This agenda item includes completed applications and resumes where provided by the applicant. A series of interviews were conducted. Mayor Schneider recommends the appointments as shown in the suggested motion.

**AGENDA CATEGORY:** Appointment

**PROPOSED BY:** Executive

**RECOMMENDED MOTION:** I move to confirm the Mayor's recommended nominations to the Ethics Board, which are: Doña Keating to Position 1; Jim Cash to Position 2; David Mallon to Position 3; Karen Anderson to Position 4; Dominique Cantwell to Position 6; and Tyler Weaver to Position 7.

**STRATEGIC PRIORITY:** Good Governance

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:** Note: This item was pulled from the Consent Agenda of the City Council's August 25, 2020 meeting because Council confirmation for appointments to the Ethics Board require that such nominations be presented at meetings of the Council in which all seven Councilmembers are present, unless exceptional circumstances exist, and not all seven Councilmembers were present at the August 25 meeting as expected.

**ATTACHMENTS:**

[Ethics Board Applications \(Redacted\).pdf](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [City Admin](#)  
**Subject:** Online Form Submittal: City Advisory Group Application  
**Date:** Friday, February 14, 2020 3:16:32 PM

---

## City Advisory Group Application

### Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

---

Applicant Name	Karen Anderson
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Email	
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Phone	
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Address	
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City	Bainbridge Island
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State	WA
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Zip	98110
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Current Employer	Retired - The Boeing Company
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Current Position	Retired
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---

I am interested in serving on one of the following City advisory groups (select all that apply):	Ethics Board (6 positions)
--	----------------------------

### Experience & Qualifications

---

Have you served on any City advisory groups in the past?	No
--	----

---

If so, please indicate which groups:	<i>Field not completed.</i>
--------------------------------------	-----------------------------

---

Please share your qualifications for this appointment (skills,	As an employee and manager at Boeing for 25 years and later as a consultant to Boeing, I have received extensive (yearly) ethics training. Also, as a certified teacher at North Kitsap and Neah
--	--

activities, training, education) if any:

Bay between Boeing retirement and consulting, I was well versed in and abided by the ethics required by law for teacher's responsibility to the public trust. Resume will be provided if selected for interview.

---

Please share your community interests (groups, committees, organizations) if any:

Willing to fulfill opening short term to June 2020 or longer.

---

Feel free to attach your resume (optional):

*Field not completed.*

---

Type the Year

2020

---

How did you hear about the volunteer opportunity?

City Manager's Report (e-newsletter)

---

Other

*Field not completed.*

---

RESUME

KAREN M. ANDERSON

OBJECTIVE

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City of Bainbridge Island – Ethics Board Volunteer

EXPERIENCE

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- Anderson Solutions - Project Management, Quality Auditing, Business Analysis, ISO 9000 Consultant, and Technical Writer for Continental DataGraphics, a wholly-owned Boeing subsidiary, Bellevue and El Segundo, California, November 2004 to March 2013
- Volt Technical Services – Business management, contract writing and management, and process re-engineering for Boeing Customer Services, August 2001 – June 2002
- English Instructor, North Kitsap High School, Poulsbo, WA, 1998-2001
- Computing Instructor, Basic Computing Seattle Central Community College, 2000

The Boeing Company (25 years)

- Business Systems Manager – Member of management team for software development and implementation of two major Boeing software systems. Responsibility for developing process flow scenarios using structured analysis methodology, and business process analysis of customer and inventory management systems. Managed user requirements definition process, documentation, and logistics, plus worldwide computing equipment installation and maintenance, coordinating wide-area and local-area networks problem resolutions, foreign customs and shipment regulations and resolutions. Developed Boeing Commercial Airplanes company-wide redeployment process flow as well as authored the company policy and procedures for the redeployment processes.
- Project Management -- Training Manager, Responsible for managing and gathering customer requirements and integration, development of training plan, training documents, and implementation for training, of over 3,000 employees on three separate computer systems (the Boeing-developed SONIC mainframe system, the BOECOM II Unix communication system, and the Dos-based(Boeing Field Service communication software system used internationally).
- Project/Event Management – Loaned executive from Boeing as Executive Director to plan and manage Northwest International Women’s Conference, a three-day event for 1800 participants. Planned and managed several other Boeing-sponsored ATA and Spares airline conferences.
- Business Management -- (On-going for 20 years) Supporting Marine Systems Contracts, Customer Services Spares and Field Service Business Systems, Renton Division 737/757 Avionics, Electrical, Payloads, New Product Development, and Quality Improvement with budget estimates, budget plans yearly to five year, monthly tracking as well as performance to schedule; monthly and year-end accounting for department operating plans (labor and non-labor), negotiating schedules with Renton Manufacturing, and numerous presentations.
- Contract Management --Managed U.S. Navy research and development contracts, negotiated changes on hydrofoil contract, responsible for ITAR export and domestic licenses for military and commercial hydrofoil, and correspondence and control systems. Managed and re-wrote operating agreement contract between Boeing and major airline spare parts catalogs vendor.

EDUCATION

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- Undergraduate Freshman Year, Pacific Lutheran University
- B.A., English Literature, University of Washington
- Post-Graduate Work in Education: University of Washington, University of Puget Sound, Seattle Pacific University
- Post-Graduate Work in Management and Art: University of Puget Sound and University of Southern California

CERTIFICATES

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Government Contracts Management and Negotiation

Quality Auditor Certificate (5-hour exam), American Society for Quality, May 2005

State of Washington Continuing Teacher Certificate (expired) for Grades 4-12 English and Grades 4-12 English/Language Arts

State of Washington Life-Time Substitute Certificate (Issued 1998)

VOLUNTEER EXPERIENCE

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- Bloedel Reserve, Bainbridge Island, Docent and Tour Guide, 2009-2019
- Winslow Park Condominium Association, Bainbridge Island, President, 2002-2006
- Boeing Bluebills, Port Ludlow, Retiree Assistance Program, 2000-2008
- Volunteer, Arviq School, Platinum, Alaska, August 2000
- K-12 Reading and Language Arts Curriculum Review Committee (curriculum alignment), Bainbridge Island Public Schools, Community Representative, Volunteer, 1998-2000
- Boeing – Co-Director, Renton Division U.S. Bond Drive, 1985
- Issaquah High School Class Reunions' Chairperson

TRAVEL

---

Extensive United States, including Alaska and Hawaii, Canada, Mexico, Chile, Argentina, Uruguay, Southern Brazil, the Panama Canal, Puerto Rico, Curacao, Mexico, St. Thomas, Martinique, Norway, Israel, Greece, England, Australia, France, Italy, Switzerland.

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [City Admin](#)  
**Subject:** Online Form Submittal: City Advisory Group Application  
**Date:** Tuesday, January 28, 2020 10:44:04 AM

---

## City Advisory Group Application

### Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name Jonathan Brenner

Email

Phone

Address

City Bainbridge Island

State WA

Zip 98110

Current Employer Sanchez, Mitchell, Eastman & Cure, PSC

Current Position Paralegal

I am interested in serving on one of the following City advisory groups (select all that apply): Ethics Board (6 positions)

### Experience & Qualifications

Have you served on any City advisory groups in the past? No

If so, please indicate which groups: *Field not completed.*

Please share your qualifications for this appointment (skills, I have a background as a paralegal who has worked in land use and government regulation.

activities, training, education) if any: Education: MA Music (2007), BM Music (2005), AA Photography (2007), Paralegal Certificate (2011)

---

Please share your community interests (groups, committees, organizations) if any: My community interests are Lesser-Known Players (Board Member and Music Director), and Bainbridge Performing Arts (Musician)

---

Feel free to attach your resume (optional): *Field not completed.*

---

Type the Year 2020

---

How did you hear about the volunteer opportunity? Other - See below

---

Other Jennifer Hodges

---

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [City Admin](#)  
**Subject:** Online Form Submittal: City Advisory Group Application  
**Date:** Friday, February 14, 2020 3:05:00 PM

---

## City Advisory Group Application

### Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

---

Applicant Name                      Dominique Cantewell

---

Email

---

Phone

---

Address

---

City                                      Bainbridge Island

---

State                                     Washington

---

Zip                                        98110

---

Current Employer                    Bainbridge Performing Arts

---

Current Position                     Executive Director

---

I am interested in serving on one of the following City advisory groups (select all that apply):                      Ethics Board (6 positions)

---

### Experience & Qualifications

---

Have you served on any City advisory groups in the past?                      Yes

---

If so, please indicate which groups:                                      LTAC, Town Square Task Force

---

Please share your qualifications for this appointment (skills,                      In addition to my experience as the director of a non-profit organization, I am a strategic planning facilitator and have certificates in strategic frameworks for non-profit organizations

activities, training, education) if any:

and board facilitation from the Harvard Kennedy School. Both certifications have emphasized consensus building within diverse communities.

Please share your community interests (groups, committees, organizations) if any:

I volunteer for several local service groups, have served on the board of several more, and am constantly seeking opportunities to improve our community through arts education, compassion, and leadership.

Feel free to attach your resume (optional):

Type the Year

2020

How did you hear about the volunteer opportunity?

Other (please specify below)

Other

City Council Meeting

# DOMINIQUE E. CANTWELL

## EDUCATION

### **Scripps College** 2002

Bachelor of Arts, *Politics & International Relations* Secondary Focus, *Classical Studies*

Thesis: "Armament and Anxiety: Defining the Role of NATO in the Future of European Security"

### **Harvard Kennedy School**

Executive Certificate, *Strategic Framework for Nonprofits* 2015

Executive Certificate, *Mobilizing Nonprofit Boards* 2018

## CURRENT PROFESSIONAL EXPERIENCE

### **Bainbridge Performing Arts**

*Executive Director*

July 2011 - Present

*Managing Director*

February 2010 - July 2011

Manage a thriving non-profit arts center that includes a permanent presenting company, symphony orchestra, theatre school, cultural outreach series, gallery, and more. Executive and operational director of stewardship, development, risk management, planning, finance, and organizational oversight.

- Successfully took the organization from severe operating losses, chronic debt, and inadequate financial controls to debt-free budgetary surpluses of 10-15% year over year
- Grew the organizational budget by 45% over five years by developing programming and curriculum to increase earned income
- Increased contributed income, including major gifts 34% over four years
- Increased subscriber rate 20-22% every year of tenure
- Developed new outreach programs to promote cultural education for grades K-12
- Recruited, hired and retained top quality staff (9 core staff, 120+ seasonal contractors and volunteers)
- Partnered with supporters to make 100% of programming and classes accessible via need-blind admissions and scholarship programs

### **Independent Consultant**

*Principal Fundraising and Strategic Planning*

June 2004 - Present

Engage non-profit boards in meaningful strategic planning, process development, and retreats that focus on stewardship, sustainability, and community building.

## PRIOR PROFESSIONAL EXPERIENCE

### **Youth For Understanding, USA**

*Western District Office Coordinator*

2005 - 2006

*Area Representative*

2000 - 2007

### **Boxer for Senate**

*Deputy Director of Finance, Southern California*

2003 - 2004

### **California Institute of Technology**

*Alumni House Manager, Administrative Aide*

2003

### **California Democratic Party**

*Finance Deputy*

2002

### **The European Union Center of California**

*Program Coordination Assistant*

2001 - 2002

# DOMINIQUE E. CANTWELL

## VOLUNTEER and COMMUNITY EXPERIENCE

### **Strategic Planning**

*Pro-bono consultation and facilitation* 2008 - Present

### **Bainbridge Island Infrastructure Ballot Measure Task Force**

Appointed public/city liaison 2016 - Present

### **Visually Impaired Readers**

Read and record local newspapers for our community's visually impaired 2018 - Present

### **Bainbridge Island Public Art Committee**

Appointed public/city liaison 2014 - 2017

### **Arms Around Bainbridge Cancer Support**

Pro-bono Fundraising Consultant 2014 - 2016

### **Helpline House**

*Clothing Bank Volunteer* 2013 - 2015

### **City of Bainbridge Island Lodging Tax Advisory Committee**

*Appointed public grant reader/advisor* 2013, 2017 - 2019

### **IslandMoms Networking Collective**

*Moderator* 2011 - 2015

### **Bainbridge Youth Services**

*President- Board of Trustees, Fund Raising Chairperson* 2006 - 2011

*Fun Run Chairperson* 2006 - 2013

### **Island Cooperative Preschool**

*Fundraising Chairperson* 2008 - 2010

### **Program for Early Parenting Support (PEPS)**

*Bainbridge Island Group Leader, Volunteer* 2008 - 2010, 2014 - 2015

### **Scripps College**

*Young Alumnae Development Chairperson* 2007 - 2009

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [City Admin](#)  
**Subject:** Online Form Submittal: City Advisory Group Application  
**Date:** Tuesday, June 23, 2020 11:02:32 AM

---

## City Advisory Group Application

### Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

---

Applicant Name                      James Cash

---

Email

---

Phone

---

Address

---

City                                      Bainbridge Island

---

State                                     WA

---

Zip                                        98110

---

Current Employer                    Retired

---

Current Position                      Retired

---

I am interested in                    Ethics Board  
serving on one of the  
following City advisory  
groups (select all that  
apply):

---

### Experience & Qualifications

---

Have you served on                    Yes  
any City advisory  
groups in the past?

