



CITY OF
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION
TUESDAY, JANUARY 19, 2021**

REMOTE MEETING ON ZOOM

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:
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WEBINAR ID: 973 5975 5780

AGENDA

1. **CALL TO ORDER / ROLL CALL - 6:00 PM**
2. **APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE - 6:05 PM**
3. **FUTURE COUNCIL AGENDAS - 6:10 PM**
 - 3.A **(6:10 PM) Future Council Agendas, 10 Minutes**
[January 26 City Council Regular Business Meeting.pdf](#)
[February 2 City Council Study Session.pdf](#)
[February 9 City Council Regular Business Meeting.pdf](#)
4. **UNFINISHED BUSINESS**
 - 4.A **(6:20 PM) Sustainable Transportation Plan Update – Projects and Programs - Public Works, 10 Minutes**
[BAINBRIDGE STP_January Update_20210119.pdf](#)
5. **NEW BUSINESS**
 - 5.A **(6:30 PM) Safe Routes To School Discussion - Public Works, 15 Minutes**
[Safer Routes to School Slides 011921.pptx](#)
 - 5.B **(6:45 PM) Review 2020 Results for Citywide Workplan Priorities - Executive, 60 Minutes**
[2020 Workplan Results for CC 01192021](#)
6. **CITY COUNCIL DISCUSSION**

- 6.A **(7:45 PM) Revisions to Governance Manual and Expectations for Council Liaisons - Councilmembers Schneider and Pollock,** 45 Minutes
Simplified Rules of Procedure 1-15-21.docx
COBI Committee List.xlsx
Councilmember Liaison Job Description amendments_01-15-21.pdf
FOR REFERENCE_Resolution No. 2020-15 Updating the Governance Manual - Approved 071420
- 6.B **(8:30 PM) Economic Recovery Grants - Councilmembers Schneider, Hytopoulos, and Deets** 20 Minutes
Proposed COBI Business Recovery Grants Memo.docx
Phase III Application Example_Redacted.pdf
FOR REFERENCE - Agenda Bill for Resolution 3329 Small Business Assistance CARES.pdf
FOR REFERENCE - Resolution 3329 Small Business Assistance CARES.pdf
FOR REFERENCE - Bremerton Contract with KEDA -- Small Business Grant Program Administrator Agreement.docx
7. **FOR THE GOOD OF THE ORDER - 8:50 PM**
8. **ADJOURNMENT - 9:00 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.

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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: January 19, 2021

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (6:10 PM) Future Council Agendas,

SUMMARY: Council will review future Council agendas.

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION: Discussion.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[January 26 City Council Regular Business Meeting.pdf](#)

[February 2 City Council Study Session.pdf](#)

[February 9 City Council Regular Business Meeting.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, JANUARY 26, 2021

REMOTE MEETING ON ZOOM

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, 30 Minutes
3. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE - 6:35 PM
4. PUBLIC COMMENT - 6:40 PM
5. CITY MANAGER'S REPORT - 6:55 PM
6. FUTURE COUNCIL AGENDAS - 7:00 PM
 - 6.A (x PM) Future Council Agendas, 10 Minutes
7. PRESENTATION(S)
 - 7.A (7:10 PM) COVID-19 Update - Community Based Test Site and Vaccine Distribution Efforts - Executive, 10 Minutes
8. UNFINISHED BUSINESS
 - 8.A (7:20 PM) Resolution No. 2021-02 - Small Water System Policies - Public Works, 5 Minutes
Resol 2021-02 Small Water System Policy.docx
UAC Water System Memo 092320.pdf
9. NEW BUSINESS

- 9.A **(7:25 PM) Ordinance No. 2021-05 (Formerly Ordinance No. 2020-04), Adopting Small Wireless Facility Design Standards,** 30 Minutes
Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards - Public Hearing Draft
- 9.B **(7:55 PM) Ordinance No. 2021 - 06, Terminating the Interim Wireless Communications Facilities Ordinance No. 2020-22** 5 Minutes

10. COUNCIL DISCUSSION

- 10.A **(8:00 PM) Update on GARE Training and Possible Next Steps - Councilmember Fantroy-Johnson,** 10 Minutes

11. CONSENT AGENDA

- 11.A **(8:10 PM) Agenda Bill for Consent Agenda,** 5 Minutes
- 11.B **Accounts Payable and Payroll,**
- 11.C **City Council Study Session Minutes, January 5, 2021**
- 11.D **City Council Regular Meeting Minutes, January 12, 2021**
- 11.E **City Council Special City Council Meeting Minutes, January 14, 2021**
- 11.F **Resolution No. 2021-01 Relating to a Fee Schedule Update - Finance,** 5 Minutes
Resolution No. 2021-01 Relating to a Fee Schedule Update.docx
- 11.G **Ford F150 Truck Procurement for Utilities (CIP 00982) - Public Works** 5 Minutes
Ford F150 Truck Quote_00982.pdf
- 11.H **Ford F150 Truck Procurement for Utilities (CIP #00983) - Public Works,** 5 Minutes
Ford F150 Truck Quote_00983.pdf
- 11.I **Ford F150 Truck Procurement for Streets (01110) - Public Works,** 5 Minutes
Ford F150 Truck Quote_01110.pdf
- 11.J **Kubota Excavator & Trailer Procurement - Public Works,** 5 Minutes
Kubota Excavator Quote.pdf
Trailer Quote.pdf
- 11.K **Bainbridge Parks Foundation Donation Agreement - Public Works,**
Parks Foundation Donation Agreement 2-Plants.docx

[Attachment A - Plant List.pdf](#)

- 11.L City of Bainbridge Island and Bainbridge Island Metropolitan Park and Recreation District – Trails Interlocal Agreement and Budget Amendment – Public Works, 5 Minutes**
[COBI Staff Memo-Trails ILA.docx](#)
[COBI - BIMPRD - Trail Sharing ILA.docx](#)
[Attachment A - Work Request.docx](#)

- 12. COMMITTEE REPORTS - 8:15 PM**
- 13. FOR THE GOOD OF THE ORDER - 8:20 PM**
- 14. ADJOURNMENT - 8:30 PM**

GUIDING PRINCIPLES

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CITY OF
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION
TUESDAY, FEBRUARY 02, 2021**

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. **FUTURE COUNCIL AGENDAS**
 - 4.A **(x PM) Future Council Agendas, 10 Minutes**
 - 4.B **Discussion of Potential Future Council Agenda Items - Police/Court Facility Costs, 10 Minutes**
5. **PRESENTATIONS**
 - 5.A **WSDOT Presentation on the SR305 Adas Will/Port Madison Roundabout Project - Public Works, 30 Minutes**
6. **UNFINISHED BUSINESS**
 - 6.A **Interim Green Building Program - Planning, 10 Minutes**
 - 6.B **Recommendations and Update from the Climate Change Advisory Committee, 30 Minutes**
 - 6.C **(PM) Update on the Development Moratorium - Planning, 10 Minutes**
 - Moratorium Work Program Status Report
 - Development Moratorium Summary Effective 20201104.pdf
 - Ordinance No. 2020-29 Further Narrowing the Development Moratorium to Shoreline Properties within the WMPA Approved 102720.pdf
 - Ordinance No. 2020-29 Exhibit B Winslow Master Plan Study Area Approved 102720.pdf
 - ORD NO. 2020-24 EXTENDING THE DEVELOPMENT MORATORIUM.pdf

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

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CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, FEBRUARY 09, 2021

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. CITY MANAGER'S REPORT
6. FUTURE COUNCIL AGENDAS
 - 6.A (x PM) Future Council Agendas, 10 Minutes
7. PRESENTATION(S)
8. PUBLIC HEARING(S)
9. UNFINISHED BUSINESS
 - 9.A Ordinance No. 2021-07, Amending the Tree and Vegetation Chapters of the Municipal Code, per the Landmark Tree Ordinance Work Plan 15 Minutes
 - 9.B Ordinance No. 2021-X, Bonus FAR Interim Control, 6 Month Extension - Planning, 10 Minutes
10. NEW BUSINESS
 - 10.A Racial Equity Advisory Committee Welcoming Sign and Budget Amendment - Public Works, 10 Minutes
 - 10.B (x PM) Schedule the Public Hearing on Ordinance 2021-03 Joint City Council/Planning Commission

Land Use Subcommittee Phase I "Triage" Code Changes, 20 Minutes

[Ordinance_No_2021-03_Triage_Code_Updates_HW edits](#)

[Ord 2021-03 Exhibit A.docx](#)

[ORD 2020-40 Planning Commission Recorded Motion 121020](#)

[Background Planning Commission Workplan for Joint Land Use Subcommittee Recommendations](#)

[Background Joint Land Use Subcommittee Memorandum Initial Recommendations](#)

[Background Joint Land Use Subcommittee Attachment A Table](#)

10.C Ordinance No. 2021-01 Amending Chapter 20.04 BIMC Relating to City Fire Code - Public Works, 15 Minutes

[Fire Code 2021 Slides.pptx](#)

[Ordinance No. 2021-01 Updating City Fire Code.docx](#)

[UAC Fire Code Memo 050918.pdf](#)

10.D Ordinance No. 2021-02 Amending Chapter 13.10 BIMC Relating to Regulation of Fire Hydrants & Water Mains - Public Works, 10 Minutes

[Ordinance No. 2021-02 Ch 13.10 BIMC Fire Hydrants and Water Mains](#)

[\[For reference only\] Clean copy of Ch 13.10 BIMC Fire Hydrants and Water Mains](#)

11. CONSENT AGENDA

11.A Police Vehicles Procurement 5 Minutes

12. COMMITTEE REPORTS

13. FOR THE GOOD OF THE ORDER

14. ADJOURNMENT

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CITY OF
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City Council Study Session Agenda Bill

MEETING DATE: January 19, 2021

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (6:20 PM) Sustainable Transportation Plan Update – Projects and Programs - Public Works,

SUMMARY: Staff and Consultant to update City Council on the Sustainable Transportation Plan.