---

If so, please indicate                    Infrastructure Ballot Measure Task Force; Cultural Funding Grant  
which groups:                            Advisory Committee; Sustainable Transportation Task Force

---

Please share your                        As a Public Procurement Professional, I was bound by the ethics  
qualifications for this                    of my profession to ensure that even the appearance of any  
appointment (skills,                        conflict of interest or violation of Public Trust would never come

activities, training, education) if any:

into question. This was a tenet of my profession which, in many cases went beyond the requirements set forth in the ethical standards stipulated by the Governmental Agency for which I worked. I was Nationally Certified by the National Association of Purchasing Management (NAPM) as a CPM (Certified Purchasing Manager) and was required to recertify periodically. I worked for the City of Long Beach (CA) as an Assistant Buyer and then as the Supervisor of Stores and Property for the City's Municipal Gas Department. I then worked for the City of Santa Ana as a Buyer, specializing in Public Safety (Police & Fire) as well as personal services contracts and oversaw the remodel of the Santa Ana Library and the Bowers Museum along with the construction of the Public Safety Facility. I have training in effective communications, negotiations and conflict resolution. I worked as the Operations Manager for a home delivered meal non-profit for those affected with the AIDS virus in San Diego (CA) Mama\*s Kitchen. I was the Minority, Women and Disadvantaged Business Owners liaison for the City of Long Beach for City Contracts for the Gas Department.

Please share your community interests (groups, committees, organizations) if any:

I am currently on the Kitsap County Council for Human Rights (2018 - 2021) and am serving a second two-year term on the Kitsap County Homeless Services Grant Review Committee as their Member-at-Large. I volunteer for various charitable organizations, including the Pride Foundation, GSBA and Thurgood Marshall Foundation. I also spend time doing local theater Productions

Feel free to attach your resume (optional):

*Field not completed.*

Type the Year

2020

How did you hear about the volunteer opportunity?

City Website

Other

*Field not completed.*

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [City Admin](#)  
**Subject:** Online Form Submittal: City Advisory Group Application  
**Date:** Monday, June 22, 2020 12:47:01 PM

---

## City Advisory Group Application

### Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

---

Applicant Name                      Matthew DeBlois

---

Email

---

Phone

---

Address

---

City                                      Bainbridge island

---

State                                     Washington

---

Zip                                        98110

---

Current Employer                    Pegasus Coffee House

---

Current Position                      Barista/Cashier

---

I am interested in serving on one of the following City advisory groups (select all that apply):

Ethics Board

---

### Experience & Qualifications

---

Have you served on any City advisory groups in the past?                      No

---

If so, please indicate which groups:                                      *Field not completed.*

---

Please share your qualifications for this appointment (skills,                      I believe that I am qualified to be appointed to the ethics board because I enjoy interpreting writings and rules and using the themes/lessons in actuality. I have been educated in applying

activities, training, education) if any:

writings to real life situations. I do model UN, which is where I take on a view of a specific government and try to work out an issue with other countries so that we all are benefiting equally, this activity helps me practice skills like public speaking and compromise. I also And interested in local government and Community Management.

Please share your community interests (groups, committees, organizations) if any:

I enjoy volunteering in the community Through organizations like Parks and Recreation and the Rotary of Bainbridge Island. I enjoy seeing my opinion and actions actually making a difference in the place that i live and on the people who live there.

Feel free to attach your resume (optional):

*Field not completed.*

Type the Year

2020

How did you hear about the volunteer opportunity?

City Website

Other

*Field not completed.*

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [City Admin](#)  
**Subject:** Online Form Submittal: City Advisory Group Application  
**Date:** Friday, July 31, 2020 2:50:48 PM

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**CAUTION:** This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

## City Advisory Group Application

### Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

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Applicant Name Doña Keating

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Email

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Phone

---

Address

---

City Bainbridge Island

---

State Washington

---

Zip 98110

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Current Employer Professional Options LLC

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Current Position President and CEO

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I am interested in serving on one of the following City advisory groups (select all that apply): Ethics Board

---

### Experience & Qualifications

---

Have you served on any City advisory groups in the past? Yes

---

If so, please indicate which groups: Public Access Television Advisory Committee (Advisory to Bremerton Council, Mayor & Kitsap County Commissioners) - served as Vice Chair, then Chair 2015 - 2018

---

Please share your qualifications for this appointment (skills, activities, training, education) if any:	Over 30 years of leadership, management consulting, and executive facilitation and advisory expertise. Includes best practices, organisational development, consensus-building, fiduciary duties and responsibilities, public outreach and code of conduct, team communications. Former Certified Governance Trainer (for executive boards with BoardSource) and Change Management.
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Please share your community interests (groups, committees, organizations) if any:	I have led or served on numerous boards and committees, including Kitsap Economic Development Alliance, West Sound Technology Association, Kitsap Regional Telecommunications Committee (co-chair with Poulsbo City Councilman Ed Stern), Olympic College Foundation. Have been an Executive Member of World Trade Center Seattle and member of Trade Development Alliance of Seattle. Also chaired Business Management Advisory Committee for Olympic College. Strategic Advisor for Kitsap County HIV AIDS Foundation, ambassador for Seattle Center Foundation / The Next Fifty; advisor for Grameen Foundation   Bankers Without Borders. Founding member and former president of West Sound Technology Association and co-founder of West Sound CoderDojo (provides free coding at WWU-Poulsbo). Former Committee Chair, High Tech - Kitsap 20/20 Regional Action Plan. Former chair of KEDA's Subcommittee on Private Sector Last Mile Solutions, World Affairs Council - Minister, USA Today Small Business Panel, Washington Science & Technology Roundtable, National Chamber of Commerce for Women, Constant Contact SmallBiz Council, former member of Bainbridge Island Chamber of Commerce, Prosperity Partnership, Puget Sound Regional Council, Co-Organiser of TEDxYouth@BainbridgeIsland, Adult Advisor for Bainbridge Island Girl Up/United Nations Foundation, Mentor for Bainbridge Island Robotics Team - 4915 (Spartronics), and Advisory Task Force Leader for Microsoft/Voices for Innovation
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Feel free to attach your resume (optional):	<i>Field not completed.</i>
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Type the Year	2020
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How did you hear about the volunteer opportunity?	City Website
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Other	I also keep abreast of city affairs
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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [City Admin](#)  
**Subject:** Online Form Submittal: City Advisory Group Application  
**Date:** Monday, February 17, 2020 9:52:06 AM

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## City Advisory Group Application

### Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name DAVID T MALLON

Email

Phone

Address

City Bainbridge Island

State WA

Zip 98110

Current Employer Deloitte Consulting LLP

Current Position Vice President & Chief Analyst, Bersin

I am interested in serving on one of the following City advisory groups (select all that apply): Ethics Board (6 positions)

### Experience & Qualifications

Have you served on any City advisory groups in the past? No

If so, please indicate which groups: *Field not completed.*

Please share your qualifications for this appointment (skills, First and foremost, I am a resident and homeowner in the community, deeply interested in and willing to contribute to the good governance of this place.

activities, training, education) if any:

My perspective will be informed by my 20+ years as a leader and researcher of organizations and workforces. I am keenly interested in how organizations can both serve their clients and stakeholders AND provide an experience for their workforce that is fundamentally respectful, human-centered, and supportive of each individual's search for meaning and actualization in her or his life. Through my participation on this committee, I can help the Council ask similar questions of itself and of the City.

David Mallon

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Please share your community interests (groups, committees, organizations) if any:

Still growing.

---

Feel free to attach your resume (optional):

*Field not completed.*

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Type the Year

2020

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How did you hear about the volunteer opportunity?

Social Media

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Other

*Field not completed.*

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# DAVID T. MALLON

- **Accomplished Business Researcher**  
(140+ publications in 12y)
- **Sought-after Thought Leader and Public Speaker**  
(200+ presentations in 12y)
- **Proven Results-Oriented Team Leader**
- **Developer of Great Researchers**
- **Life-long Rapid Learner, Ideator, & Problem-solver**

## Highlighted Publications

*High-Impact Organization Design: Designing Adaptability into the Organization*  
*What is Talent in the Future of Work?*  
*High-Impact HR: Building Organizational Performance from the Ground Up*  
*High-Impact Learning Culture: The 40 Best Practices for Creating an Empowered Enterprise*  
*The Learning Architecture: Defining Development and Enabling Continuous Learning*  
*Navigating the Market for Measuring Employee Engagement*  
For more comprehensive listing: [linkedin.com/in/dmallon](https://www.linkedin.com/in/dmallon)

## Work Experience

**Bersin, Deloitte Consulting LLP** (formerly Bersin & Associates) **Feb 2008 to present**

### **Chief Analyst, 11/17 to present**

Executive ambassador for Bersin to members, clients, & HR vendor community; demand generator for Bersin inside & outside of the Deloitte ecosystem; lead storyteller in the market; connective tissue binding Bersin, HR marketplace, & Deloitte's HC practice with regards to research-based practice; advocate for the "outside-in" perspective in the evolution of Bersin's products and solutions

### **Head of Research, 12/11 to 11/17**

Lead research team during 6-year period of rapid growth; connector for researchers, clients, & stakeholders; skilled in quantitative and qualitative methods; hands-on force for balancing rigorous analyses with compelling insights and persuasive stories; chief curator for annual IMPACT conference, core part of Deloitte's Global Human Capital Trends study (2018: n=11k, 142 countries)

### **Director, Research Architecture and Principal Analyst, 01/11 to 12/11**

#### **Principal Analyst, 02/08 to 01/11**

Lead researcher for learning & development; authored foundation study in organizational learning cultures; promoted to spur evolution in research content management

**Learn.com**

**Sep 2006 to Feb 2008**

### **Director, Consulting Services, 01/07 to 02/08**

#### **Implementation Strategist, 09/06 to 01/07**

Guided 100+ clients to best use of enterprise learning platform; promoted to drive innovation in client service, lead growing team of consultants, devised new methodology for capturing client needs

**EarthLink** (formerly MindSpring Enterprises)

**Jul 1996 to Sep 2006**

### **Manager, Instructional Technology, 03/03 to 09/06**

Governed processes & technologies supporting global agent development; designed/deployed global agent certification program; lead strategic change initiatives, learning analytics, global LMS implementation

### **Manager, Organization & Management Development, 01/01 to 03/03**

Lead team of five OD practitioners, designed & deployed supervisor, coaching, performance management, & communications programs, conducted internal management practice study that became basis for flagship leadership development initiative

Other early positions: Sr. Consultant, Project Manager, Instructional Designer

## Education

**Georgia Institute of Technology**, Atlanta, GA

### **M.S.: Information Design and Technology, 2001**

Concentrations: *Educational Technology, Storytelling in Digital Environments*

**Emory University**, Atlanta, GA

### **B.A.: English Literature, 1996**

## Interests

Cooking, traveling, painting, Dad & chauffeur to two wonderful children & sports enthusiasts

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [City Admin](#)  
**Subject:** Online Form Submittal: Citizen Advisory Group Application  
**Date:** Monday, April 29, 2019 4:27:36 PM

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## Citizen Advisory Group Application

### Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name Lisa Neal

Email

Phone

Address

City Bainbridge Island

State WA

Zip 98110

Current Employer SELF

Current Position LAWYER

I am interested in serving on one of the following advisory groups (select all that apply): Ethics Board , Planning Commission

### Experience & Qualifications

Have you served on any city advisory groups in the past? Yes

If so, please indicate which groups: Island Center Subarea Planning

Please share your qualifications for this appointment (skills, Lawyer for 26 years.

activities, training,  
education) if any:

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Please share your  
community interests  
(groups, committees,  
organizations) if any:

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*Field not completed.*

Feel free to attach your  
resume (optional):

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*Field not completed.*

Type the Year

---

2019

How did you hear  
about the volunteer  
opportunity?

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Newspaper

Other

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*Field not completed.*

THE HON. RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

SAFECO INSURANCE COMPANY OF  
ILLINOIS, a foreign insurer,

Plaintiff,

vs.

TERRY L. SCHMID, and NOEL M.  
SCHMID, and their marital community,  
Washington residents,

Defendants.

No. 3:17-cv-05224 RBL

PLAINTIFF’S MOTION FOR SUMMARY  
JUDGMENT

NOTE ON MOTION CALENDAR:  
FEBRUARY 2, 2018

ORAL ARGUMENT REQUESTED

**I. INTRODUCTION AND RELIEF REQUESTED**

Plaintiff Safeco Insurance Company of Illinois (“Safeco”) moves the Court for summary judgment. There is no dispute that the Safeco Policy provides benefits up to the amount Defendant Terry Schmid (“Schmid”) is legally entitled to recover from the tortfeasors, subject to the coverage’s limit. There is no genuine dispute that Schmid has already received all amounts he is legally entitled to recover as damages due to the injuries he sustained in the automobile accidents giving rise to his claim for Underinsured Motorist (“UIM”) coverage benefits. Therefore, as a matter of law, Safeco owes no UIM coverage and is entitled to summary judgment.



1 **II. FACTUAL BACKGROUND**

2 On April 4, 2012, Schmid was involved in an automobile accident with Robert  
3 Reynolds in Tacoma (“the First Accident”).<sup>1</sup> On April 10, 2012, Schmid was involved in  
4 another accident, with Christopher Foss (“Foss”) also in Tacoma (“the Second Accident”).<sup>2</sup>

5 Safeco had issued automobile liability insurance policy No. H517774 to Schmid (the  
6 “Safeco Policy”), and that policy was in effect in at the times of the two accidents.<sup>3</sup> The  
7 Safeco Policy includes Underinsured Motorist coverage (limited to \$500,000 per person and  
8 per accident), as stated in the Declarations, and subject to the terms, limitations, conditions,  
9 exclusions, and other provisions of the Policy.<sup>4</sup>

10 In 2015, Defendant Schmid sued Robert Reynolds in the Superior Court for the State  
11 of Washington for Pierce County, under cause number 15-2-07026-1, seeking a judgment  
12 against Reynolds for damages sustained by Schmid in the First Accident. The liability limit  
13 of Reynolds’ automobile insurance policy was \$25,000 per person.<sup>5</sup>

14 Also in 2015, Defendant Schmid sued Christopher Foss in the Superior Court for the  
15 State of Washington for Pierce County, under cause number 15-2-07027-0, seeking a  
16 judgment against Foss for damages sustained by Schmid in the Second Accident. The  
17 liability limit of Foss’s automobile insurance policy was \$250,000 per person.<sup>6</sup>

18  
19  
20 <sup>1</sup>Dkt. 31 First Amended Complaint (hereafter Dkt. 31) ¶ 3.1, admitted Dkt. 33 First Amended Answer  
(hereafter Dkt. 33) ¶ 9.

21 <sup>2</sup>Dkt. 31 ¶ 3.2, admitted Dkt. 33 ¶ 10.

22 <sup>3</sup>Dkt. 31 ¶ 3.2, admitted Dkt. 33 ¶ 11. A true and correct copy of the certified Safeco Policy was filed  
23 in this action at Dkt. 1-1. True and correct copies of the policy pages that are relevant to this Motion  
are attached hereto as Exhibit A to the Declaration of Lisa C. Neal.

24 <sup>4</sup>Dkt. 31 ¶ 3.3, admitted Dkt. 33 ¶ 11.

25 <sup>5</sup>Dkt. 31 ¶ 3.4, admitted Dkt. 33 ¶ 12.

26 <sup>6</sup>Dkt. 31 ¶ 3.5, admitted Dkt. 33 ¶ 13.



1 On September 24, 2015, Safeco moved to intervene in the underlying lawsuit against  
 2 Foss. Schmid opposed the intervention. Underlying defendant Foss also opposed the motion.  
 3 The court reserved ruling, but ordered the parties to allow Safeco to participate in all  
 4 discovery. The court allowed Safeco to re-urge its motion after ninety days.<sup>7</sup>

5 On September 29, 2015, Schmid sent Safeco a “Notice of Intent to Arbitrate.” In that  
 6 notice, Schmid asserted that there then existed an arbitrable dispute regarding Safeco’s  
 7 obligation to provide UIM benefits, and further asserted that the policy required Safeco to  
 8 arbitrate, rather than try, the UIM claim, upon demand by Schmid.<sup>8</sup> Safeco timely responded  
 9 nine days later, respectfully declining to arbitrate the UIM claim.<sup>9</sup>

10 Safeco filed a second motion to intervene on February 3, 2016. Schmid again opposed  
 11 intervention. The motion to intervene was heard on March 18, 2016. The court ruled that  
 12 “Safeco . . . be and hereby is allowed to intervene as a participant in this action without  
 13 limitation. . . .”<sup>10</sup> On March 28, 2016, the court consolidated the suit against Reynolds with  
 14 the suit against Foss under cause number 15-2-07027-0.<sup>11</sup>

15 On January 26, 2017, Schmid filed a Motion to Transfer Case to and Compel Binding  
 16 Arbitration, Strike Trial Date and Determine that Safeco Will be Bound by any Arbitration  
 17 Award (“Motion to Compel Arbitration”). Safeco opposed the motion. Defendant Reynolds  
 18 did not oppose the motion. Defendant Foss joined in the motion, and later filed supplemental  
 19 briefing in support of the motion.<sup>12</sup> The state trial court heard the Motion to Compel  
 20

21 <sup>7</sup>Dkt. 31 ¶ 3.6, admitted Dkt. 33 ¶ 14.

22 <sup>8</sup>Dkt. 31 ¶ 3.7, admitted Dkt. 33 ¶ 15.

23 <sup>9</sup>Dkt. 31 ¶ 3.8, admitted Dkt. 33 ¶ 16.

24 <sup>10</sup>Dkt. 31 ¶ 3.9, admitted Dkt. 33 ¶ 17.

25 <sup>11</sup>Dkt. 31 ¶ 3.10, admitted Dkt. 33 ¶ 18.

26 <sup>12</sup>Dkt. 31 ¶ 3.12, admitted Dkt. 33 ¶ 20.

1 Arbitration on February 24, 2017. The state trial court denied Schmid's motion, ruling that  
 2 Safeco could not be compelled to participate in any arbitration agreed to by other parties, and  
 3 that neither Safeco nor Schmid would be bound by the arbitration award in any subsequent  
 4 litigation regarding the UIM claim.<sup>13</sup>

5 On the same day (February 24, 2017), Schmid entered into a stipulation with Reynolds  
 6 and Foss for final and binding arbitration of their disputes ("Stipulation"). In the Stipulation,  
 7 Schmid agreed to limit enforcement of any arbitration award against either defendant to that  
 8 defendant's automobile liability policy limits (respectively, \$25,000 and \$250,000). The  
 9 parties agreed to withhold information regarding this jurisdictional limit or waiver of damages  
 10 above policy limits, so that the Arbitrator would feel free to award damages in excess of the  
 11 limits.<sup>14</sup>

12 Before the arbitration took place, Schmid settled his claim against Reynolds for the  
 13 injuries sustained in the First Accident, released Reynolds, and Reynolds was dismissed from  
 14 the lawsuit. Reynolds paid Schmid \$25,000 in settlement.<sup>15</sup>

15 On June 29 and 30, 2017, Schmid and Foss arbitrated the tort claim and the arbitrator  
 16 awarded Schmid \$378,000.<sup>16</sup> Upon receiving the award, counsel for Foss noted for his client  
 17

---

18 <sup>13</sup>Dkt. 31 ¶ 3.14, admitted Dkt. 33 ¶ 22. Schmid has appealed this ruling, arguing that Safeco must be  
 19 bound by the arbitration award, and that no further litigation regarding his damages is necessary or  
 20 allowed. The trial court properly ruled that Safeco could not be compelled to arbitrate absent its  
 21 agreement and therefore would not be bound by the arbitration award. Schmid's appeal is merely a  
 22 futile attempt to forestall his day of reckoning. He gave up the right to seek a determination that he  
 23 was legally entitled to recover more than Foss' policy limit, in return for what he perceived to be the  
 24 advantages of arbitrating his tort claim.

25 <sup>14</sup>Dkt. 31 ¶ 3.15, admitted Dkt. 33 ¶ 23. A true and correct copy of the Stipulation is provided at Neal  
 26 Decl. Exhibit B.

<sup>15</sup>Dkt. 31 ¶ 3.16, admitted Dkt. 33 ¶ 24. Safeco initially "bought out" the \$25,000 offer from  
 Reynolds, paying that amount to Schmid and maintaining the suit against Reynolds; following  
 settlement, Reynolds paid \$25,000 to Safeco. Schmid does not maintain a claim for UIM benefits  
 related to injuries sustained in the First Accident.

<sup>16</sup>Dkt. 31 ¶ 3.21, admitted Dkt. 33 ¶ 29; Dkt. 33 ¶ 29.

1 that the award was “not fully recoverable” due to the “cap” imposed by the Stipulation prior  
 2 to the arbitration.<sup>17</sup> Thereafter, Foss paid Schmid the \$250,000 to which Schmid was legally  
 3 entitled.<sup>18</sup> Foss also paid the cost bill amount requested by Schmid.<sup>19</sup> The arbitration award  
 4 was not reduced to judgment.<sup>20</sup>

5 Schmid asserts the right to recover UIM benefits from Safeco in the amount the  
 6 arbitration award exceeded the \$250,000 paid by Foss. Safeco contends no such benefits are  
 7 payable, because Schmid has already received all amounts he is “legally entitled to recover,”  
 8 and requests a declaratory judgment to that effect.

### 9 III. ARGUMENT AND AUTHORITY

10 There are many reasons why Safeco should prevail in this case, and they are outlined  
 11 in its First Amended Complaint.<sup>21</sup> However, a finding that Schmid is not entitled to any UIM  
 12 coverage because he has already received all he is “legally entitled to recover” as a result of  
 13 his injuries, will terminate these proceedings. There will be no need to litigate and possibly  
 14 try the issue of whether Safeco was prejudiced by the Stipulation, nor will it be necessary to  
 15 litigate and try the issue of the amount of damages Schmid sustained in the Second Accident.  
 16 In addition, the entry of summary judgment will render moot the state court appeal on the  
 17

18  
 19 <sup>17</sup>Neal Decl. Exhibit C.

20 <sup>18</sup>Dkt. 31 ¶ 3.21, admitted Dkt. 33 ¶ 29. See also Neal Decl. Exhibit D.

21 <sup>19</sup>Neal Decl. Exhibit E. Schmid agreed to not reduce the award and cost bill to judgment if Foss  
 22 agreed to pay the requested cost bill quickly and without contest. Neal Decl. Exhibit F (July 17, 2017  
 2:53 p.m. email).

23 <sup>20</sup>Neal Decl., Exhibit G.

24 <sup>21</sup>Safeco contends that Schmid’s entry into the Stipulation breached his contractual duties and  
 25 prejudiced Safeco’s right to recover funds paid from Foss or his insurer, vitiating coverage; Safeco  
 26 further asserts that Schmid’s damages due to the accident(s) are not more than the policy limits of the  
 tortfeasor(s), precluding any obligation to pay UIM coverage benefits. Safeco does not waive either of  
 these arguments (or any other rights it may have under the Policy or the law) by making this Motion.

1 issue of whether Safeco should have been compelled to arbitrate and is now bound by the  
2 arbitration award.

3 To close out this lengthy and convoluted legal dispute, the Court must decide only one  
4 legal question: where Schmid limited any award in arbitration against Foss to \$250,000, and  
5 where Schmid has already recovered \$250,000 from Foss, has Schmid recovered all he is  
6 legally entitled to recover because of his injuries? Safeco submits that the answer is “Yes.”

7 **A. Summary Judgment Standard Met Here.**

8 Safeco must prove there is no genuine issue of material fact regarding whether Schmid  
9 has recovered all he was legally entitled to recover because of his injuries.<sup>22</sup> The relevant  
10 facts are not disputed here. It is undisputed that Schmid entered into the Stipulation, which  
11 included a pre-arbitration agreement to limit enforcement of any award to Foss’s policy limit.  
12 It is undisputed that after the arbitration award was entered, Foss paid Schmid \$250,000.