AGENDA CATEGORY: Presentation

PROPOSED BY: Public Works

RECOMMENDED MOTION: Information only.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

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

BACKGROUND: Staff and the project consultant from Nelson Nygaard (Jennifer Wieland) will provide a brief summary of the findings from the gap analysis phase of the work, and confirm the next steps for identifying projects, programs, and policies to fill those gaps, in alignment with community goals and objectives. The next phase of work includes project and program list review and editing by the Task Force and community members, and then evaluation and scoring based on Task Force feedback

ATTACHMENTS:

[BAINBRIDGE STP January Update 20210119.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

Bainbridge Island



Sustainable Transportation Plan

City Council Update

January 19, 2021

Tonight's Focus Areas

- Review project work plan for 2021
- Share select gap analysis findings and key opportunities
- Confirm next steps for project, program, and policy identification and review



Updated Project Work Plan



Gap Analysis Themes

- The Island lacks an all ages and abilities network to make biking a choice for more trips
- The transit network serves commute trips very well ... but doesn't meet many needs for intra-Island mobility
- Safe and comfortable connections to schools, parks, and other important destinations are too limited



Credit: Don Willott

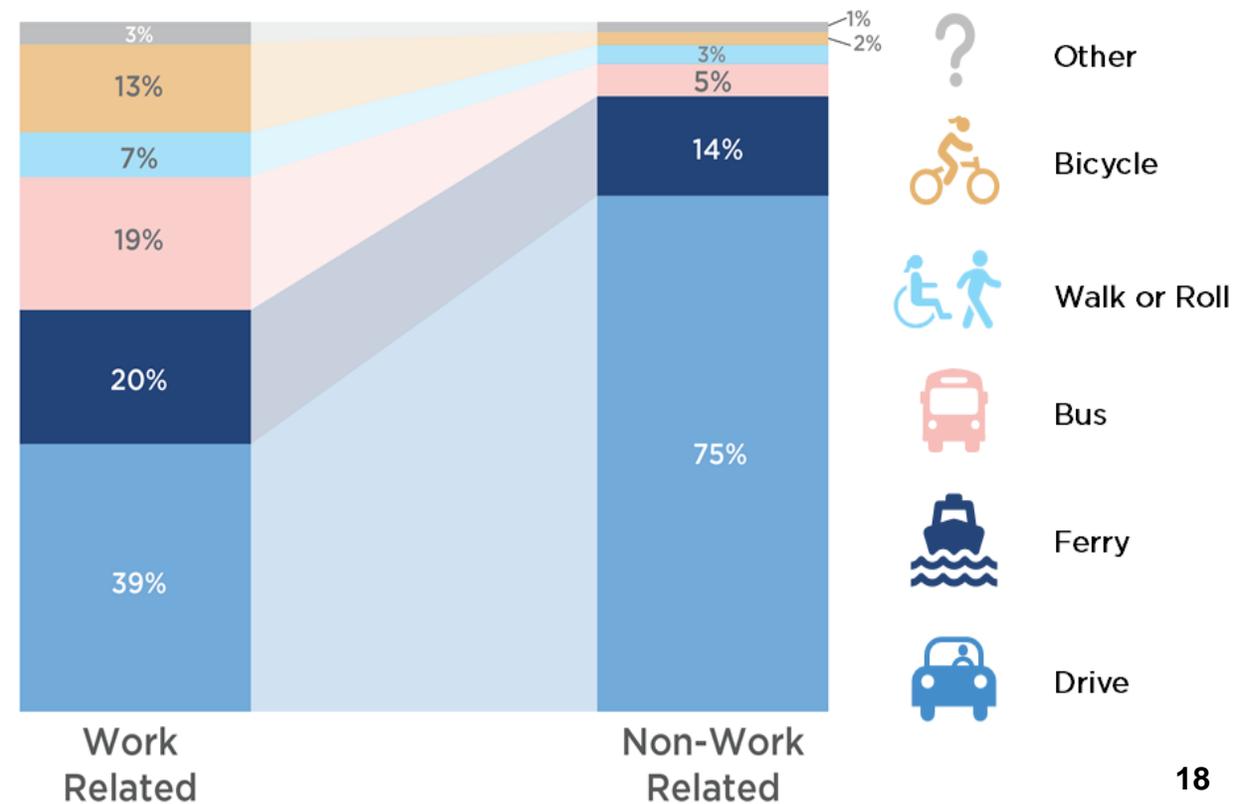


Climate Action and Resilience

Address the climate crisis to create a more resilient Bainbridge Island

Key Gaps:

- Over one third of island emissions are generated by transportation and travel
- Non-commute trips are predominantly made by driving
- Bainbridge Island lacks electric vehicle (EV) charging infrastructure



Natural Systems and Rural Character

Enhance the health of Bainbridge Island's natural systems and honor its rural character

Key Gaps:

- Lack of visibility and awareness of trail connections limit use
- Preserving trees and vegetation can be in tension with creating dedicated space for walking and bicycling
- SR 305's "green and scenic highway" designation may shape the corridor's future



Safety and Comfort

Create transportation networks that protect and prioritize the most vulnerable travelers

Key Gaps:

- The island's most serious and fatal collisions occur on six corridors
- SR 305 is a high crash corridor
- Nearly a third of Bainbridge Island roads have the highest levels of bicycle traffic stress

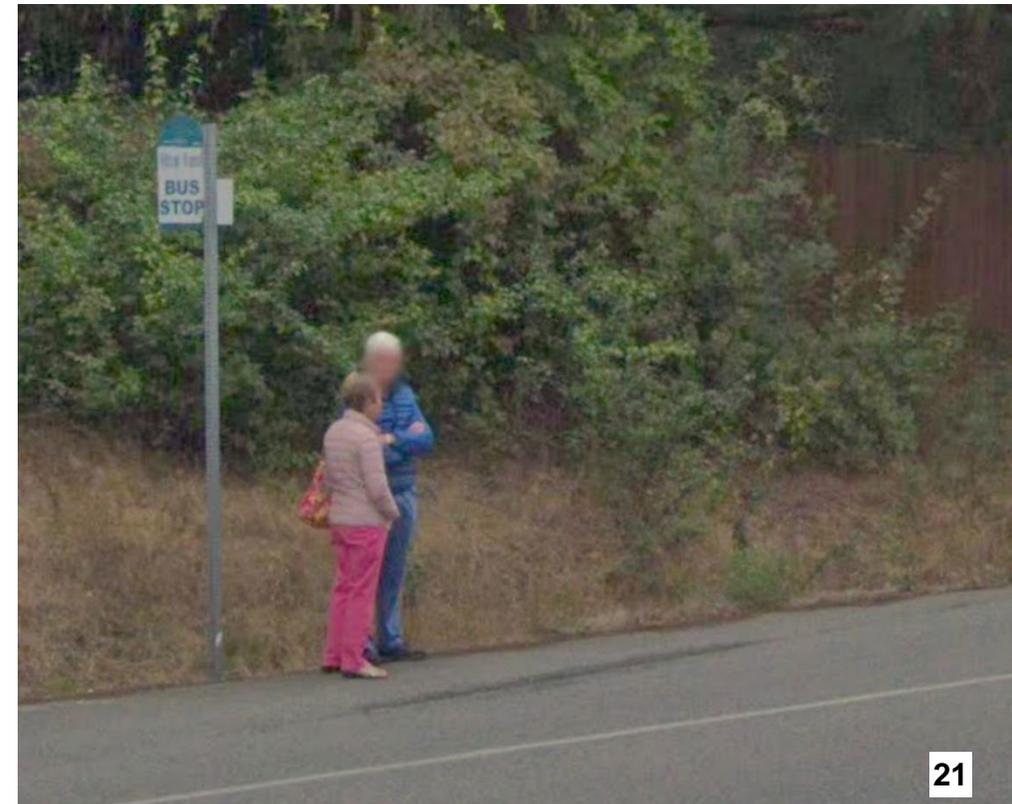


Equity and Accessibility

Eliminate disproportionate burden in our mobility system, focusing on younger and older people, people of color, low-income people, and women

Key Gaps:

- Access to sustainable transportation options is inconsistent
- Accessible pathways are concentrated
- Only half of the island's 10 highest ridership bus stops have shelters
- The STO is the island's only all ages and abilities bicycle facility

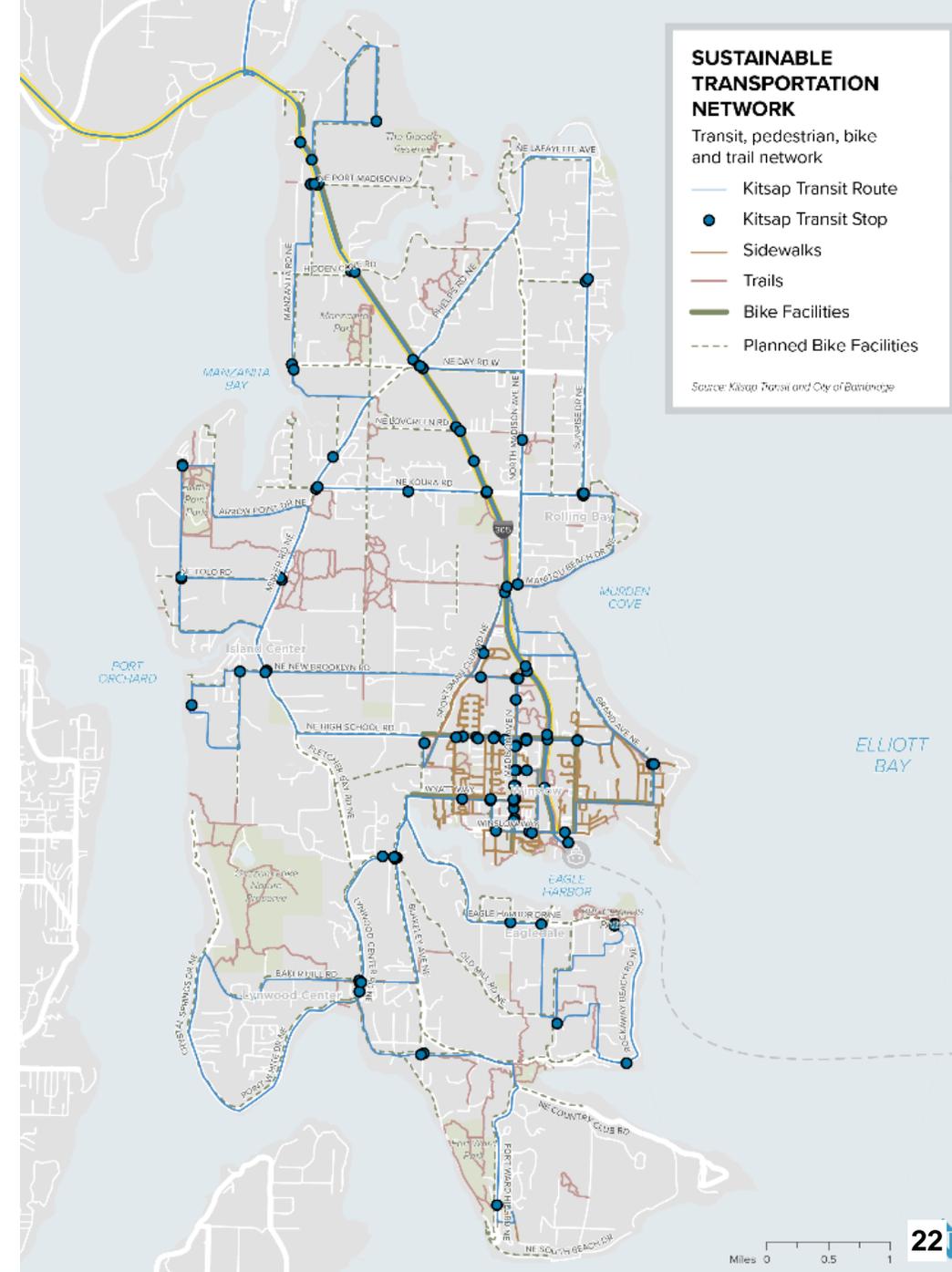


Connected and Convenient

Develop an integrated mobility system that connects destinations with sustainable travel options

Key Gaps:

- The network is disconnected, with limited integration between modes
- Community destinations lack sustainable connections
- SR 305 is a barrier
- Limited sidewalks and bike facilities make transit connections difficult



Implementation and Funding

Expand available resources to advance community priorities and complete networks

Key Gaps:

- Limited funding means the City invests in 3-4 non-motorized projects per year
- Reallocating some funding could build capacity for rapid implementation and pilot projects



Phase 1 Wyatt Way Reconstruction



Example Solutions to Fill Gaps

- Create intra-Island circulator shuttle routes
- Widen sidewalk to side path on High School Rd NE
- Establish an Island-wide wayfinding program
- Develop an all ages and abilities bike connection on NE Day Rd E
- Install traffic calming on Lynwood Center Rd NE
- Build Grand Forest East trail connection



January & February Focus Areas

- Continue to develop preliminary projects, programs, and policies to fill identified gaps
- Work with Task Force to review (and add to) projects and programs
- Finalize evaluation framework approach and scoring criteria based on Task Force feedback
- Prepare for scoring and scenario development



THANK YOU!



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Jennifer Wieland
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SustainableTransportationBI.com



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: January 19, 2021

ESTIMATED TIME: 15 Minutes

AGENDA ITEM: (6:30 PM) Safe Routes To School Discussion - Public Works,

SUMMARY: City staff will present proposed next steps for the "safer" routes to school plan as proposed by Squeaky Wheels at the December 15, 2020 City Council meeting.

AGENDA CATEGORY: Discussion

PROPOSED BY: Public Works

RECOMMENDED MOTION: I move to forward for approval with the January 26, 2021 City Council Consent Agenda authorization for the City Manager to use the Council Contingency Fund in the amount of \$7,500 for expenses related to implementing the "safer" routes to school plan as described as part of this agenda item, and to expend those funds consistent with that plan.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	\$7,500.00
Ongoing Cost:	N/A
One-Time Cost:	\$7,500.00
Included in Current Budget?	No

BACKGROUND: At the December 15, 2020 City Council meeting, Squeaky Wheels, a non-motorized advocacy group, proposed a plan that would ease congestion associated with the return-to-school plan that is anticipated in late January 2021. Staff have reviewed the plan elements that overlap with City responsibilities and facilities, and will present their findings and proposed next steps in a presentation to the Council (attached).

ATTACHMENTS:

[Safer Routes to School Slides 011921.pptx](#)

FISCAL DETAILS: \$7,500 is proposed to be used from the existing Council Contingency fund within the General Fund. The 2021 Adopted Budget includes \$200,000 in annual contingency fund, of which \$65,000 has been approved for support to Friends of the Farms.

The proposed expenditure of \$7,500 will reduce the amount of remaining contingency to \$127,500 for 2021.

Fund Name(s): General Fund

Coding:

“Safer” Routes to School Plan Evaluation

January 19, 2021



Evaluation focused on overlap with City processes and/or facilities:

- First Baptist Church Crosswalk
- Island Church/Sportsman pathway
- Grow Ave pathway/traffic calming
- *Day Road pathway (not considered)*

“Safer” Routes to School Overview



Temporary east-side barricaded pathway; add gravel and compact shoulder

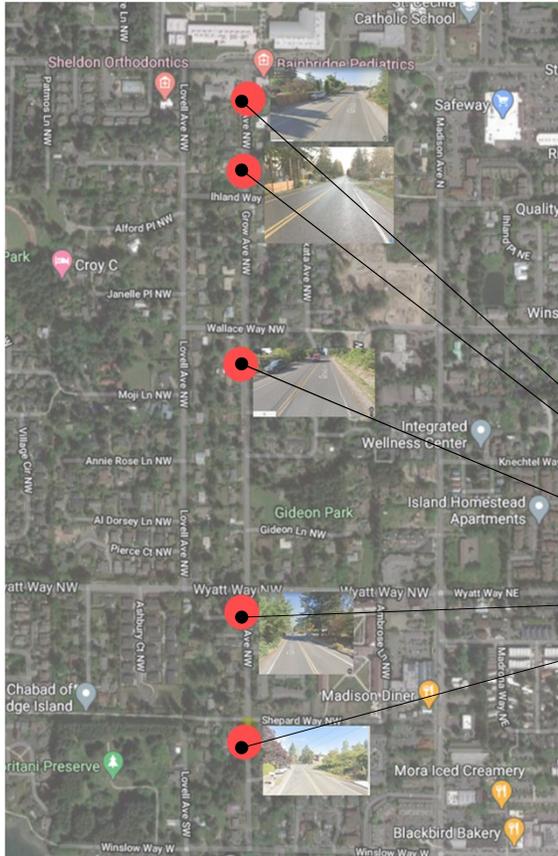
Mid-block crossing center-line ground-mount sign; flag existing signs

Flag existing crosswalk signs

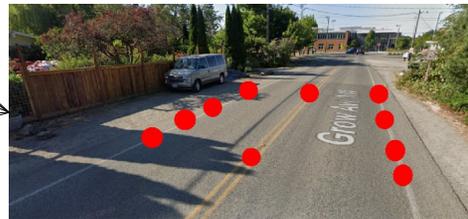
Mid-block crossing center-line ground-mount sign; flag existing signs

Mid-block crossing center-line ground-mount sign; flag existing signs

Grow Ave Traffic Calming



- 30-60 foot “constricted zone” using flexible delineators
- Use temporary delineators in **5** locations to start with radar feedback signs
- Convert to permanent based on performance and feedback
- Potential to add street-painted speed limit at each zone



Questions / Discussion





CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: January 19, 2021

ESTIMATED TIME: 60 Minutes

AGENDA ITEM: (6:45 PM) Review 2020 Results for Citywide Workplan Priorities - Executive,

SUMMARY: This item formally presents a department by department report of results of 2020 work plan priority actions.

A staff memo is also attached to provide additional detail on the City's annual process to identify and track workplan progress. The COVID pandemic both added a significant number of new workplan items and complicated or delayed the delivery of other items.

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION: Discussion.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

In 2020, the City Council and City staff worked together to identify key tasks and initiatives for the year ahead. These workplan priorities represented areas of additional focus, new activities, or those of particular community significance. In many cases, the City's priority items have a multi-year planning horizon, and so it is helpful to report regularly in order to track progress and next steps, and to also identify unexpected challenges or capacity issues.

The summary is not a comprehensive or prioritized list of all City activities but represents a focus only on particular staff tasks and department efforts. It provides an assessment of progress on currently-approved work items to highlight areas of success and challenge. This report and the discussion at the Council meeting on January 19 are intended to provide a reference point to inform future development of the Council's prioritized work plan, which will likely commence when the new City Manager joins the City in the coming months.

The information is presented by department and includes status information as well as planned completion dates and other notes, as applicable.

ATTACHMENTS:

[2020 Workplan Results for CC 01192021](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

MEMORANDUM

Date: January 19, 2021

To: City Council

From: Ellen Schroer, Interim City Manager

Subject: Information on 2020 Year End Workplan Priority Status

The purpose of the workplan summary reports accompanying this memo is to ensure that the Council is informed about the ongoing work of the City organization as we finish 2020 and begin 2021. It focuses on work completed in 2020 and indicates the status of tasks continuing into the new year, as well as those tasks which have been deferred or cancelled.

The summary is not a comprehensive or prioritized list of all City activities but represents a focus only on particular staff tasks and department efforts. It provides an assessment of progress on currently-approved work items to highlight areas of success and challenge. This report and the discussion at the Council meeting on January 19 are intended to provide a reference point to inform future development of the Council's prioritized work plan, which will likely commence when the new City Manager joins the City later this year.

2020 Year-End Results: Citywide Workplan Priorities

In 2020, the City Council and City staff worked together to identify key tasks and initiatives for the year ahead. These workplan priorities represented areas of additional focus, new activities, or those of particular community significance. In many cases, the City's priority items have a multi-year planning horizon, and so it is helpful to report regularly in order to track progress and next steps, and to also identify unexpected challenges or capacity issues.

In May 2020, the City Council and City staff revisited the workplan to discuss impacts due to the Governor's "Stay Home, Stay Healthy" order for all Washington State residents and businesses amid the COVID-19 pandemic. In addition to decreased revenue available for carrying out workplan items, new priorities and tasks were added related to COVID-19 response, and work was disrupted as significant portions of City staff adapted to working from home.

Across the organization, results at year-end (as of December 31, 2020) reflect the number of new items that were added throughout the year. Of the City's 2020 tracked workplan items, 14% were added as a priority or emerged due to issues such as COVID-19 and are considered on track. Even with the dynamic changes and new workplan tasks this year, 47% of the City's 2020 workplan priorities are completed or

on track and another 17% are continuing with a manageable level of disruption/delay but are continuing towards completion. Eighteen tasks, or 12%, have been deferred due to capacity or other issues ("Major Disruption").

Some significant activities that emerged in the course of 2020 are listed below. When these emerging items required significant attention or support from Council and/or City staff, there was decreased capacity to address previously identified projects.

Key Added/Emerging Tasks During 2020 (grouped roughly by topic):

- Activate and staff EOC for COVID-19 pandemic
- Develop processes and procedures, policies and scheduling for telecommuting
- Develop new work approaches for field, operations and public safety employees who continue to work on site and in the field
- Procure and configure additional IT equipment and infrastructure to enable City staff to telecommute
- Scope and deliver facility projects related to COVID workplace safety
- Apply for and receive CARES Grant funding
- Increase availability of online permit processing
- Develop and implement Community COVID Testing Site
- Support community vaccine distribution planning and delivery
- Eagle Harbor PH II Non-Motorized project design and grant application
- Town Center renovation design and review
- Bainbridge Island Senior Center renovation project design and review
- Support community consideration of "Safer" Routes to Schools projects
- Consider Land Use Subcommittee development regulation recommendations, including 12-year Multifamily Tax Exemption (MFTE) program
- Decision Criteria – Conditional Use Permit
- Decision Criteria – Subdivision
- Prepare for termination of development moratorium
- Support for City Manager search
- Support for council member search

In 2021, the status of the City's current year workplan priorities will be reported at mid-year (as of June 30, 2021) and year-end (as of December 31, 2021).

The reports that follow are divided by department. Staff has included many, but by no means all, of the work plan priority items in the attached tables. For departments including Planning and Community Development, Public Works and Executive, the items are presented in three different categories, due to the large number of discrete public-facing policy and project items. The tasks for those departments are divided into three rough priority groups.