13 In addition to showing that there are no questions of material fact, Safeco must also  
14 show that it is entitled to judgment as a matter of law.<sup>23</sup> As will be discussed below, Safeco  
15 has met its burden and is entitled to judgment in its favor on the two-pronged legal question of  
16 whether the Policy contemplates payment of those amounts that Schmid is “legally entitled to  
17 recover because of bodily injury” and whether Schmid has recovered all he was legally  
18 entitled to recover from Foss.

19 **B. Washington Law Governs this Dispute.**

20 In this diversity action, federal law applies to procedural issues. Washington state law  
21 applies to substantive issues.<sup>24</sup>

22 \_\_\_\_\_  
23  
24 <sup>22</sup>Fed. R. Civ. P. 56(a); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986).

25 <sup>23</sup>*Smith v. University of Washington Law School*, 233 F.3d 1188, 1193 (9<sup>th</sup> Cir. 1993), *cert. denied*,  
532 U.S. 1051 (2001).

26 <sup>24</sup>*Erie R.R. Co. v. Tompkins*, 304 U.S. 64 (1938).

1 **C. The Safeco Policy Pays Damages Schmid is Legally Entitled to Recover.**

2 Safeco agreed to provide Underinsured Motorists Coverage to the Schmid's as follows:

3 **PART C – UNDERINSURED MOTORISTS COVERAGE<sup>25</sup>**

4 **A.** We will pay damages which an insured is legally entitled to recover  
 5 from the owner or operator of an **underinsured motor vehicle**  
 6 because of **bodily injury**:

- 7 **1.** Sustained by that insured; and  
 8 **2.** Caused by an accident.

9 To calculate any UIM benefits owed, two amounts must be known: 1) the amount that  
 10 the UIM insured is “legally entitled to recover” against the underinsured tortfeasor (the UIM  
 11 insured’s damages); and 2) the amount paid<sup>26</sup> by the tortfeasor or any other party that may be  
 12 legally responsible for the UIM insured’s damages. To calculate UIM benefits that are  
 13 available, the amount paid by the liable or potentially liable parties is deducted from the  
 14 amount that the UIM insured is “legally entitled to recover.” Only if the amount that the UIM  
 15 insured is “legally entitled to recover” exceeds the amount obtained from the tortfeasor are  
 16 any UIM benefits payable, up to the UIM Coverage’s limit.<sup>27</sup> We know the amount that has  
 17 been paid: \$250,000. The information still needed to calculate whether UIM benefits are  
 18 payable is, therefore, this: **What amount was Terry Schmid “legally entitled to recover”**  
 19 **from Defendant Foss because of his injuries?**

20 \_\_\_\_\_  
 21 <sup>25</sup>As amended by Washington Changes to the Safeco Policy, Neal Decl. Exhibit A at Dkt. 1-1 pp. 46  
 22 and 48. This Coverage is subject to other terms and conditions of the Policy, but those provisions are  
 23 not directly relevant to this Motion and are not provided or referenced.

24 <sup>26</sup>If no settlement has occurred or judgment has been entered, the tortfeasor’s applicable policy limits  
 25 can apply to reduce payable damages, but in this case the award has been paid.

26 <sup>27</sup>Neal Decl. Exhibit A, pp. 28-29, Limit of Liability, B and D; *see, e.g., Mencil v. Farmers Ins. Co. of*  
*Washington*, 86 Wn. App. 480, 484, 937 P.2d 627 (1997) (UIM insured entitled to coverage over the  
 amount paid by the tortfeasor up to the amount of the judgment or his UIM benefits limit, whichever is  
 less).

1 **D. The Policy Language Tracks the RCW and Limits a UIM Insured's Recovery to the**  
 2 **Amount He Is "legally entitled to recover".**

3 The Safeco Policy language restricting the UIM insured's entitlement to coverage to  
 4 the amount the insured is "legally entitled to recover" from an underinsured tortfeasor tracks  
 5 the governing Washington UIM statute. RCW 48.22.030 provides that coverage for damages  
 6 caused by an "underinsured motor vehicle" must be offered by insurers writing automobile  
 7 policies in Washington, and further defines "underinsured motor vehicle" as one insured for  
 8 less than the "applicable damages which the covered person is legally entitled to recover."

9 The Washington legislature intended to provide "full compensation" to injured UIM  
 10 insureds.<sup>28</sup> "Full compensation" means the amount the injured insured could have recovered  
 11 from the tortfeasor, not necessarily the entirety of the injured insured's damages.<sup>29</sup> The UIM  
 12 insurer is entitled to deduct all amounts obtained or that could have been obtained from the  
 13 tortfeasor from the damages before paying UIM insurance.<sup>30</sup> The UIM insured is not entitled  
 14 to more than he was "legally entitled to recover" regardless of his UIM policy limits -- no  
 15 double recovery is allowed.<sup>31</sup>

16 **E. Schmid Was Legally Entitled to Recover \$250,000.**

17 As a matter of law, Schmid was legally entitled to recover \$250,000 from Foss. It is  
 18 only generally true that a jury verdict can be the measure of what the UIM insured is "legally  
 19 entitled to recover."<sup>32</sup> In *Mencel v. Farmers Insurance*, for example, the Court of Appeals  
 20

21 <sup>28</sup>*Mencel*, 86 Wn. App. at 484.

22 <sup>29</sup>*Allstate Ins. Co. v. Dejbod*, 63 Wn. App. 278, 282-83, 818 P.2d 608 (1991). For example, if an  
 23 injured insured was contributorily liable for a percentage of his damages, that amount is not included  
 24 in what he "legally entitled to recover" and cannot be recovered from the UIM insurer.

24 <sup>30</sup>*Dejbod*, 63 Wn. App. at 285 (citing RCW 48.22.030(1)).

25 <sup>31</sup>*Dejbod*, 63 Wn. App. at 285.

26 <sup>32</sup>*Mencel*, 86 Wn. App. at 485.

1 considered whether the jury verdict or a post-verdict settlement for less than the jury verdict  
 2 was the amount the insured was “legally entitled to recover.” If the jury verdict was the  
 3 amount the UIM insured was “legally entitled to recover,” UIM benefits would be payable  
 4 over the settlement amount up to the jury verdict amount or UIM coverage limits. If the post-  
 5 verdict settlement was the amount the insured was “legally entitled to recover”, then the  
 6 insured had already received all he was legally entitled to, and no UIM benefits were owed by  
 7 the insurer.

8 The *Mencel* court discussed the fact that the intent of the UIM statute is to provide full  
 9 compensation to the insured, noted that the Constitution provides for trial by jury, and  
 10 concluded that the full amount of the verdict rather than the post-verdict settlement amount  
 11 was the measure of what the UIM insured was “legally entitled to recover.”<sup>33</sup>

12 This general rule is not helpful here, however, because while there has been an  
 13 arbitration award, Schmid and Foss agreed **before arbitration** that the most that Schmid  
 14 could recover from Foss would be his \$250,000 liability policy limit.

15 The Stipulation provides:

16 **C. LIMITS AND RELEASE**

17 Any award that is rendered to Plaintiff shall be enforceable against Defendants  
 18 Reynolds and Foss only up to a total of their respective, applicable third-party  
 19 policy limits. . . . The limits of recovery from Defendant Foss to be applied to  
 20 the award to Plaintiff shall be a maximum of Defendants Foss’ liability  
 21 insurance policy limits. Plaintiff waives his right to enforce any amount  
 22 awarded to him in excess of Defendants Foss’ policy limits against Defendants  
 23 Foss.<sup>34</sup>

24 This Stipulation was not, therefore, a post-award compromise of a larger verdict or  
 25 award. The Stipulation was not similar to a covenant not to execute, where a tort plaintiff

26 <sup>33</sup> *Id.* at 484-485.

<sup>34</sup> Neal Decl. Exhibit B, p. 5.

1 might agree to not execute an existing judgment against the tortfeasor, but retain the right to  
 2 recover from the tortfeasor's insurance policy (or is even granted an assignment to bring a  
 3 direct action against the tortfeasor's insurance policy). Instead, the Limits and Release  
 4 portion of the Stipulation operated as a *jurisdictional limit* for the arbitration by *waiving*  
 5 *damages* over \$250,000, and by relieving Foss from any legal liability for any amounts over  
 6 \$250,000.<sup>35</sup> As a matter of law, the most that Schmid could have been "legally entitled to  
 7 recover" from Foss was \$250,000. As the award exceeded that amount, Schmid was "legally  
 8 entitled to recover" only \$250,000, and Foss paid Schmid that exact amount.

9 There are no reported decisions applying Washington law to this precise set of facts.  
 10 However, the Mississippi Supreme Court had before it a very similar scenario and decided the  
 11 UIM insured was not entitled to UIM benefits. In *Spencer v. State Farm Mutual Ins. Co.*,<sup>36</sup>  
 12 the UIM insured proceeded to arbitration with the tortfeasor, despite the UIM insurer's  
 13 absence. The UIM insured agreed to cap his damages at \$50,000. The arbitrator awarded him  
 14 \$43,500, which was paid by the tortfeasor.<sup>37</sup> Meanwhile, the UIM insured demanded UIM  
 15 coverage, contending he was not made whole because he had had to pay fees to obtain the  
 16 arbitration award.<sup>38</sup> State Farm resisted the claim, contending that recovery of the arbitration  
 17 award precluded any UIM coverage.

18 The Mississippi Supreme Court concluded that because the arbitration award was  
 19 satisfied, the tortfeasor had paid all amounts owed due to his liability, and the UIM insured  
 20

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21 <sup>35</sup>Schmid and Foss further agreed that the arbitrator would not be informed of the limitation placed on  
 22 Schmid's potential recovery (Neal Decl. Exhibit B, p. 6-7, Section G) and waived their right to appeal  
 the arbitrator's decision (*Id.* at Section F).

23 <sup>36</sup>891 So.2d 827 (Miss. 2005). As does Washington, Mississippi restricts UIM coverage to those  
 24 amounts that the UIM insured is "legally entitled to recover," limiting UIM recovery to the liability of  
 the uninsured motorist. *Id.* at 830.

25 <sup>37</sup>*Spencer*, 891 So.2d at 828.

26 <sup>38</sup>*Id.*



1 had received all he was “legally entitled to recover” from the tortfeasor, foreclosing any UIM  
2 claim.<sup>39</sup> That is the case here, where Schmid has received all he was legally entitled to  
3 recover from Foss, precluding his UIM coverage claim.

4 **F. Washington Decisions Made on Similar Facts Support Summary Judgment.**

5 Washington courts have, however, decided cases under various fact patterns that all  
6 support the conclusion that Schmid was legally entitled to recover no more than \$250,000.

7 **1. Jurisdictional Limit Restricted Recovery.**

8  
9 In Washington, if a plaintiff brings suit in a court of limited jurisdiction, the amount he  
10 is “legally entitled to recover” will be limited.<sup>40</sup> Even if his damages exceed that amount,  
11 such a plaintiff will be deemed to have “abandoned his claim for damages in excess of  
12 \$25,000 [the jurisdictional limit].”<sup>41</sup> In this case, of course, Schmid expressly agreed that  
13 enforcement of any arbitration award would be restricted to \$250,000. Schmid’s choice –  
14 indeed his fashioning – of a limited jurisdiction forum restricted the amount he was legally  
15 entitled to recover to \$250,000. There can be no argument that Schmid was “legally entitled  
16 to recover” no more than \$250,000 from Foss as a matter of law.

17 **2. Foss’s Immunity Restricted Recovery.**

18 Similarly, Schmid’s grant of immunity to Foss for damages over \$250,000 restricted  
19 the amount Schmid was “legally entitled to recover” to \$250,000. For example, in *Sayan v.*  
20 *Automobile Association*,<sup>42</sup> the UIM insured was injured in an automobile accident while in  
21

22  
23 <sup>39</sup>*Spencer*, 891 So.2d at 830.

24 <sup>40</sup>*J and J Drilling Inc. v. Miller*, 78 Wn. App. 683, 690, 898 P.2d 364 (1995), *rev. den.* 128 Wn.2d  
1011, 910 P.2d 482 (1996).

25 <sup>41</sup>*J and J Drilling*, 78 Wn. App. at 690.

26 <sup>42</sup>43 Wn. App. 148, 716 P.2d 895, *rev. den.*, 106 Wn.2d 1009 (1986).