- Priority 1 – items which are among the highest Council and community priorities, are regulatory requirements, or are emergent issues
- Priority 2 – items which have funding in the budget, have received significant attention, or are ongoing priority items.
- Priority 3 – items which are best management practices

Within each category, staff has provided status information, as follows:

- New – these are items on which staff is actively working which were added to the workplan in 2020
- On Track – these are items either currently underway or with planned start dates that are in the budget and associated workplan
- Complete – these are items which have been completed
- Delayed – these are items on which staff is working, but are on a different (later) timeline than originally expected or reported in May of 2020 or through the budget discussions.
- Deferred – these are items on which staff is not working. Thus, we don't have an expected timeline.
- Withdrawn or cancelled.

I am looking forward to our discussion on January 19 and welcome any questions or feedback you have. Thank you.



CITY OF
BAINBRIDGE ISLAND

2020 Workplan Priorities Update
Executive Department

JAN 19, 2021

Executive – Priority 1 items

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% complete as of Jan. 2021
Community COVID testing site	New	Plan to operate through Q1 2021 or longer, as needed.	Added in 2020	Q1 2021	
Support community vaccine distribution	New	Plan to operate into Q2 2021 or, as needed.	Added in 2020	Q1/Q2 2021	
Support for City Manager search	On Track		Added in 2020	Q1 2021	90%
Communications Plan: <ul style="list-style-type: none"> • COBI Connects • Project outreach info 	On Track	Production of COBI Connects resumed with January 2021	Q2 – Q4 2020	Q1-Q4 2021	
Police/Court facility: <ul style="list-style-type: none"> • See Public Works 	On Track	Scheduled to return to Council in Q1 with construction contract.	Q1 – Q4 2020	Q1 – Q2 2021	
Support Council consideration of use of LTAC funds for affordable housing	Complete		complete		100%
Complete closing for purchase of Harrison property	Complete		complete		100%
Support Council review/adoption of Climate Action Plan	Complete	Adopted November	Q1 – Q4 2020		100%
Support Council consideration of I-976 impacts	Complete		Q2 – Q4 2020		100%
Support for council member search	Complete		Added in 2020		100%
Support Council consideration of public farmland framework	Delayed	Recommendation from Council Ad Hoc committee forthcoming	Q2 – Q4 2020	Q1 – Q2 2021	
National Citizens Survey	Delayed	Funding included in 2021 Adopted Budget	Q2 – Q4 2020	Q2 2021	
Communications Plan: Website improvements	Deferred		Q2 – Q4 2020	TBD	
Support Council planning for Teen Mental Health workshop	Stopped	Ad hoc committee will sunset Q1 2021	TBD	TBD	

Executive – Priority 2 items

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% complete as of Jan. 2021
Climate Change Officer Hiring	On Track	New position added for 2021	N/A	Q2 2021	10%
Support 2021 Human Services funding cycle	Complete	One-year decision will add process in 2021 for 2022	Q2 – Q4 2020		100%
Support Council decision-making on Suzuki affordable housing project	Complete	Contract expired	TBD		100%
Complete Code changes to convert Human Services Funding Advisory Committee to a Task Force	Complete				100%
Complete Code changes to convert Cultural Funding Advisory Committee to a Task Force	Complete				100%
Implement changes to Ethics Program	Delayed	Pending input from Council and Ethics board	TBD	Q1-Q2 2021	
Support 2021 LTAC funding cycle	Delayed	Award cycle to be held in Q1 2021	Q2 – Q4 2020	Q1 2021	25%
Plan for 2021 Community Needs Assessment	Delayed		Q3 – Q4 2020	Q2 - Q3 2021	

Executive – Priority 3 items

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% complete as of Jan. 2021
Support RETF/REAC outreach workplan	On Track	Some items delayed due to COVID restriction	TBD		
Facilitate Council review of ongoing funding for Public Art Committee/AHB and plans for “Something New” rotating artwork project	On Track	City and AHB will sign 5-year PSA	TBD	Q1 2021	90%
Resolve Crawford shade covenant issues	On Track	Awaiting community response to City inquiry	TBD	Q1-Q4 2021	25%
Implement closed captioning for City Council meetings	On Track	Equipment purchased. Implementation underway	TBD	Q2/Q3 2021	50%
Establish franchise agreements with utilities located in City right-of-way (e.g., Comcast, PSE KPUD, Verizon, etc.)	On Track	In progress.	Q1 – Q4 2020	Q1 -Q4 2021	25%
Support City participation in opioid lawsuit	On Track		TBD	Q1-Q4 2021	25%
Complete disposition of designated surplus property (Pritchard, IslandWood Easement, Manitou).	On Track	In progress. Pritchard and Manitou disposition complete.	Q1 – Q4 2020	Q1 – Q4 2021	75%
Continue to investigate options to improve cellular service coverage via Master Permits with Verizon and other service providers	On Track	Next step is to complete updates to Title 19 BIMC related to Master Permits, and then to pursue such permitting with Verizon and other providers.		Q1 – Q4 2021	25%

Executive – Priority 3 items (continued)

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% complete as of Jan. 2021
Support transition of Race Equity Task Force to standing advisory committee	Complete		Added in 2020		100%
Support installation of 2020 “Something New” public artwork	Complete	Artwork was rotated in fall 2020.	Q3- Q4 2020		100%
Manage GARE technical assistance project	Delayed	Latest information from GARE is that programming is not available as previously planned.	TBD	TBD	
Revise and update City real property surplus process	Delayed	Should proceed as needed to support disposition/ planning for Suzuki property.	TBD	TBD	
Revise and update City special event permit process	Delayed	Will move forward as staff capacity allows.	TBD	TBD	
Consider rules related to Sexually Violent Predator Housing	Delayed	Will move forward as staff capacity allows.	TBD	TBD	
Emergency Preparedness: <ul style="list-style-type: none"> Continue Map Your Neighborhood outreach complete MOUs with community partners for Hubs and Shelters Plan and execute quarterly EOC exercises 	Delayed	Emergency response activities will take precedence for foreseeable future.	Q1 – Q4 2020	TBD	
Complete annual update to GHG inventory dataset	Delayed		Q3 2020	Q1 2021	
Continue to investigate options to improve community cellular service	Delayed	Ongoing.	Q1 – Q4 2020	Q1 – Q4 2021	
Identify options for WSF viewing platform	Deferred	Recommend do not continue.	TBD		

Executive – Priority 3 items (continued)

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% complete as of Jan. 2021
Support Council consideration of “City Academy” project	Deferred	Council declined to review materials in Q1. Recommend do not continue.	Q1		
Support Council consideration of BIMPRD option to manage City Dock	Deferred	Recommend do not continue. Next RFP for concession will be issued in Q3.	TBD		



**CITY OF
BAINBRIDGE ISLAND**

2020 Workplan Priorities Update
Public Works Department

JAN 19, 2021

Public Works – Priority 1 Items

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% complete as of Jan. 2021
Eagle Harbor PH II Non-Motorized – Complete design and construct	New	Target ad date 2/12/2021	Added in 2020	Q1-Q4 2021	40%
Visconsi Trail – Complete permitting and construct	New	Target ad date 3/26/2021	Added in 2020	Q1-Q4 2021	40%
Sportsman Club/New Brooklyn Roundabout – Complete design and construct	On-Track	Target advertisement date 2/12/2021	Q2 - Q4 2020	Q1-Q4 2021	30%
Support Sustainable Transportation Project	On-Track	Current timeline wraps project up mid-year	Q2 - 2021	Q2 2021	50%
Initiate design for Sunday Cove, Lovell, Wood, Wing Point (SLoWW) sewer improvements	On-Track	Community outreach and design proceeding	Q2 - Q4 2020	Q1-Q4 2021-22	20%
Complete Country Club road bulkhead “spot” repair – Complete design and construct	On-Track	Council approved “spot” repair in lieu of full repair project	Q2 - Q4 2020	Q1-Q3 2021	30%
Pritchard Outfall – Complete design, community outreach and construct	On-Track	Target ad date 6/1/2021	N/A	Q1-Q4 2021	30%
Water and Sewer SCADA Upgrades - construct	On-Track	Target ad date 2/12/2021	N/A	Q1-Q3 2021	50%
Chlorine Generator Replacement – Complete design and construct	On-Track	Target ad date 1/8/2021	N/A	Q1-Q2	50%
Police/Court Facility – Complete design and construct	On-Track	Target ad date 2/19/2021	N/A	Q1-Q4 2021-22	30%
Lead updates to Citywide Capital Improvement Plan (CIP)	Complete	Council approved on 11/14/2020	Q2 - Q4 2020	N/A	100%

Wyatt Way Roundabout and Improvements - Complete design and construct	Delayed	Delay due to water main construction challenges; Project completion estimated 3/31/21	Q2 - Q4 2020	Q1 2021	80%
Complete pre-design for Winslow Water Tank replacement; submit to DOH	Delayed	Delay due to technical issues related to the water system model; Pre-design report estimated complete in Q1; DOH final review at end of Q2	Q2 - Q4 2020	Q1-Q2 2021	60%
High School Road Safety Improvements - Complete design and construct	Delayed	Delay due to federal grant agency response; Project design completed; Target advertisement date 3/9/21	Q2 - Q4 2020	Q1-Q3 2021	40%
Complete Eagle Harbor Drive/McDonald Creek culvert – permit and construct	Delayed	Design completed, but project on-hold to explore mitigation options that will avoid a permit appeal	Q2 - Q4 2020	Q1-Q4 2021	30%
City Hall Repairs - construct	Delayed	Delay due to window supplier error; additional work discovered upon demo	N/A	Q1-Q2	70%

Public Works – Priority 2 Items

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% complete as of Jan. 2021
BISCC Renovations Project – design and construction	New	New project: first step is to initiate an agreement with BISCC	Added in 2020	Q2-Q4 2021-22	0%
Hands-free restroom fixture upgrade - construction	New	New project	Added in 2020	Q1 2021	40%
Village Basin sewer force main project – design and construction	On-Track	New project: pre-development report completed	N/A	Q1-Q4 2021-22	10%
City Hall Security – design and construction	On-Track	New project	N/A	Q4 2021-22	0%
Salt Storage Facility – design and construction	On-Track	New project	N/A	Q3-Q4 2021	0%
Stormwater Master Plan	On-Track	New project scope	N/A	Q2-Q4 2021-22	0%
Annual drainage program – design and construction	On-Track	New project	N/A	Q1-Q4 2021	20%
Annual road preservation and striping program – design and construction	On-Track	New project	N/A	Q1-Q4 2021	20%
Annual fleet and equipment procurement	On-Track	New projects	N/A	Q1-Q4 2021	10%
Engineering Staff Hires – Engineering Manager; Project Engineer	On-Track	Advertise positions in early 2021	N/A	Q1-Q2 2021	10%
NTA Grant for Manzanita Watershed Planning	On-Track	Grant available in Q2 2021	N/A	Q2-Q4 2021-22	5%
Complete study to upgrade WWTP to tertiary treatment	Delayed	Delay due to COVID; planned Council briefing in February	Q2 - Q4 2020	Q1 2021	90%
Support PSE Brien Drive power undergrounding and vehicle charging station	Delayed	Project delay due to PSE scheduling; undetermined start date at this time	Q2 - Q4 2020	Q2-Q3 2021	10%