1 the performance of military duty, by another member of the military who was also on duty.<sup>43</sup>  
2 The UIM insured did not dispute that the other driver and the military were immune under  
3 federal law, barring his claim against them, but nevertheless brought suit to recover UIM  
4 benefits.<sup>44</sup>

5 The *Sayan* court explained that Washington’s rule is that the UIM insurer “stands in  
6 the shoes” of the underinsured tortfeasor, and can defend against a claim for UIM coverage  
7 for tort damages using any defense the tortfeasor holds.<sup>45</sup> In what it termed a case of first  
8 impression in Washington, the *Sayan* court concluded that the bar on the UIM insured’s claim  
9 against the tortfeasors resulted in his not being “legally entitled to recover” against the  
10 underinsured driver.<sup>46</sup> The court rejected the argument that public policy favoring “full  
11 compensation” of the UIM insured required UIM coverage despite the tortfeasor’s legal  
12 immunity.<sup>47</sup> The Washington Supreme Court denied review of the decision.

13 Similarly, a court of appeals later decided that where the UIM insured was barred by  
14 the Workers Compensation Act<sup>48</sup> from suing his fellow employee for his injuries, the UIM  
15  
16  
17

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18  
19 <sup>43</sup>*Id.* at 150.

20 <sup>44</sup>*Id.*

21 <sup>45</sup>*Sayan*, 43 Wn. App. at 152.

22 <sup>46</sup>*Id.*

23 <sup>47</sup>*Sayan*, 43 Wn. App. at 158-59. The court also rejected the reasoning of courts in other jurisdictions  
24 holding otherwise as contrary to Washington law. The court noted that other courts have denied UIM  
25 coverage where the victim of the tortfeasor is denied a cause of action by common law or statute, such  
26 as when the applicable insurance scheme is no-fault, in the presence of a workers’ compensation  
statutory bar, when a guest statute bars recovery, and in the presence of sovereign immunity. *Sayan*,  
43 Wn. App. at 152 (citations omitted).

<sup>48</sup>RCW 51.04.010.

1 insured's UIM coverage was not available.<sup>49</sup> In each of these cases, the UIM insured was  
 2 never entitled to recover against the tortfeasor due to the tortfeasor's immunity.

3 A decision involving different facts provides further context when applying the  
 4 holdings of these decisions to this case. In *Safeco Ins. v. Barcom*,<sup>50</sup> the Washington Supreme  
 5 Court reversed the court of appeals' decision that the fact that the UIM insured's claim was  
 6 barred by the statute of limitations barred the UIM insured's contract claim against his  
 7 insurer. The *Barcom* court distinguished the immunity asserted in *Sayan* with the statute of  
 8 limitations defense before it by saying that "*at no time* was the insured in *Sayan* legally  
 9 entitled to recovery from the tortfeasor. Whereas . . . the condition precedent to coverage  
 10 existed for 3 years following the accident in [this] case."<sup>51</sup> As described by another court,  
 11 "the insured must be capable of showing that he or she *could* obtain a judgment in his or her  
 12 favor [against the underinsured motorist]."<sup>52</sup> Putting these decisions together, it can be seen  
 13 that the UIM insured in *Mencel* **could have** recovered the judgment against the tortfeasor, as  
 14 could the UIM insured in *Barcom*.<sup>53</sup> The UIM insureds in *Sayan* and *Romanick* **never** could  
 15 have enforced any judgment against the tortfeasors. In this case, Schmid **never** could have  
 16 enforced any arbitration award over \$250,000 against Foss. Schmid was legally entitled to  
 17 recover up to, but not more than, \$250,000.

18  
 19  
 20 <sup>49</sup>*Romanick v. Aetna Cas. & Sur Co.*, 59 Wn. App. 53, 61, 795 P.2d 728 (1990). See also *In Re Dale*  
 21 *F. Goers*, Docket No. 880661, 1989 WL 164553 \*4 (Board of Ind. Ins. Appeals 1989) (Goers was  
 22 "legally entitled to recover" from the uninsured tortfeasor only because there is an exception for UIM  
 coverage in RCW 51.24.030; otherwise her action would have been barred and she would have been  
 unable to claim UIM benefits).

23 <sup>50</sup>112 Wn.2d 575, 773 P.2d 56 (1989).

24 <sup>51</sup>*Barcom*, 112 Wn.2d at 581 (emphasis in decision).

25 <sup>52</sup>*McIllwain v. State Farm Mut. Auto Ins. Co.*, 133 Wn. App. 439, 447, 136 P.3d 135 (2006), *rev. den.*  
 159 Wn.2d 1020 (2007).

26 <sup>53</sup>See *Mencel v. Farmers Ins. Co. of Washington*, 86 Wn. App. 480, 485, 937 P.2d 627 (1997).



3. **UIM Does Not Cover Elements of Damages a UIM Insured Cannot Recover From the Tortfeasor.**

In similar fashion, Washington law also mandates that if an element of damages is not recoverable against the tortfeasor, there is no UIM coverage for those damages. In *Dayton v. Farmers Ins. Group*,<sup>54</sup> for example, the Washington Supreme Court confirmed that the UIM insured was not entitled to UIM coverage for attorney’s fees awarded in a damages arbitration. The court pointed out that when a tortfeasor has insurance, and is sued by the UIM insured, each party bears his or her own attorney fees. The UIM insurer stands in the shoes of the uninsured tortfeasor, and therefore each party must still bear his or her own attorney fees.<sup>55</sup> To hold otherwise would not be “consistent with the purpose of UIM insurance, or the statutes governing UIM coverage. . . . [t]he injured party is not entitled to be put in a better position by having been struck by an uninsured motorist as opposed to an insured motorist.”<sup>56</sup>

The Third Circuit Court of Appeals reviewed similar circumstances under Pennsylvania law and applied this same reasoning.<sup>57</sup> In *Willett*, the court considered whether damages exceeding those awardable under the pertinent tort law could be damages the UIM insured was “legally entitled to recover” and therefore payable under the UIM coverage. The court held that the answer was clear:

“[T]he policy language limiting recovery to damages that the [UIM insured] was ‘legally entitled’ to recover from [the tortfeasor] . . . clearly and unambiguously states that coverage depends upon the [UIM insured’s] legal

<sup>54</sup>124 Wn.2d 277, 281, 876 P. 2d 896 (1994).

<sup>55</sup>*Id.*

<sup>56</sup>*Dayton*, 124 Wn.2d at 281.

<sup>57</sup>*Willett ex rel. Willett v. Allstate Ins. Co.*, 359 Fed. Appx. 349, 351 (3d Cir. 2009). At issue was a UIM policy issued to a Pennsylvania insured; the Pennsylvania UIM statute mirrors in pertinent part the Washington code section; the policy reviewed mirrored the Safeco policy’s restriction of coverage to damages the UIM insured is “legally entitled to recover” from the tortfeasor.

1 right to damages from [the tortfeasor]. . . . In short, Allstate’s contractual  
2 liability, as established by the provisions of its policy, is derivative of [the  
3 tortfeasor’s] tort liability.”<sup>58</sup>

4 The Third Circuit then turned to the law of Maine, where the accident happened and  
5 which law, therefore, governed the tort. Maine law provided “caps” for certain non-  
6 economic damages, and the estate of the UIM insured conceded that it had already recovered  
7 all damages allowable under that law from the tortfeasor.<sup>59</sup> As such, the Third Circuit  
8 confirmed the district court’s ruling that the UIM insured was not “legally entitled” to recover  
9 those amounts from the tortfeasor, and therefore was not entitled to UIM benefits for those  
10 amounts.<sup>60</sup>

11 This reasoning can be applied to this case. When the arbitrator awarded damages over  
12 \$250,000, he awarded damages that Schmid had waived before arbitration. The result should  
13 be no different than if the arbitrator awarded excess damages comprised of attorney’s fees or  
14 unrecoverable economic damages. The conclusion to be drawn from all of the case authority  
15 is that Schmid cannot recover damages from Safeco that he could not have recovered from  
16 Foss had Foss been “fully” insured.

17 **IV. CONCLUSION**

18 Whether one considers the private Stipulation to have created a court of limited  
19 jurisdiction such that Schmid waived any award in excess of \$250,000, to have granted Foss  
20 limited immunity against amounts awarded over \$250,000, or to have restricted Schmid’s  
21 enforceable damages, it cannot be disputed that Schmid was not legally entitled to recover any  
22 more than \$250,000 from Foss. It is undisputed that Schmid has already recovered that  
23

24 <sup>58</sup> *Willett*, 359 Fed. Appx. at 351.

25 <sup>59</sup> *Willett*, 359 Fed. Appx. at fn 3 (Maine statute caps awards for loss of consortium to \$400,000).

26 <sup>60</sup> *Willett*, 359 Fed. Appx. at 351.

1 \$250,000 from Foss. Safeco may not be “compelled to pay when the same recovery could not  
2 have been obtained from” Foss.<sup>61</sup> Therefore, as a matter of law, the UIM coverage in the  
3 Safeco Policy has not been triggered, and Safeco owes Foss no benefits. Safeco is entitled to  
4 entry of summary judgment in its favor.

5  
6 DATED this 11th of January 2018.

7 WILSON SMITH COCHRAN DICKERSON

8  
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26 <sup>61</sup>*Dayton*, 124 Wn.2d at 281.

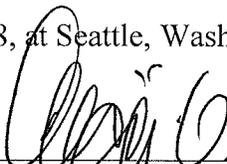
**CERTIFICATE OF SERVICE**

The undersigned certifies that under penalty of perjury under the laws of the State of Washington that on the below date I caused to be served the foregoing document on:

**Attorney for Plaintiff**

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**SIGNED** this 11th day of Janaury, 2018, at Seattle, Washington.

  
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Alicia Ossenkop

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COA NO. 365948

IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION III

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EVETTE BURGESS,

Petitioner,

v.

LITHIA MOTORS, INC.; BMW OF SPOKANE d/b/a CAMP  
AUTOMOTIVE, INC. d/b/a BMW OF SPOKANE,

Respondent.

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RESPONDENT'S RESPONSE TO PETITIONER'S MOTION FOR  
DISCRETIONARY REVIEW

---

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## I. IDENTITY OF RESPONDENT

Respondent Lithia Motors, Inc., BMW of Spokane d/b/a Camp Automotive Inc., d/b/a BMW of Spokane (“Lithia Motors”) opposes Petitioner’s motion for discretionary review.

## II. DECISION BELOW

The Petitioner Evette Burgess seeks discretionary review of the trial court’s February 4, 2019 Order Denying Plaintiff’s Motion to Vacate an Arbitrator’s Order and Terminate Arbitration and Certifying Matter for Appeal.<sup>1</sup>

The trial court’s rulings were correct. Having found that Burgess agreed to submit employment disputes to arbitration, and having found that Burgess thereafter agreed to transfer the instant dispute to arbitration, the trial court declined to overrule the arbitrator’s discovery ruling, or to remove the matter from arbitration at Burgess’s unilateral request. The trial court properly declined to allow Burgess to forum shop.

The trial court certified the following issue for immediate review under RAP 2.3(b)(4):

Does the superior court have jurisdiction to address an employee’s contractual breach argument based upon acts alleged in the course of binding arbitration, or is the superior court’s jurisdiction in a contractual arbitration limited to issues occurring before and after -- but not during -- the proceeding. Specifically, is the superior court’s

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<sup>1</sup> Petitioner’s Appendix (“Appx.”) 1 at Burgess Bates 00006-00011 (hereafter “Burgess X” only).

jurisdiction limited to ruling on whether there is an enforceable arbitration clause at the inception of arbitration and addressing the arbitration award at its conclusion?

The answer to the specific question is yes. The applicable law is clear: once a matter is transferred to arbitration, the trial court's authority is limited to confirming, vacating, or modifying (as allowed under the contract or statute) the arbitration award. The trial court properly declined to review the arbitrator's actions during the litigation.

### **III. ISSUES PRESENTED**

1. Whether discretionary review of the certified question is available under RAP 2.3(b)(4), given that the jurisdictional question has not been shown to be a controlling question of law?
2. Whether discretionary review of the certified question is available under RAP 2.3(b)(4), given that there is no difference of opinion regarding the trial court's authority?
3. Whether discretionary review of the certified question is available under RAP 2.3(b)(4), given that deciding this issue now will not materially advance the ultimate termination of the litigation?