Complete changes to Fire Code/Coordination with BIFD	Delayed	Delayed due to code adoption schedule postponed by state agencies until 7/21; planned Council approval in January	Q3 - Q4 2020	Q1 2021	90%
Support Council consideration of BIMPRD collaboration on trail projects	Delayed	Delay due to COVID and staff availability; planned Council approval in January	Q2 - Q4 2020	Q1 2021	90%
Comcast Franchise	Delayed	Delay due to COVID	N/A	Q1-Q2 2021	25%
Complete Winslow wayfinding project	Delayed	Delay due to BIDA/Chamber revisions to sign graphics; installation planned for early	Q1 - Q4 2020	Q1 2021	70%
Complete identified traffic calming projects	Delayed	Delayed due to extended public outreach component; installation planned for early 2021	Q2 - Q4 2020	Q1 2021	70%
Support Groundwater Management Plan	Delayed	Delay due to hiring hold; new hire completed early 2021	Q4 2020	Q1-Q4 2021-22	5%
Lead PSE Franchise renewal process	Delayed	Delay due to COVID and consultant availability; re-start planned for early 2021	Q3 - Q4 2020	Q1-Q4 2021-22	10%

Public Works – Priority 3 Items

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% complete as of Jan. 2021
Complete Streets Ordinance	New	Pass model ordinance to allow for grant opportunities	Added in 2020	Q2 2021	0%
Safe Routes to School projects	New	Community-driven projects; scheduled for Council briefing in January	Added in 2020	Q1 2021	5%
Support Climate Action Plan Implementation Road Maps	New	Multi-layered effort	Added in 2020	Q1-Q4 2021-22	0%
Race Equity Advisory Committee Welcoming Signage	New	Initial designs completed	Added in 2020	Q1-Q3 2021	30%
WRIA 15 Watershed Plan Approval	On-Track	Scheduled for UAC/ETAC and Council briefing in January/February	N/A	Q1 2021	50%
Traffic Calming Program Development	On-Track	Develop program first, then prioritize projects	N/A	Q2 2021	0%
Water System Business Plan	On-Track	Council scheduled to pass resolution in January	N/A	Q4 2021-2022	0%
Farm Irrigation Projects - construction	On-Track	Pump and well-head maintenance/replacement	N/A	Q3 2021	20%
Respond to and support potential Local Improvement District for Ferncliff HOA	On-Track	Driven by community interest	N/A	TBD	0%
Support Council consideration of improvements to BI Senior Community Center (BISCC)	Complete	See priority 2 project list	2021	N/A	100%
Support Council consideration of improvements to City Hall	Complete	Not included in current CIP	2021	N/A	100%
Support Council consideration of City Dock expansion options	Complete	Not included in current CIP	2021	N/A	100%
Support annual rotation of "Something New" public art program	Complete	Artwork updated in Q4 2020; next round scheduled for 2022	Q3 - Q4 2020	2022	N/A

Public Works – Priority 3 Items (continued)

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% complete as of Jan.
Support PSE community solar project	Delayed	Project driven by PSE schedule; on hold until 2021	Q2 - Q4 2020	Q2 2021	5%
Design and complete Dana's Trail project improvements planned for BISD property	Deferred	Project advancement pending BISD; will likely defer until 2021	2021	N/A	N/A
Initiate work to assess site options at Vincent Road property	Deferred	Deferred indefinitely	2021	N/A	N/A
Support design options and financing for WSDOT/Day Road Project	Cancelled	WSDOT project no longer supported by state budget	N/A	N/A	N/A



CITY OF
BAINBRIDGE ISLAND

2020 Workplan Priorities Update

Planning and Community Development Department

JAN 19, 2021

PLANNING & COMMUNITY DEVELOPMENT – Priority 1 Items

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% complete as of Jan. 2021
Adopt 12-year Multifamily Tax Exemption (MFTE) program	New	Added per recommendation by the joint city council planning commission land use subcommittee.	Added in 2020	Q1-Q4 2021	5%
Triage – Phase I Code Changes – Code revisions related to certain procedures	New	Added per recommendation by the joint city council planning commission land use subcommittee.	Added in 2020	Q1 2021	85%
Triage – Phase II Code Changes – Code revisions related to meetings and requirements prior to a land use permit	New	Added per recommendation by the joint city council planning commission land use subcommittee. Planning Commission/Design Review Board and staff review in	Added in 2020	Q1 – Q2 2021	25%
Decision Criteria – Conditional Use Permit	New	Awaiting further direction from the joint city council planning commission land use subcommittee.	Added in 2020	TBD	0%
Decision Criteria – Subdivision	New	Awaiting further direction from joint city council planning commission land use subcommittee.	Added in 2020	TBD	0%
FAR - Interim Zoning Control (IZC)- 6 month extension	New	Added per Ordinance 2020-10, IZC ends on March 10, 2021.	Added in 2020	Q1 2021	90%
FAR – Zoning Control – Amended Regulations	New	Added per Ordinance 2020-10 on March 10, 2020. City Manager directed to explore purchasing the Mobile Home Park Bonus FAR.	Added in 2020	Q2 2021	75%
Termination of Development Moratorium	New	If Ecology adopts amendment before the termination of moratorium (April 4, 2021), Council indicated they would elect to terminate moratorium.	Added in 2020	Q1 2021	0%
Climate Action Plan implementation	New	Implement that Climate Action Plan items that are specific to planning and building	N/A	N/A	0%
Complete International Building Code Update	On-Track	State extended deadline from June 2020 to February 2021	Q4 2020	Q1 2021	85%
Buildable Lands Report	On-Track	As part of the Comprehensive Plan Update, the City participates in the County’s Buildable Lands Report to ensure an accurate representation of growth trends.	N/A	Q1 2021	30%

PLANNING & COMMUNITY DEVELOPMENT – Priority 1 Items (continued)

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% Complete as of Jan. 2021
Support Council review of rules related to self-storage facilities	Complete	Council adopted Ordinance 2020-34 on December 8, 2020.	Q2 – Q4 2020	N/A	100%
Complete Administrative Corrections to Title 18, Complete Clarifications of Use definitions & Develop and implement requirement for off-site construction staging	Complete	Adopted pursuant to Ordinance 2020-03.	Q2 – Q3 2020	N/A	100%
Support Council consideration of Green Building Initiatives to include consideration of proposed solar ordinance	Delayed	Task force appointed, scope of work drafted. Council requested interim “off the shelf” program by October 2020. GBTF recommendations were determined inconsistent with state preemption. GBTF will develop new recommendations in Q1 2021.	Q1 - Q4 2020	Q1- Q4 2021	10%
Complete Island Center Subarea Plan	Delayed	Community to determine preferred alternative before legislative process.	Q2 - Q4 2020	Q1 – Q3 2021	75%
Complete Building & Development Services Rate Study	Delayed	Consultant continuing work on fee study in collaboration with Staff	Q1 – Q4 2020	Q1 -Q2 2021	75%
Complete SMP Limited Amendment - Critical Areas & Nonconforming	Delayed	Adopted by Council on November 24, 2020. Awaiting Ecology final approval.	Q2 – Q3 2020	Q1 2021	95%
Support Council completion of remaining workplan items associated with Development Moratorium (CAO/SMP integration)	Delayed	Moratorium extended until April 4, 2021. Final work plan item is awaiting approval from Ecology.	Q2 – Q3 2020	Q1 2021	95%
Complete SMP Periodic Review	Delayed	State deadline extended to June 30, 2021. Utilizing new public engagement tool Civil Space for outreach and project updates	Q2 2021	Q1 – Q3 2021	10%

PLANNING & COMMUNITY DEVELOPMENT – Priority 1 Items (continued)

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% Complete as of Jan. 2021
Support Council consideration of Inclusionary Zoning (IZ)	Deferred	Briefing with Council on June 16, 2020 on recommendations from AHTF & EcoNorthwest. Sent to the Joint Council Planning Commission Land Use Subcommittee. No recommendation to date.	Q2 - Q4 2020	TBD	15%
Support Council consideration of changes to common ownership of ADU's	Deferred	Planning Commission Public Hearing held on Ordinance 2020-02 with a recommendation (January 2020) to the City Council. Council first discussed on July 14, 2020 and sent to the Joint Council Planning Commission Land Use Subcommittee. No recommendation from Committee to date.	Q2 - Q4 2020	TBD	
Complete project to consider TDR Implementation	Deferred	Briefing with Council on June 16, 2020 on recommendations from AHTF & EcoNorthwest. Sent to the Joint Council Planning Commission Land Use Subcommittee. No recommendation to date.	Q2 - Q4 2020	TBD	15%
Complete project to consider ARL designation	Deferred	Delayed due to other pressing legislative items	Q2-Q4 2020	TBD	0%

PLANNING & COMMUNITY DEVELOPMENT – Priority 2 Items

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% complete as of Jan. 2021
Small Lots Regulations	NEW	Support Council policy discussion and regulations specific to small lots	N/A	TBD	5%
Implement Island Center Subarea Plan	On Track	Amend municipal code to implement Island Center Subarea Plan.	N/A	Q4 2021	0%
SMP/CAO Monitoring & Program Evaluation	On Track	Implement the monitoring and program evaluation requirements adopted in code.	N/A	Q4 2021	0%
Shoreline Stewardship Program	On Track	Implement the shoreline stewardship program adopted in Code.	N/A	Q1-Q4 2021	10%
Complete revisions to Native Vegetation, Landmark Trees Develop and Implement change in noticing requirement for tree clearing	Delayed	Public hearing with the Planning Commission on Dec. 17, 2020. Ordinance being developed for Council consideration.	Q3 – Q4 2020	Q1 2021	85%
Complete changes to Sign Code	Deferred	Delayed due to COVID-19, staffing and other work plan priorities. Last discussion in Q1 with Planning Commission discussion.	Q2 – Q3 2020	TBD	10%
Complete changes to Code Enforcement	Deferred	Delayed due to COVID-19, staffing and other work plan priorities.	Q2 2020	TBD	75%

PLANNING & COMMUNITY DEVELOPMENT – Priority 3 Items

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% complete as of Jan. 2021
Amend Appendix J of the Building Code to address stormwater*	On Track	Appendix J should be amended to reflect the City's stormwater regulations and is a joint exercise with the Public Works Department.	N/A	Q3 – Q4	0%
Initiate Winslow Master Plan (WMP) Update	On Track	Council has indicated their support on this work plan item but timing decision has not been made.	2021	2021	0%
Complete administrative review of Critical Areas (CA) Ordinance	Delayed	Deferred due to GBTF & SMP Periodic Review and planning vacancies. Staff proposes to phase review: Phase 1 ARPA, Phase 2, Other CA's	Q3 - Q4 2020	Q2 – Q4 if put ahead of small lots discussions	5%
Support Council consideration of ordinance to allow RV's as permanent housing	Deferred	Scope TBD; deferred until 2021. Seeking Council confirmation if to remain on work plan	2021	TBD	20%
Support Council consideration of rules for tiny home villages	Deferred	Scope TBD; deferred until 2021. Seeking Council confirmation if to remain on work plan.	2021	TBD	5%
Review Noise Standards	Deferred	Scope TBD; deferred until 2021. Seeking Council confirmation if to remain on work plan.	2021	TBD	0%
SEPA Ordinance Update	Deferred	Scope TBD; deferred until 2021. Seeking Council confirmation if to remain on work plan.	2021	TBD	0%
Complete SMP Limited Amendment - Aquaculture	Withdrawn	To be included in the Periodic Review rather than pursuing Limited Amendment	Q3 2020	N/A	10%



CITY OF
BAINBRIDGE ISLAND

2020 Workplan Priorities Update
Finance Department

JAN 19, 2021

Rinance – Priority 1 items

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan. 2021	% complete as of Jan. 2021
FEMA Grant compliance and claims	On track	The City will be submitting \$75k to \$100k for reimbursement related to COVID-19 eligible expenses.	Q4 2020 – Q2 2021	Q2 2021	20%
Police/Court project tracking and reporting	On track		Q1 – Q4 2020	Q1 – Q4 2021	
Plan and complete Biennial 2021-2022 Budget	Complete	Will apply to receive GFOA Distinguished Presentation Award	Q1 – Q4 2020		100%
Support Council long-range planning to address I-976 impacts	Complete	Washington State Supreme Court decision overruled I-976 – funding stream remains intact.	Q1 2020		100%
2021-2026 Capital Improvement Plan (CIP)	Complete	Planning, development and completed with the 2021-22 Budget. Updates will be needed in 2021. New process of budgeting labor within projects included in 2021-2026 CIP.	Q2 - Q4 2020		100%
CARES Act Grant compliance and claims	Complete	The City received \$1.1 million in CARES funding related to the impacts of COVID-19. All expenses submitted were reimbursed in full by the State.	Added in 2020		100%
Support Building and Development Services Rate study	Delayed			Q1-Q2 2021	80%
Develop community information on Prior Year actuals and Current Year budget	Deferred	Development of new reporting deferred due to staffing vacancies in 2020	Q1 – Q2 2020	TBD	



**CITY OF
BAINBRIDGE ISLAND**

2020 Workplan Priorities Update

Police Department

JAN 19, 2021

POLICE – 2020 Highest Priorities

Task	Status	Notes	Revised Qtr as of May 2020	Planned Qtr as of Jan.2021	% complete as of Jan. 2021
Police/Municipal Court Replacement Project: <ul style="list-style-type: none"> • Support completion of final design • Support facility transition plans 	On Track		Q1 – Q4 2020	Q1 – Q4 2021	
Coordinate with CJTC and WASPC to achieve compliance with new I-940 requirements	On Track	Training requirements: Officers are receiving mandated training as developed by CJTC. Independent Investigation Teams: ILA with regional agencies is under review by City Attorney.	Q1 – Q4 2020	Q1 2021	80%
Camera Systems: Complete implementation of body cameras per MOU	Complete	System was fully implemented in Q2 2020.	Q1 2020		100%
Inventory System: Replace manual inventory system with software to improve tracking and planning for replacement cycles	Delayed	Reviewing existing software to better identify any gaps in meeting department needs for inventory of equipment.	Q1 – Q4 2020	Q1 – Q2 2021	
Coordinate as needed with Kitsap County transition to new Records Management System (RMS)	Delayed	Vendor selected in Q4. Statement of work under development for implementation and transition.	Q1 – Q4 2020	Q1 – Q4 2021	25%
Traffic Emphasis: <ul style="list-style-type: none"> • Continue work to coordinate via a designated traffic improvement officer • Consider purchase of additional hand-held radar gun • Consider purchase of additional speed signs 	Delayed	Develop plan to better coordinate automated speed measurement with enforcement activity in targeted areas.	Q1 – Q4 2020	Q2 2021	10%



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: January 19, 2021

ESTIMATED TIME: 45 Minutes

AGENDA ITEM: (7:45 PM) Revisions to Governance Manual and Expectations for Council Liaisons - Councilmembers Schneider and Pollock,

SUMMARY: Council members Pollock and Schneider will provide an update on proposed revisions to the Governance Manual and seek full Council input on key suggested revisions.

AGENDA CATEGORY: Discussion

PROPOSED BY: City Council

RECOMMENDED MOTION: I move to approve the Council Liaison Job Description as modified and incorporate it into the Governance Manual.

I move to refer back to the designated "committee" the task of incorporating [into the Governance Manual] the Council's ideas and suggestions discussed with this agenda item, and for a committee to work with the City Attorney as appropriate to ensure compliance with state law and municipal code.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND: The Governance Manual has become voluminous, complex, and outdated in places such that it is no longer as useful as it could be in terms of providing the Council with clear guidance as to how to effectively and efficiently run meetings and develop and pass legislation. It needs to be updated. Structurally, the Manual is also a combination of aspirational goals and philosophies, directives to the administration, and directives to Council. Some of the information is outdated, and some sections are in conflict with other sections and some provisions don't align as closely with the municipal code and state law as intended. Attached is a first draft of an effort to extract, simplify, and update the aspects of the Governance Manual that are relevant to the conduct of Council business. The purpose of this agenda item is for the committee to listen to the considered opinions of other Council members and to incorporate those suggestions into a second draft that will be presented again to the full Council for further consideration.

On March 10, 2020, the Council approved the "Councilmember Liaison Job Description" document (see attached). The "Job Description" was approved by the Council, but it is not currently included in the Governance Manual. Attached are proposed revisions to the Councilmember Liaison Job Description.

ATTACHMENTS:

[Simplified Rules of Procedure 1-15-21.docx](#)

[COBI Committee List.xlsx](#)

[Councilmember Liaison Job Description amendments 01-15-21.pdf](#)

[FOR REFERENCE Resolution No. 2020-15 Updating the Governance Manual - Approved 071420](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

Bainbridge Island City Council Simplified Rules of Procedure

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Guiding Principles of the City Council

Represent the People. Members should listen to the community and represent the community's interests and goals.

Collectively Reason. Members should collectively reason and make informed decisions.

Seek Consensus. Members should use their best efforts to collaborate in every endeavor, seeking consensus as far as possible.

Respect Professionalism. Members should exhibit respect for the professionalism and ethical conduct of the city manager, staff and their fellow members.

Seek Sustainable Solutions. Members should strive to achieve sustainable outcomes in city policies and administration, with sustainable bottom lines for the community, environment, city finances and the local economy.

Council Officers and Meeting Times

The Mayor

Annually at the first meeting of the calendar year, members shall choose a chair from among their number. The chair of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him or her as mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes. He or she shall have no regular administrative duties (See RCW 35A.13.030). **The mayor is encouraged, through delegation, to regularly redistribute decision-making powers that may have accumulated to the office through tradition, habit or otherwise and to do so such that decision-making power is equitably distributed to the other council members to the maximum extent practical, and consistent with state law, the municipal code and these rules of procedure.**

The Deputy Mayor

Council members, by majority vote, shall designate one of their number as deputy mayor for a period of six months, to serve in the absence or temporary disability of the mayor and to preside over study sessions of the council. The position shall rotate through the council members such that every member has a chance to serve as deputy mayor, if possible, with priority given to those who have not yet served in the position. During study sessions, the presiding officer should allow other council members to lead discussion of specific agenda items, based on interest and expertise.

Council Meetings- Time and Location

Regular meetings of the council shall be held on the dates and times as adopted by council ordinance, unless cancelled or postponed in accordance with applicable State or local procedures. **Special meetings may be called by the mayor or a majority of councilmembers (RCW xx).**

City Council Agenda Preparation

The council agenda belongs to the council and it is their responsibility for preparing the agenda. For practical reasons, much of this responsibility may be delegated to the city manager or their designee.

The mayor and up to two other members should meet regularly to develop a preliminary agenda, in consultation with the city manager. The two non-mayor members should be regularly rotated through the remaining six council members so as to maximize equitability in agenda-setting duties.

The city manager shall maintain a running list of time-sensitive agenda items and shall identify which proposed agenda items have a time-sensitive legal requirement (e.g. a public hearing), which have an administrative time-sensitivity and which can be deferred to a later date.

Requests for presentations to be scheduled on the formal agenda imply that the presentation is an official business consideration of the city. The mayor shall have the authority to rule on whether or not a graphic presentation, video, or other audio-visual presentation by non-city personnel is appropriate to be presented at the meeting, or if a link to a pre-recorded video should be provided in advance of the meeting.

The presiding officer, a majority of council members present, or the city manager may propose a new item for the agenda at a meeting when extraordinary circumstances require, excepting that items for action may not be added to a special meeting agenda.

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

Preliminary Agenda

The city clerk, under the direction of the city manager, and in consultation with the mayor and deputy mayor, shall arrange a list of proposed matters deemed ready for council consideration according to the "3 touch" rule and shall prepare a "preliminary agenda" When the "preliminary agenda" has been reviewed by the mayor, they shall have the option of adding (or deleting) any item from such agenda.

Note: need to better define and streamline what does and does not require 3 touches. Currently it is very broad.

Proposed Agenda

When the mayor executes approval of the preliminary agenda it shall then become the "proposed agenda." Copies of the "proposed agenda" shall be posted on the city website at least 24 hours prior to the council meeting and shall be subject to the notice provisions stated in the city code.

Final Agenda

Upon convening a council meeting and before any other business, the council shall accept or modify the agenda by motion. The agenda shall then be officially the "council agenda" for that meeting.

Suggestions for consideration

Agenda length-no longer than 3 hours, and in general should average about 2 hours, consistent with other local jurisdictions. May be extended a maximum of an additional 30 minutes by a super majority 5/7 vote of the council.

Agenda prioritization order. For the purposes of improving both public participation and council dialogue, the order of agenda should be prioritized as follows: Items where public comment is allowed shall be given first priority. Controversial items or items likely to lead to lengthy policy discussions shall be given second priority. Informational items, staff presentations and other items not likely to result in lengthy council discussion are given third priority. Executive sessions should be held at the end of meetings, just prior to adjournment, unless the matter relates to an item on the agenda, in which case the executive session shall be held at the beginning of the meeting.

Three touch rule: better define and streamline what does and does not require 3 touches. Currently it is very broad. Consider reducing the number of administrative decisions that need to be "touched" by the council at all. Consider moving many administrative items straight to the consent agenda.