### **IV. STATEMENT OF THE CASE**

Burgess was hired as an employee by Camp Automotive d/b/a BMW of Spokane, a wholly owned subsidiary of Lithia Motors, Inc., (hereinafter collectively referred to as "Lithia"). As a condition of Burgess's employment, Lithia required her to sign an arbitration agreement waiving her right to sue Lithia and agreeing to binding arbitration under the Federal Arbitration Act ("FAA") to resolve any disputes.<sup>2</sup>

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<sup>2</sup> Burgess 6-7.

Despite having agreed to the arbitration forum for disputes, Petitioner filed her claim against Lithia in the Superior Court. After Petitioner filed suit, Lithia demanded arbitration, and Petitioner agreed to arbitrate her claims.<sup>3</sup> The parties jointly selected the Honorable Kenneth Kato, a retired appellate judge, to serve as Arbitrator.<sup>4</sup> As required by the arbitration contract, the arbitration went forward under the Federal Rules of Civil Procedure.<sup>5</sup>

Thereafter, Petitioner moved to compel discovery, and Judge Kato denied the motion on September 18, 2018.<sup>6</sup> Petitioner then filed in the Superior Court a Motion to Vacate the Arbitrator's Order Denying Discovery, Terminate Arbitration and Issue a Case Scheduling Order.<sup>7</sup> The trial court denied the motion, finding that "Washington law appears to prohibit the court from addressing [litigation disputes] that arose during the arbitration proceeding."<sup>8</sup> In its order, the court certified the matter for review under RAP 2.3(b)(4).<sup>9</sup>

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<sup>3</sup> *Id.* at 7.

<sup>4</sup> *Id.*.

<sup>5</sup> *Id.* at 8.

<sup>6</sup> *Id.* Lithia does not agree with Petitioner's argument regarding the underlying discovery dispute, but the details of that dispute are irrelevant to the issue before the Court.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 9, Conclusion of Law No. 4.

<sup>9</sup> *Id.* at 10.

## V. LEGAL ARGUMENT

### a. Grounds for review.

Petitioner reports that the trial court certified the question set out above under RAP 2.3(b)(4), but fails to provide any factual or legal support for immediate review. Review is allowed only if all three criteria for certification are present.<sup>10</sup> Even if all three requirements were satisfied, review is discretionary.<sup>11</sup> Discretionary review is disfavored, because it lends itself to piecemeal, multiple appeals.<sup>12</sup> As discussed below, the trial court's ruling does not meet the three criteria found in RAP 2.3(b)(4). Petitioner's motion should be denied.

### b. Whether discretionary review is available under RAP 2.3(b)(4), given that the scope of jurisdiction question has not been shown to be a controlling question of law?

The requisite "controlling question of law" has not been shown. Petitioner is incorrect that whether the trial court had the authority to overrule the arbitrator is the "controlling question of law." The forum in which the underlying dispute is heard will not affect the outcome of the case. The substantive rights of the parties are unaffected by the forum. As such, the question of where the dispute is heard is not a controlling question of law.

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<sup>10</sup> RAP 2.3(b) (review may be granted only where criteria are present).

<sup>11</sup> *Id.*

<sup>12</sup> *Right-Price Recreation, LLC v. Connells Prairie Cmty. Council*, 146 Wn.2d 3780, 380, 46 P.3d 789 (2002).

**c. Whether discretionary review is available under RAP 2.3(b)(4), given that there is no difference of opinion regarding the scope of jurisdiction question certified?**

Even if the scope of the trial court's authority were a controlling question of law, there is no demonstrated difference of opinion regarding whether or not the trial court may weigh in during the arbitration to review the arbitrator's rulings. As concluded by the trial court:

Washington law indicates that once a party enters arbitration, then whether or not that arbitration agreement is violated or is followed is the decision of the arbitrator; this court can rule initially whether or not there is, in fact, an arbitration clause, which there is in this case, and then can address the arbitration award on the other end.<sup>13</sup>

Neither the trial court, nor Petitioner, provided any contrary case authority that would support not following this general rule. It should be recalled that the parties agreed that the arbitration would be governed by the rules enacted by the FAA. The FAA manifests a federal policy favoring arbitration agreements, and is intended to facilitate streamlined proceedings.<sup>14</sup> Federal law governs the enforcement of arbitration agreements that, like the one in this case, are subject to the FAA.<sup>15</sup> Federal law on this issue, therefore, controls the question presented by the trial court.

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<sup>13</sup> Burgess 9, Conclusion of Law 3.

<sup>14</sup> *Savers Prop. & Cas. Ins. Co. v. Nat'l Union Fire Ins. Co.*, 748 F.3d 708, 717 (6th Cir. 2014).

<sup>15</sup> *Southland Corp. v. Keating*, 465 U.S. 1, 16, 104 S. Ct. 852, 861, (1984); *Schuster v. Prestige Senior Mgmt., L.L.C.*, 193 Wn. App. 616, 627, 376 P.3d 412 (2016).

The FAA allows courts to become involved in arbitration proceedings at only two stages.<sup>16</sup> The first stage is “gateway” issues of arbitrability, such as whether a valid arbitration agreement exists.<sup>17</sup> The second stage is at the end of the arbitration, at which point a court may confirm, vacate, or modify an award.<sup>18</sup> Judicial intervention at these stages is codified in the FAA itself.<sup>19</sup>

Although the FAA is silent on the issue of interlocutory appeal, the federal circuit courts are not. The circuit courts have concluded that it is “plainly improper” for a trial court to intervene in an arbitration proceeding,<sup>20</sup> and that “[r]eview comes at the beginning or the end, but not in the middle.”<sup>21</sup> Federal courts have therefore rejected in clear terms the same claims that Petitioner is making now – claims “that essentially go to

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<sup>16</sup> *Savers Prop. & Cas. Ins.*, 748 F.3d at 717.

<sup>17</sup> *Savers Prop. & Cas. Ins.*, 748 F.3d at 717. *See also Verbeek Properties, LLC v. GreenCo Envtl., Inc.*, 159 Wn. App. 82, 87-88, 246 P.3d 205 (2010) (court may confirm whether an enforceable agreement to arbitrate exists and enforce it).

<sup>18</sup> *Savers Prop. & Cas. Ins.*, 748 F.3d at 717; *see also Barnett v. Hicks*, 119 Wn.2d 151, 156-57, 829 P.2d 1087 (1992) (court may only confirm, vacate, modify or correct an arbitrator’s award).

<sup>19</sup> *See, e.g.*, 9 U.S.C. §§ 3-4 (allowing courts to grant motions to stay judicial proceedings or to compel arbitration), §§ 9-11 (allowing for the confirmation, vacation, or modification of an arbitration award).

<sup>20</sup> *Savers Prop. & Cas. Ins.*, 748 F.3d at 718.

<sup>21</sup> *Blue Cross Blue Shield of Massachusetts, Inc. v. BCS Ins. Co.*, 671 F.3d 635, 638 (7th Cir. 2011).

the procedure of arbitration” and to “alleged unfairness.”<sup>22</sup> Before an arbitration award has been issued, there is “no authority under the FAA for a court to entertain such challenges.”<sup>23</sup>

Petitioner implies that Washington courts have allowed a trial court’s intervention into an arbitration proceeding, citing to *Everett Shipyard, Inc. v. Puget Sound Envtl. Corp.*<sup>24</sup> In *Everett Shipyard*, however, the trial court first dismissed the superior court case because the arbitrator had closed the arbitration for lack of funds, then vacated the dismissal because it believed it lacked subject matter jurisdiction. The court of appeals simply confirmed Washington law providing that the superior court determines arbitrability; transfers the matter to arbitration and stays any claims that have been transferred; and later confirms, modifies, corrects or vacates the award.<sup>25</sup> As such, the trial court had jurisdiction over the matter, including the authority to dismiss the case. This authority does not support grant of Petitioner’s motion.

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<sup>22</sup> *Gulf Guar. Life Ins. Co. v. Connecticut Gen. Life Ins. Co.*, 304 F.3d 476, 488 (5th Cir. 2002).

<sup>23</sup> *Gulf Guar. Life Ins.*, 304 F.3d at 488.

<sup>24</sup> 155 Wn. App. 761, 769, 231 P.3d 200 (2010).

<sup>25</sup> *Everett Shipyard*, 155 Wn. App. at 767. Petitioner seems to argue that that fact that the trial court failed to stay the suit pending arbitration somehow overrides Washington and federal law. No authority for this notion is cited, and Lithia asks the Commission to reject the argument.

In addition to the federal law precluding immediate appeal, a Washington decision not cited by Petitioner supports denial of her motion. In *Clype v. Michels Pipeline Const., Inc.*,<sup>26</sup> the Washington Court of Appeals declined review under RAP 2.3(b)(4) of a question regarding a contract at issue in the underlying litigation, noting the issue “does not warrant discretionary review as a controlling question of law.”<sup>27</sup> Getting into the details on whether or not the parties or the arbitrator are complying with the arbitration agreement is similarly not a controlling question of law.

Further, Petitioner’s argument that because the trial court retains jurisdiction over the case, and was initially authorized to enforce any arbitration agreement, it retained the authority to review the arbitrator’s discovery order in order to “enforce” the arbitration agreement lacks support. No authority is cited for this proposition. If Petitioner is correct, every decision by an arbitrator is subject to immediate interlocutory review. Such a result would complicate and make more expensive what is contemplated as a more streamlined process. Lithia asks the Commissioner to reject this argument.

Finally, Petitioner contends that her request for rescission of the arbitration agreement itself also falls within the trial court’s authority because it has to do with “enforcement” of the arbitration agreement.

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<sup>26</sup> 154 Wn. App. 573, 225 P.3d 492, 496 (2010).

<sup>27</sup> *Clype*, 154 Wn. App. at 580.

First, Petitioner never argued for rescission before the trial court transferred the matter to arbitration, and it is too late to do so now in order to escape what Petitioner evidently views as an unfavorable forum.

Second, even if Petitioner had provided this Court with authority supporting her argument that the trial court may intervene to review matters of rescission of the arbitration contract, Petitioner does not really argue for rescission. Petitioner's claim here is really that the arbitrator is not enforcing the Civil Rules or that Lithia is not complying with the Civil Rules.

The fact that Petitioner does not argue for rescission is illustrated by Petitioner's Statement of the Case, where Petitioner argues: 1) the parties agreed that the Federal Rules of Civil Procedure would apply; and 2) the arbitrator has failed to apply those rules to the discovery dispute. Petitioner seeks review of a discovery order, not the remedy of rescission.

Petitioner does not even attempt to argue that the limited circumstances allowing interlocutory review of discovery orders are present here.<sup>28</sup> Lithia urges the Court to restrict its consideration to the Rule's requirements, including whether there is any difference of opinion.

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<sup>28</sup> See, e.g., *Admiral Ins. Co. v. United States Dist. Court*, 881 F.2d 1486, 1491 (9th Cir. 1989) (granting petition for writ of mandamus from order compelling defendant to producing allegedly privileged documents); *T.S. v. Boy Scouts of Am.*, 157 Wn.2d 416, 423, 138 P.3d 1053 (2006) (interlocutory review granted regarding discovery order that allegedly violated third parties' constitutional rights).

There is no difference of opinion on whether the trial court was authorized to review the arbitrator’s discovery order – it was not. Absent such a “difference of opinion”, the requirements of RAP 2.3 (b)(4) are not satisfied, and review is premature.

**d. Whether discretionary review is available under RAP 2.3(b)(4), given that deciding this issue now will not materially advance the ultimate termination of the litigation?**

The trial court finally concluded that appealing both the authority question and the ultimate arbitration decision appealed at the same would be wasteful.<sup>29</sup> Streamlining a case is not sufficient grounds for interlocutory review.<sup>30</sup> For example, in *Minehart v. Morning Star Boys Ranch, Inc.*<sup>31</sup> the court of appeals declined to review a myriad of evidentiary rulings despite the potential for a “wasted trial.”<sup>32</sup>

Similarly, when considering discretionary review under RAP 2.3(b)(2) in *State v. Howland*, a commissioner of the Supreme Court has

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<sup>29</sup> Burgess 9-10, Conclusion of Law 6.

<sup>30</sup> See, e.g., *Minehart v. Morning Star Boys Ranch, Inc.*, 156 Wn. App. 457, 462, 232 P.3d 591, *rev. denied*, 169 Wn.2d 1029 (2010) (applying parameters of RAP 2.3(b) to case to determine whether the alleged error’s certainty had the requisite impact on the litigation to allow interlocutory review); see also *Bartusch v. Oregon State Bd. of Higher Educ.*, 131 Wn. App. 298, 303, 126 P.3d 840 (2006) (interlocutory review accepted under RAP 2.3(b)(1) and (2) regarding personal jurisdiction).

<sup>31</sup> 156 Wn. App. 457, 232 P.3d 591, *review denied*, 169 Wn.2d 1029 (2010).

<sup>32</sup> *Minehart*, 156 Wn. App. at 462.

noted that review was not appropriate unless the decision appealed would “have immediate effect outside the courtroom.”<sup>33</sup> As explained by the Court of Appeals in *Howland*:

[W]here a trial court’s action merely alters the status of the litigation itself or limits the freedom of a party to act in the conduct of the lawsuit, even if the trial court’s action is probably erroneous, it is not sufficient to invoke review under RAP 2.3(b)(2).<sup>34</sup>

Here, of course, the trial court’s order did not affect anything outside the courtroom, but rather maintained the status quo, precluding immediate appeal.

In fact, should this court remand to the trial court and direct it to rule on Petitioner’s motion to vacate the arbitration agreement, that order will be immediately appealable as of right regardless of the decision.<sup>35</sup> The grant of Petitioner’s motion below will be immediately appealable, as it will terminate the proceeding in arbitration.<sup>36</sup> Similarly, Washington courts have held that review of a court’s denial of a motion to compel arbitration or stay the litigation pending arbitration is allowed under RAP 2.2(a)(3) when the trial court’s ruling effectively terminates the arbitration

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<sup>33</sup> *State v. Howland*, 182 Wn.2d 1008, \*3 (2015) (denying review on other grounds).

<sup>34</sup> 180 Wn. App. 196, 206-07, 321 P.3d 303 (2014), *review denied*, 182 Wn.2d 1008 (2015).

<sup>35</sup> *See, e.g., Adler v. Fred Lind Manor*, 153 Wn.2d 331, 340-41, 103 P.3d 773 (2004) (order compelling party to arbitrate appealable under RAP 2.3(b)(2)).

<sup>36</sup> *See Adler*, 153 Wn.2d at 340-41.

proceeding.<sup>37</sup> Therefore, rather than materially advancing the litigation, reviewing this issue now will guarantee another round of procedural appeals before the merits may be addressed. It is clear that no benefit would result from immediate review, and the Petitioner's motion should be denied.<sup>38</sup>

## VI. CONCLUSION

For the reasons stated above, the Court should deny Petitioner Evette Burgess's Motion for Discretionary Review.

DATED and respectfully submitted this 18th day of March, 2019.

By: s/ Lisa C. Neal  
John M. Silk, WSBA #15035  
Gabiella Wagner, WSBA# 42898  
Lisa C. Neal, WSBA# 25686  
WILSON SMITH COCHRAN  
DICKERSON  
901 Fifth Avenue, Suite 1700  
Seattle, WA 98164  
(206)623-4100  
(206)623-9273 facsimile  
Attorneys for Respondent Lithia  
Motors  
Electronic mail: [l.neal@wscd.com](mailto:l.neal@wscd.com)

---

<sup>37</sup> See, e.g., *Stein v. Geonerco, Inc.*, 105 Wn. App. 41, 4--45, 17 P.3d 1266 (2001) (denial of motion to compel arbitration precluded arbitration); *Herzog v. Foster & Marshall, Inc.*, 56 Wn. App. 437, 443, 783 P.2d 1124 (1989) (denial of motion to stay litigation pending arbitration effectively precluded arbitration).

<sup>38</sup> See *Boone v. City of Seattle*, noted at 193 Wn. App. 1042, 2016 WL 1735487 at \*1 (2016) (unpublished) (where not clear what benefit would result from immediate review, review should not have been granted).

**CERTIFICATE OF SERVICE**

The undersigned certifies, under penalty of perjury under the laws of the State of Washington, that on the below date I caused to be filed with Division III of the Court of Appeals of the State of Washington, and arranged for service of true and correct copies of the foregoing RESPONDENT'S RESPONSE TO PETITIONER'S MOTION FOR DISCRETIONARY REVIEW upon the following:

***VIA electronic ECF filing***

Mary Schultz  
Mary Schultz Law, P.S.  
2111 E. Red Barn Ln.  
Spangle, WA 99031-5005  
Mary@Mschultz.com

Dated this 18<sup>th</sup> day of March, 2019.

*s/ Alicia Ossenkop*  
Legal Secretary

**WILSON SMITH COCHRAN DICKERSON**

**March 18, 2019 - 2:21 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division III  
**Appellate Court Case Number:** 36594-8  
**Appellate Court Case Title:** Evette Burgess v. Lithia Motors, et al  
**Superior Court Case Number:** 18-2-00200-6

**The following documents have been uploaded:**

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
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**Date:** Friday, February 14, 2020 3:24:19 PM

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## City Advisory Group Application

### Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Andi O'Rourke
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Dillon O'Rourke S.P.C.
Current Position	Owner/Horticulturalist
I am interested in serving on one of the following City advisory groups (select all that apply):	Ethics Board (6 positions), LEOFF 1 Disability Board, Salary Commission (7 positions)
<b>Experience &amp; Qualifications</b>	
Have you served on any City advisory groups in the past?	Yes
If so, please indicate which groups:	Village of Buffalo Grove Student Advisory Committee, 2001-2002, 2002-2003
Please share your qualifications for this appointment (skills,	I obtained a broad, interdisciplinary Liberal Arts and Sciences education as a graduate of Utrecht University and have used those skills to do work in journalism, political communications,

activities, training, education) if any:

and community advocacy. I'd like to have the opportunity to use my critical thinking skills and understanding of networks and systems to further the best interests of the Bainbridge Island community at large.

---

Please share your community interests (groups, committees, organizations) if any:

*Field not completed.*

---

Feel free to attach your resume (optional):

*Field not completed.*

---

Type the Year

2020

---

How did you hear about the volunteer opportunity?

City Manager's Report (e-newsletter)

---

Other

*Field not completed.*

---

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [City Admin](#)  
**Subject:** Online Form Submittal: City Advisory Group Application  
**Date:** Friday, July 3, 2020 8:11:06 PM

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## City Advisory Group Application

### Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name Corban Hunter Quigg

Email

Phone

Address

City Bainbridge Island

State WA

Zip 98110

Current Employer Amazon.com

Current Position Senior Account Manager

I am interested in serving on one of the following City advisory groups (select all that apply):

Climate Change Advisory Committee , Ethics Board, Human Services Funding Task Force , Kitsap County Grant Recommendation Committee (Capital), Kitsap County Grant Recommendation Committee (Services)

### Experience & Qualifications

Have you served on any City advisory groups in the past? No

If so, please indicate which groups: *Field not completed.*

Please share your qualifications for this appointment (skills, activities, training, education) if any:

BA in Political Science (with coursework in public administration), numerous corporate positions, including quality control documentation and writing/reviewing of test methods standards. MA in Theology/Philosophy.

Please share your community interests (groups, committees, organizations) if any:

I'm interested in serving the community of Bainbridge in any capacity.

Feel free to attach your resume (optional):

Type the Year

2020

How did you hear about the volunteer opportunity?

Bainbridge Review Newspaper

Other

*Field not completed.*



# CORBAN QUIGG

## SUMMARY

High-energy, high-impact Business Development Professional in Software and Technical Sales. Proven skills formulating go-to-market strategies, and identifying and converting leads through the consultative sales process. Top sales performer offering 10+ years' experience in software and technical sales, with an entrepreneurial spirit in each role I undertake.

---

## SKILLS

- Business development (Consultative Sales)
  - Marketing strategy and execution
  - Sales leadership and training
  - Microsoft Office Suite (2019/365)
  - On-site and virtual software demonstrations
  - 3P Marketplaces and Integrations for Retail
  - eCommerce channel management/data optimization
  - SaaS sales, implementation, and support
- 

## EXPERIENCE

### **Strategic Account Manager** / Feedonomics – Los Angeles, CA

*01/2020 – Present*

- Tripled my sales quota goal in first month (Feb. 2020).
- Prospecting, engaging, contracting, and retaining 200+ clients (agencies and end-users) in role.
- Business development for niche verticals in travel, automotive, real estate, etc.
- SaaS sales role focused on eCommerce results for ad agencies and end-user retail.

### **Senior Platform/Marketing Manager** / McGraw-Hill Education - Glendale, CA

*03/2018 – 01/2020*

- Increased platform users 15% in 1.5 years.
- Collaborate with software engineering team to assist clients with emergent technical issues to develop effective solutions, including UX design and feature enhancements.
- Establish and maintain key relationships with business stakeholders (internal sales force and key customers) to promote future opportunities.
- Conduct live demos of software to prospective customers virtually and on-site. Travel 40% annually.

### **Technical Consultant** / Self Employed - Glendale, CA

*01/2013 – 01/2020*

- Independent auditor, consultant, and business development contact for product certification bodies, testing labs, and inspection agencies. (Serve as US contact for an Australian-based firm.)
- Audit manufacturing facilities under ISO 9001 for Quality Management Systems or similar standards.
- Authored quality managed systems, guidelines, and manuals.
- Certified under ISO 17021, ISO 17020, and ISO 17025.

### **Consultant/Director of Business Development** / NTA, Inc - Nappanee, IN

*05/2017 - 03/2018*

- Crafted sales and marketing strategy for company - primarily in the building product division.
- Increased building division YOY revenue more than 25%.
- CRM admin (SalesForce) and sales manager over two technical engineers
- Negotiated strategic partnerships with trade associations and government entities, and expanded the business, which allowed the owner to sell upon my departure.

**Learning Technology Representative** / McGraw Hill Higher Education - San Diego, CA

02/2014 - 03/2016

- Partnered with 12 universities and colleges in the San Diego area managing 3M in annual revenue, selling software solutions to educators in business, economics, and computer information technology.
- 4th highest earning company sales representative in 2015. Increased territory revenue by more than \$800K.

**Director of Business Development** / CertMark International - Irvine, CA

07/2013 - 01/2014

- Business development, operations, and company manager of CertMark International, a startup under the Australian-based, parent company.
- Focused on consultative sales, marketing, accounting, etc., as well as the ISO 17025 system used in company's accreditation process.

**Director of Business Development, Operations** / RADCO - Long Beach, CA

03/2009 - 07/2013

- Directed a company division in an engineering, consulting firm, with 6 direct reports and 40 staff in department.
  - Focused on business development and operations.
  - Increased YOY revenue by 15%, during height of construction industry recession.
- 

## **EDUCATION AND TRAINING**

Biola University - La Mirada, CA

**Master of Arts:** Philosophy and Religious Studies

Biola University - La Mirada, CA

**Bachelor of Arts:** Political Science and Government

---

## **CERTIFICATIONS**

- ISO 17020: Requirements for the operation of various types of bodies performing inspection
- ISO 17025: General requirements for the competence of testing and calibration laboratories
- ISO 17021: Conformity assessment - Requirements for bodies providing audit and certification of management systems
- McGraw-Hill, Microsoft Office Certification in MS Word, PowerPoint, Excel, and Access for Office 2019/365



CITY OF BAINBRIDGE ISLAND

City Advisory Group Application

The City of Bainbridge Island welcomes the participation of volunteers in serving our Island community through advisory groups. Please complete the form below if you are interested in serving. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

I am interested in serving on one of the following advisory groups (select all that apply):

- Ethics Board (deadline: 4 pm Feb 21, 2020)
- LEOFF 1 Disability Board
- Salary Commission (deadline: 4 pm Mar 31, 2020)

First Name: JUDITH

Last Name: TINGLEY

Current Employer: I am retired Position: \_\_\_\_\_

Have you served on any other City advisory group? (Please circle one) Yes No

Please share your qualifications for this appointment (skills, activities, training, education) if any: I AM A RETIRED Ph.D. PSYCHOLOGIST; A THERAPIST, A RESEARCHER AND AN ADVISOR AND CONSULTANT TO LARGE ORGANIZATIONS; ETHICS AND COMMUNICATION - THE MOST IMPORTANT TOPICS ASKED FOR! THE BOARD OF EXAMINERS FOR PSYCHOLOGY FOCUSED ON VIOLATIONS OF THE ETHICS NORMS AND RULES. VIOLATIONS BY Ph.D. PSYCHOLOGIST RESULT IN LOSS OF CERTIFICATION, I DID NOT LOSE MY CERTIFICATION.