Consider the more liberal use of special council meetings or administrative public outreach meetings for general interest presentations that may be lengthy or for which there is likely to be a high degree of public engagement or interest.

Consider inclusion of Conflict of Interest Disclosure guidelines as follows: Members must disclose potential conflicts of interest for any agenda items either at the beginning of the meeting or prior to discussion of the item. The general rule, consistent with ethics board advisory opinions is: "when it doubt, disclose". The member must publicly describe the nature of the potential conflict, whether or not they think the conflict requires recusal, and seek the advice of other members as to whether any of them believe the conflict is sufficient to require recusal. However, after seeking such advice, it is ultimately up to the individual to decide whether or not to recuse themselves. Disclosure does not require recusal. It is good practice to disclose relationships or situations that might be perceived of as conflicts by the

public or other members, even if the conflict isn't sufficient to merit recusal. A council majority may not vote to recuse a member because of a conflict of interest, but they may vote to advise a member that they should recuse themselves.

Business Meeting Elements and Procedure

A business meeting is a regular or special meeting of the Council that is primarily for the purpose of voting on the City's business, generally in the form of motions, resolutions or ordinances.

The presiding officer, usually the mayor, may, during a council meeting, rearrange items on the agenda to conduct the council's business more expeditiously. Business Meetings of the council may generally include many or most of the following agenda elements (which need not occur in the order stated below). Council may, by motion, formally approve a "Sample Order of Business," which, if adopted, shall be appended to accompany the published body of this manual as information. Such "Sample Order of Business" shall serve as a guideline, subject to change by motion of the city council. Examples of Business Meeting agenda elements include:

Executive Session

The council may hold an executive session during a regular or special meeting. Before convening in executive session, the presiding officer shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session shall be concluded. If the council wishes to adjourn or take action at the close of a meeting from executive session, that fact will be announced. The announced time limit for executive sessions may be extended by announcement of the presiding officer made to those waiting in the nearest public area. No final action may be taken in executive session. Members and anyone else present may not disclose information obtained during executive session.

Summary Reports

Short summary reports may be presented near the end of the meeting. Short summary reports may, for example, be presented by the presiding officer, the city manager, or the chair of an ad hoc committee or steering group.

Public Comment Period or Public Hearing

A business meeting typically includes a public comment period for a limited period of time stated in advance on the agenda, during which a member of the public may address the Council on any matter of public concern (whether or not on the agenda).

Consent Agenda

The city clerk or city manager, in consultation with the mayor or other presiding officer, may place matters on the consent agenda that:

- have been previously discussed by the council; or

- based on the information delivered to members of the council by Administration, can be reviewed by a council member without further explanation;
- are so routine, technical, or "housekeeping" in nature, that passage without discussion is likely; or
- are otherwise deemed in the best interest of the city.
- Discussion of Matters for Future Meetings

The proper council motion on the consent agenda is as follows: *"I move adoption of the consent agenda"*. This motion shall have the effect of moving to adopt all items on the consent agenda. Any member of the council shall have the right to remove ("pull") any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the consent agenda, the presiding officer shall inquire if any council member wishes an item to be "pulled" from the consent agenda. If any matter is pulled, the presiding officer shall entertain discussion and a motion on any pulled item after the vote on the passage of the remaining items on the consent agenda.

The purpose of such a discussion is to offer council members (an opportunity) to express preferences regarding the setting of the agenda for a future council meeting.

Other Common Agenda Elements

The agenda of a Business Meeting may also include other elements such as: Unfinished Business; Ordinance Reading; and New Business.

Study Session Elements and Procedures

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

Study Session Worksheets

The city clerk, under the direction of the city manager and in consultation with the mayor, Deputy mayor, or other presiding officer, shall arrange a preliminary study session agenda worksheet for the meeting. council members may request items to be placed on the agenda by contacting the city clerk. The deputy mayor should preside over study sessions.

The study session worksheet shall, for each item, contain the following elements:

Subject: The project designation or descriptive name for the item. The person requesting the item should use the same title in any subsequent business.

Discussion Leader: The person who will introduce the item and lead the discussion.

Activity: A brief description and time estimate of the discussion necessary for the council to speak to the question posed in the "Goal" column.

Goal: The reasonable outcome contemplated, whether a final action, advancement to a future agenda, just a "touch," according to the 3 touch rule, or for general information

Study Session Procedure

During a council study session the discussion leader should:

1. Introduce the subject and give background information;
2. Identify the discussion goal;
3. Act as facilitator to keep the discussion focused toward the goal; and
4. Alert the presiding officer when it is appropriate to call for consensus or a motion.

The presiding officer shall retain the option of assuming the function of the discussion leader at any time in order to keep the discussion properly focused. The city clerk shall keep notes of the discussion subjects with special attention to council consensus or administrative direction which may need more formal action in a later meeting (i.e. agenda, future budget changes, etc).

Conduct of Study Sessions

Regular or Special Meetings of the council, or portions thereof, may be designated as study sessions. A study session may consist of any or all of the following elements:

(a) Public Comment Period

(b) Vetting of Agenda Items:

This element of a study session involves a vetting and review of agenda items that are expected to appear for council action on the agenda of the next ensuing council business meeting. This element of the study session may include: review of clarity and completeness of issues presented; discussion of the merits of the proposal; and a procedural vote to determine whether the agenda item shall be advanced to an ensuing business meeting of the council.

(c) Study of Emerging Issues

This element of the study session involves emerging issues that are not initially expected to appear for action at the next council business meeting, and it may include: staff or third-party presentations; council and administration study, discussion and analysis; and/or interactive public comments and council responses to comments.

(d) First Touch and Second Touch Updates

The agenda may provide time for short updates by the city manager, staff, council members, or a member of an ad hoc committee or steering group.

(e) Referral to Committee, Steering Group or Further Public Process

At a study session, the council may choose to refer an issue to an ad hoc committee or steering group, or schedule a public forum, before the issue returns to a future agenda.

Workshops are single-topic study sessions to allow council members to do concentrated preliminary work with administration or the public on a single subject (i.e., budget, complex legislation, or reports, etc.). Workshops shall be in a less formal setting but shall not discourage public observation. Public comment is not normally allowed at workshops although the council may allow, or request, participation in the same manner as other council study sessions.

Process for Preparing Legislation or Policies for Adoption

Draft Documents

Prior to consideration or final passage of all ordinances, resolutions, or pre-written motions, draft documents or proposals shall be designated as drafts and shall contain the date of revision and the name of the author. Proposed ordinances and resolutions shall be accompanied by a "bullet" summary for possible later publication.

- "Proposed Drafts" shall contain the date, name of the group or individual originating or sponsoring the proposal, prior to the first presentation to the council.
- "Council Drafts" shall be documents or proposals which have been presented in open public session and held over by the council for further consideration or revision.

Preparation of Ordinances

The procedures for ordinances are as follows:

(a) Proposing an Ordinance

A council member may, in open session, request of the presiding officer that the council consider enacting an ordinance. The council then may assign the development of the proposed ordinance to the administration, an ad hoc committee, an advisory committee or the council for consideration. The committee or administration shall report its findings to the council. The city manager, the city attorney, or any of the citizen boards, committees, or commissions may propose that council consider an ordinance or resolution.

(b) Sponsorship Encouraged

When a council member wishes to assume sponsorship or advocacy of an ordinance or resolution, he or she should so announce, make the initial motion, provide an introduction and advocate the measure before the council.

(c) Two (2) Readings

Although State law requires only one reading in most cases, all city ordinances shall normally have two (2) separate readings at separate council meetings. At each reading, the title of the ordinance and a simplified summary or title of the ordinance shall be read prior to a vote. Not later than the date of the meeting at which the reading occurs, the full text of the draft ordinance shall be posted on the city website. A printed copy of the ordinance shall be made available by the city upon request by a member of the public.

(d) Waiver

The provision requiring two (2) separate readings of an ordinance may be waived at any meeting when the council determines that the ordinance is simple, non-controversial, or administrative in nature or that the interests of the city are best served by one reading.

Preparation of Resolutions

A resolution may be put to its final passage on the same day on which it was introduced. However, the council may invoke the two (2) reading procedure, described in above, to facilitate public understanding and opportunity to comment on the resolution. The title of each resolution and a simple text summary, if available, shall be read prior to its passage. Not later than the date of the meeting at which the reading occurs, the full text of the draft resolution shall be posted on the city website. A printed copy of a resolution shall be made available upon request by a member of the council.

Rules of Order for Council Meetings

Parliamentary Procedure

Rules of order not specified by statute, ordinance, or this Manual shall be governed by Robert's Rules of Order, Newly Revised (RONR) latest edition. A simplified summary of some of the most frequently used motions under Robert's Rules is shown in Exhibit A. **Guidelines for interpretation of RONR can be found at the MRSC and Jurassic Parliament websites, inclusive of references cited therein. These resources should be referred to regularly so that interpretation of council rules are consistent with current thinking on how to appropriately apply parliamentary procedures in local government.**

Dissents and Protests

Any council member shall have the right to express dissent from or protest, orally or in writing, against any motion, resolution, or ordinance of the council, and have the reason therefore entered or retained in the minutes.

Adjournment Due to Emergency or Disruption

In the event of emergency, such as a fire, threatened violence, or inability to maintain order, the presiding officer shall declare the meeting adjourned or continued and council members shall immediately leave the meeting area.

Public Comment at Meetings-12 easy rules

(note: this is a distillation of public comment rules found in various sections of the governance manual, combined with a few observed council “customs”)

Agendas will specify where public comment is allowed.

Speakers should sign up in advance on a sign-up sheet if one is provided.

Speakers must be recognized by the chair before speaking.

Speakers should state their name, where they live (general area), and who they represent if more than themselves.

Speakers may comment on any topic during general comment periods but are limited to a specific agenda topic when a comment period is provided on a specific agenda item.

Public comments are limited to no more than 3 min/speaker, unless a longer comment is allowed by the chair. Brevity and clarity are always appreciated.

Signed up speakers may yield their time to another signed up speaker.

Comments should be made directly into a microphone if one is available, as necessary for the public record and for the audience to hear.

Multimedia (video, slides, etc.) may be used with prior consent of the chair.

Speakers may submit a written record of their comments to the meeting secretary.

Members will assist the chair in maintaining civility, respect and decorum while a speaker has the floor.

Uncivil, disrespectful or undecorous behavior may result in removal of a public speaker by the chair, subject to overrule by a majority vote of the committee. There will be no demonstrations during or at the conclusion of any person's presentation.

Committees, Boards and Commissions

Suggested language additions

The council may form and abolish standing or special (temporary) committees composed of council members, the public, city staff, or any combination thereof. council committee members, board members and commissioners (herein referred to as members) should be appointed by council majority unless otherwise prescribed by state law or local ordinance (e.g, see BIMC Title 2). In this section, the term “committee” means committees, boards and commissions.

Members may be removed without cause by a majority vote of the council unless otherwise prescribed by state law or local ordinance (e.g., see BIMC Title 2).