Please share your community interests (groups, committees, organizations, special activities) if any: \_\_\_\_\_

PAST BOARD OF DIRECTORS: BPL, BLSCC, TREASURER, CHURCH LEADERSHIP, CLIMATE CHANGE COMMITTEE, ZERO WASTE, GATHER CLOTHING FOR HOMELESS PEOPLE IN SEATTLE,



---

Feel free to attach your resume (optional)

How did you hear about the volunteer opportunity? (Please circle one)

City Website                      Notify Me (email notification)      City Manager's Report (e-newsletter)

COBI Connects                      Social Media                                      Newspaper (Bainbridge Review or Bainbridge Islander)

Other : ANNE BLAIR

Thank you for your interest!

Please return your application and resume to the Executive Department:

Email [cityadmin@bainbridgewa.gov](mailto:cityadmin@bainbridgewa.gov)

Fax (206) 780-8600

Mail City of Bainbridge Island, Executive Department, 280 Madison Avenue North,  
Bainbridge Island, WA 98110

Feel free to contact us with any questions (206) 842-2545.

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [City Admin](#)  
**Subject:** Online Form Submittal: City Advisory Group Application  
**Date:** Thursday, July 30, 2020 10:03:20 AM

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## City Advisory Group Application

### Step 1

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Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

---

Applicant Name Tyler Weaver

---

Email

---

Phone

---

Address

---

City Bainbridge Island

---

State Washington

---

Zip 98110

---

Current Employer Calfo Eakes LLP

---

Current Position Attorney

---

I am interested in serving on one of the following City advisory groups (select all that apply): Ethics Board

---

### Experience & Qualifications

---

Have you served on any City advisory groups in the past? No

---

If so, please indicate which groups: *Field not completed.*

---

Please share your qualifications for this appointment (skills, activities, training, education) if any:

I have been a lawyer for 22 years, and a resident of Bainbridge Island for 19. For most of my career, i have been involved in litigation, which is necessary a practice in both conflict and conflict resolution, and one that is closely regulated by rules of ethics. I have personally witnessed what happens when strong advocacy turns into personal disagreements and unfounded accusations. I always strive to avoid crossing that line, and I think my ability to navigate conflict and search for common ground would be a valuable asset for the Ethics Board and the City. In addition, I believe that being a lawyer would also help me both understand and communicate effectively with others about the various ethical rules and restrictions that come with being a public servant.

I also have (details below) experience serving on boards and committees, including in leadership positions that have required me to navigate group dynamics and mitigate conflict.

Please share your community interests (groups, committees, organizations) if any:

I am currently the President of the Board at One Call for All, and am entering my fourth year on that board. I have also recently completed a three-year position on the Board of Trustees for Cedars Unitarian Universalist Church. I am also involved in the local theater scene (when there is not a pandemic), and have appeared in various stage productions and founded an improv-comedy group.

Feel free to attach your resume (optional):

*Field not completed.*

Type the Year

2020

How did you hear about the volunteer opportunity?

Other

Other

Friend who was aware of the opening

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [City Admin](#)  
**Subject:** Online Form Submittal: Citizen Advisory Group Application  
**Date:** Sunday, April 7, 2019 1:44:48 PM

---

## Citizen Advisory Group Application

### Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

---

Applicant Name                      Joseph Wolfe

---

Email

---

Phone

---

Address

---

City                                      Bainbridge Island

---

State                                    WA

---

Zip                                        98110

---

Current Employer                  Retired

---

Current Position                    Professor Emeritis University of Tulsa

---

I am interested in serving on one of the following advisory groups (select all that apply):

Ethics Board , Historic Preservation Commission

---

### Experience & Qualifications

---

Have you served on any city advisory groups in the past?                  No

---

If so, please indicate which groups:                                  *Field not completed.*

---

Please share your qualifications for this appointment (skills,                  I have written a number of case studies that dealt with ethics and ethical issues. One of my fields for my doctorate dealt was Business and Economic History. I have visited my historical sites

activities, training,  
education) if any:

and museums.

---

Please share your  
community interests  
(groups, committees,  
organizations) if any:

I am interested in the Ethics Committee and the Historical  
Committee.

---

Feel free to attach your  
resume (optional):

---

Type the Year

2019

---

How did you hear  
about the volunteer  
opportunity?

Other - See below

---

Other

The new COBI Newsletter

---

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Joseph Wolfe, Ph.D. from New York University's Stern School of Business in Management, has actively researched and practiced experiential teaching methods in both their business games and case research forms for over forty years. He is Professor Emeritus, University of Tulsa and President of his consulting firm Experiential Adventures LLC. Dr. Wolfe's work has entailed business game applications in the United States as well as in Russia, Belarus, Ukraine, Poland, Hungary, Thailand, The Netherlands and China. In his role as an advocate of active management education and development techniques he was a Fulbright Lecturer in Strategic Management at Budapest Hungary's International Management Center and has conducted over 45 case research studies on many American and Canadian companies as well as large-scale enterprises in Budapest, Novgorod and Moscow.

Joe is a past President of the Association for Business Simulation and Experiential Learning (ABSEL) and past chair of the Academy of Management's Management Education and Development Division. He has served as Business Section Editor for *Simulation & Gaming* and also served on the editorial boards of *Management Learning*, the *Case Research Journal* and the *Journal of Simulation Practice and Theory*. Dr. Wolfe also has served or serves on the boards of many academic organizations including the Casewriters Association, the Center for Managerial Learning and Business Simulation at Georgia Southern University, INSEAD's Center for Advanced Learning Technology, Euro Working Group 21 (Delft University), Portland State University's Soviet and East European Business Administration Center, the Kiev Building Institute's School of Managers International Advisory Board and the St. Petersburg Academy of Technology and Economics' Simulation Center Advisory Board.

During his academic career Dr. Wolfe has helped to develop a number of university-based programs in post-socialist economies. His interests have resided in bringing change and development to a nation's managers. First work in this regard began in Central Europe in 1987 when he was part of a simulation symposium conducted at Budapest's Karl Marx University. Later travels took him to Archangelsk, Rostov-on-Don, Tambov, Novgorod, Katowice, Lublin and Moscow where he worked with both embryonic and experienced managers using Russian and Polish translated computer-based business games and specially prepared case studies. He has also delivered faculty symposia on these experiential teaching techniques at INSEAD's Center for Advanced Learning Technologies in Fontainebleau, France and in such Central and Eastern European universities as Humboldt University, Warsaw University, the Kiev Technological University and the St. Petersburg Academy of Technology and Economics. Travels have recently taken him to Beijing, China and Tokyo, Japan where he demonstrated *The Global Business Game* initially published by South-Western College Publishing in 2000 and 2003. This simulation has now migrated to the Internet in cooperation with Innovative Learning Solutions, Inc.

Over the years temporary faculty appointments have been held in Spring 1990 at Budapest's International Management Center, Central Europe's first private MBA program, and Zelenograd's School of Business in Winter 1995. At both these institutions Dr. Wolfe engaged in curriculum development activities while also developing five teaching case studies on transitioning state-owned enterprises. Three case studies were conducted on two of Hungary's major industrial firms, the Csepel Machine Tool Works and the Taurus Hungarian Rubber Company. In the former Soviet Union Dr. Wolfe studied the Transvit Company of Novogrod, Russia and Moscow's Angstrom Company. The former company is a manufacturer and lightduty transformers while Angstrom is Russia's second largest computer chip manufacturer. Both firms were experiencing the era's typical problems of excess capacity, redundant labor forces, antiquated manufacturing technologies and inadequate capital.

Dr. Wolfe continues his management education and development activities wherever possible. He curated the ABSEL Business Games and Exercises Archive at the University of Tulsa's McFarlin Library, is Chair of the ABSEL Legacy Project and most-recently, Chair of ISAGA 2014's Outstanding Papers Committee and Co-editor of two *Simulation & Gaming* symposium issues based on papers associated with that association's 2014 Dornbrin Austria conference.

Joe now lives on Bainbridge Island with his wife and two granddaughters, just a short ferryride across Puget Sound from Seattle.

**From:** [Joseph Wolfe](#)  
**To:** [Roz Lassoff](#)  
**Subject:** Online Form Submittal: Citizen Advisory Group Application  
**Date:** Thursday, May 2, 2019 4:39:06 PM  
**Attachments:** [Writing Example.docx](#)

---

Hi Roz:

Many thanks for continuing to let me pursue my desire to serve on the Ethics Board. You asked for an example of my writing ability.

Attached is my most-recent research study that was published in a referred journal. I am sorry that it might be a bit dry but academic writing requires this style. Still, you can see from the Abstract that I had to recognize that a problem existed, had to logically go about creating a research design that investigates the problem in a logical manner, engaged in an analysis for the data collected and lastly stating the results obtained.

Other writing I have accomplished over the years would include the following:

- My Doctoral Dissertation entitled *Increasing Black Entrepreneurship in the Ghetto: An Exploratory Study of a Management Training Program for Harlem Blacks*. As was the case for the attached writing example, this work had to follow the usual requirements for good, readable writing, and was orally defended.
- Over 60 referred journal articles all of which were research-based.
- 46 published case studies, of which three involved ethics, and the treatment of ethics in business situation.

Hoping that I might be allowed to serve on the Ethics Committee.

Joe

Joseph Wolfe PhD  
Professor Emeritus  
The University of Tulsa  
206 201 3216

Sent from [AOL Desktop](#)

In a message dated 5/2/2019 3:08:15 PM Pacific Standard Time, rlassoff@bainbridgewa.gov writes:

Hi Joseph,

Thank you for applying to serve on the Ethics Board. Interviews will be held on Monday, May 20 in the mid-late afternoon (time slots TBD).

One of the important skills for members of the Ethics Board is the ability to write clearly, so please submit a sample of something you've written. Your writing sample should demonstrate problem solving, logical thought, and/or an analytical process. Examples might include a memo outlining a substantive issue, an email you sent to your team or project members, an opinion you prepared for an Op Ed page of a newspaper. Please redact any sensitive details or names that should remain private.

Please submit this information by Thursday, May 9, 2019.

## Who Learns in a Business Game: An Objective Single Player Examination

### Abstract

*Background.* After over 60 years of business game usage in higher education, there is still no objective evidence that they teach a course's subject matter.

*Aim.* The purpose of this study was to directly and objectively measure a player's learning in a game against a strategic management course's teaching/learning objective.

*Method.* 59 seniors in a capstone strategic management course played a relatively complex game for 12 decision periods after being assigned to single-member companies. Before and after tests were administered of their knowledge of the strategic management field's theories and tools, as applied to the game. Another measure of learning was their Before/After SWOT analyses of their firm's initial competitive prospects and its final position. Each player's online decision-making behaviors were recorded in a clandestine fashion.

*Results.* A slim majority of the students improved their knowledge scores while another large minority did not. An analysis of those who were high learners found they were more-strongly engaged in the simulation over its duration. They also paid more attention to using the game's reports and gave more attention to their company's functional business areas and also in a more-consistent fashion. Those who were low learners put much less effort into the game and were haphazard regarding the company functions they pursued. Similar results were found between those whose SWOT scores improved the most versus those who showed low or negative improvement.

*Conclusions.* A business game is able to teach. It cannot be assumed, however, that all game participants are equally committed to their gaming experience and that different learning levels are associated with this commitment and their attention to the game's challenges.

*Recommendations.* Instructors who use a game should monitor the progress, or lack thereof, of all its players. They should early-on coach those players who spend much time merely viewing their company's operations rather than taking actions that improve their firm's performance. It is believed that playing such games of this type in teams also makes it difficult to know who is learning what from the experience and that additional measures must be employed to detect an individual's amount of learning.



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** September 1, 2020

**ESTIMATED TIME:** 10 Minutes

**AGENDA ITEM:** (9:15 PM) Process to Fill Race Equity Task Force Vacancy - Executive,

**SUMMARY:**

On August 25, the City Council approved two appointments to the Race Equity Task Force. Subsequently, one of the appointees notified the City that they would not be available to serve. This time is scheduled to discuss the process to fill the vacant position.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** City Council

**RECOMMENDED MOTION:** Discussion

**STRATEGIC PRIORITY:** Good Governance

**FISCAL IMPACT:**

<b>Amount:</b>	
<b>Ongoing Cost:</b>	
<b>One-Time Cost:</b>	
<b>Included in Current Budget?</b>	

**BACKGROUND:**

**ATTACHMENTS:**

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**