Committee chairs are elected and removed by committee members unless otherwise prescribed by state law or local ordinance (e.g., see BIMC Title 2). In general, chairs should be regularly rotated, though for committees of short duration, this may not be practical.

The council shall maintain on the city's website, a list of all committees that include the name of the committee, the purpose of the committee, a list of all committee members, the name of the chair, contact information for each committee member, the expiration date for each member's term, who is eligible to serve on the committee, desired qualifications of committee members, and instructions for applying to serve on a committee. As appropriate, the list shall also include any council or other liaisons to the committee and any city staff assigned to support the committee.

No member of the public should serve on more than one committee at a time unless no other option is available.

Committees must designate a secretary to take minutes of all meetings and should provide to the council and post to the City's website in a timely manner any minutes, reports, presentations, recordings and any other communications related to the meeting. Such materials should be posted to the city's website in a timely manner.

The chair is responsible for ensuring execution of all committee responsibilities. It is the responsibility of the committee to replace the chair if the chair is not fulfilling their responsibilities.

It is the responsibility of all members to ensure the smooth functioning of the committee and to stay on task. If members observe problems with the committee, it is their responsibility to report it, first to the chair, then to the council liaison (if one has been assigned), and finally to the full council if the chair or liaison have not been able to resolve the matter to the satisfaction of the member.

Committees should follow council rules of procedure unless otherwise noted.

Approval and Removal of Appointees

Citizens on Standing Governing Bodies

All members of standing citizen committees, citizen boards, and citizen commissions which are, or which may hereafter be, required by State law or city ordinance or resolution, shall be appointed by the mayor with confirmation by the council (See BIMC Title 2).

Citizens on Temporary Governing Bodies

Any citizen members of any other special committees, such as ad hoc committees, citizen advisory committees or steering committees, shall be appointed and approved by a majority vote of the city council.

Removal

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

Suggested language addition: The reasons for removal must be stated prior to council vote. If the reason for removal is behavioral, such as disruption of a meeting, or making personal attacks on other members, the offending member must first be warned and allowed opportunity to correct their behavior prior to a vote for removal. The council must avoid the appearance of removing a committee member because other members of the committee or the council disagree with their political positions.

Establishment and Review of Citizen Governing Bodies That Are Temporary

Council-established governing bodies that are intended to be temporary, such as ad hoc committees or citizen advisory committees, shall be commissioned for a time certain and provided with a clear task description and term (i.e. a "sunset" provision). Such temporary committees shall be subject to review whenever a new council is seated following elections, so as to determine whether the committee and its functions continue to be appropriate and necessary.

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

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

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

Relation of Committees with City council

Committees shall provide the city council with minutes, or a summary report of all meetings. Communications from committees shall be acknowledged by the council. Any member of the council may also bring such communication to the presiding officer's attention under the agenda item "Committee Reports." Should any member of the council determine that such communication be officially answered by the council, the presiding officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

Appendix Commonly Used Parliamentary Procedures
Appendix List of all Committees, Boards and Commissions
Appendix-Sample Agenda for Business Meeting
Appendix-Sample Agenda for study sessions
Appendix-Definitions

Group	Qualifications	Composition	Appointment Process	BIMC	RCW	COBI website link
Planning Commission	Resident, Composition shall reflect the diverse perspectives represented in the community	7 Citizens	Mayor appt, Council appr.	2.14.020	35A.63	Planning Commission
Historic Preservation Commission	>=3 members who have experience in identifying, evaluating and protecting historic resources. All members: competence in historic preservation, be impartial and have broad judgement	7 Citizens	Mayor appt, Council appr.	18.24.020	43.334	Historic Preservation
LEOFF 1 Disability Board	2 must be Law enforcement officers, 2 must be councilmembers, 1 must be a citizen, otherwise no specific qualifications	5 members as described in qualifications	2 CCM appt by Mayor, 2 LEO appt by LEOFF members, 1 C appt by other 4 members	2.45	41.26.110	Disability-Board
Lodging Tax Advisory Committee	Chair must be a councilmember; at least two members who are representatives of businesses required to collect tax under this program; and (b) at least two members who are persons involved in activities authorized to be funded by this program. May include a second councilmember who is does not vote.	5-6 members as described in qualifications	Mayor appt, Council appr.	3.65	67.28.1817	LTAC
Civil Service Commission	U.S. citizen, city resident for 3 yr, and an elector.	5 Citizens (RCW calls for 3?)	City Manager Appoints	2.28	41.12	Civil Service
Salary Commission	None	up to 7 Citizens	Mayor appt, Council appr.	2.74	36.17.024	Salary Commission
Cultural Funding Adv. Task Force	None	5 citizens, Mayor=chair, RN= co-chair	Mayor appt, Council appr.	2.43	None	Cultural-Funding
Climate Change Adv. Committee	City residents who are qualified scientific experts in climate-related fields, pursuant to WAC 365-195-905	Unspecified, 9 Citizens currently	Mayor appt, Council appr.	2.37	None	Climate Change
Design Review Board	>=1 member w/expertise in landscape architecture; urban design; public art committee or local artist; developers; at-large community member; and at least two architects.	7 Citizens	Mayor appt, Council appr.	2.14.040	None	Design Review
Environmental Tech. Adv. Committee	Local experts who are qualified as an expert in environmental fields pursuant to WAC 365-195-905	9 Citizens	Mayor appt, Council appr.	2.36	None	Environmental Technical
Ethics Board	1 w/judicial experience	7 Citizens	Mayor appt, Council appr.	2.07.010	None	Ethics Board
Human Services Funding Adv. Task Force	None	7 Citizens	Mayor appt, Council appr.	2.41	None	Human Services
Island Center Planning Committee	1 R or business or property owner within sub area, 1 R near subarea, 1 R not near sub area	up to 9 citizens, odd # required	Mayor appt, Council appr.	2.16.210	None	Island-Center
Utility Advisory Committee	Resident	7 Citizens	Mayor appt, Council appr.	2.33	None	Utility Advisory

Race Equity Task Force	need to find Resolution forming RETF	7 Citizens currently, unspecified	Mayor appt, Council appr.	None	None	Race Equity
Green Building Task Force	Need to find Resolution forming GBTF	8 Citizens currently, unspecified	Mayor appt, Council appr.	None	None	Green Building

Councilmember Liaison Job Description

Definition of Liaison

“Liaison”: a person who establishes and maintains communication for mutual understanding and cooperation (Merriam-Webster Dictionary).

Duties and Expectations of a Council Liaison

- 1 A Councilmember assigned as a liaison to a Council advisory committee or other body (a “Committee”) is expected to attend all meetings of that Committee. If a liaison is not able to attend a meeting, the liaison should notify the Committee Chair and make a good faith effort to find another Councilmember to provide substitute support (emergencies excepted).
- 12 A Councilmember acting as a liaison to a Council ~~advisory committee or other body (a “Committee”)~~ is not a member of the Committee. Rather, the Councilmember is a positive resource to support the Committee in the completion of its work subject to the rules stated below.
- 23 A Councilmember liaison is acting as a representative of the full Council and, as such, has no authority to provide any direction or guidance to the Committee other than ~~direction or guidance~~ that which clearly represents direction or guidance of the full Council. Any ~~critique-criticism~~ of the Council actions should be discussed with the full Council and never with the Committee in the absence of full Council.
- 34 Generally put, the Councilmember liaison shall not attempt to influence the work or recommendations of the Committee. More specifically,
 - the Councilmember shall not take part in the Committee’s deliberations or discussions unless (a) the Committee requests the Councilmember’s participation in a particular discussion (in this situation, the Councilmember must expressly state that she or he is speaking for her or himself, not for the entire Council) or (b) the Councilmember determines that he or she must speak up in order to remind the Committee of Council direction, City policies, or laws including the Open Public Meetings Act and the Public Records Act; and
 - the Councilmember shall not take part in any votes or decision making of the Committee.
- 45 The Councilmember liaison shall work to ensure that the Committee is only taking actions or doing work that is within the scope of the Committee’s work as determined or

approved by Council. The liaison can do this by, for example, reminding the Committee as needed of the scope of work that the Council set for the Committee.

56 The Councilmember liaison shall bring to the Council any requests from the Committee, such as the following:

- (a) questions raised by a Committee about the Committee's scope of work;
- (b) requests from the Committee to change the Committee's scope of work;
- (c) requests for expenditures of City resources to further the Committee's work (money, staff time, or other resources); and
- (d) requests from the Committee to place an item on a Council meeting agenda.

67 The Councilmember liaison shall work to ensure that the Council is regularly updated on the work of the Committee. To that end, the Council shall on a quarterly basis ^[LS1] revisit the work plan of each Committee and hear from each Committee's liaison a report on the Committee's progress on the work plan.

Committee Governance and Oversight

If a Committee member or member of the public feels that there is a problem with the manner in which the Committee is being managed or governed, the Committee member or member of the public should speak with the Committee Chair first. If the problem is not resolved by the Chair to the Committee member or member of the public's satisfaction, then the Committee member or member of the public can speak to the Councilmember liaison about her/his concern(s).

At that juncture, the Councilmember liaison's duty is to bring the concerns to the Mayor and Deputy Mayor rather than attempt to resolve the problem on her or his own. The Mayor, Deputy Mayor, and liaison shall then decide on what steps to take, if any. These steps could include, for example, deciding that they do not agree that there is a problem; discussing the issue with the Committee Chair; or bringing the issue to the full Council for discussion and a possible Council decision.

If the liaison has concerns with Committee actions, that liaison should express these concerns to the Committee Chair. If the concerns are not resolved by the Chair, then the Councilmember liaison's duty is to bring the concerns to the Mayor and Deputy Mayor, and subsequently to the full Council, if direction is needed. A liaison may not ever convey their own opinion that a committee member or Chair should be removed; only the full Council has this discretion.

Liaison Censure or Removal

If, after review and sufficient warnings by the full Council, a liaison fails to abide by these expectations, the full Council may vote to censure or remove the liaison from one or all committee assignments.

Governance Manual Provisions

Section 3.2.6 Council Liaison

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

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

Exhibit B, section (c) Liaison Procedures

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



CITY OF
BAINBRIDGE ISLAND

Manual of City Governance
Policies, Procedures and Guidelines

Resolution No. 2020-15

Adopted July 14, 2020

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

Introduction

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

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

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

RESOLUTION NO. 2020-15

A RESOLUTION of the City of Bainbridge Island
Adopting a Manual of City Governance
Policies, Procedures, and Guidelines
for the Council-Manager Form of Government.

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

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

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

WHEREAS, on April 10, 2018, the City Council adopted Resolution No. 2018-13, adopting the most recent version of the City of Bainbridge Island Manual of City Governance Policies, Procedures, and Guidelines.”

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

Section 1. The City Council hereby adopts the “City of Bainbridge Island Manual of City Governance Policies, Procedures, and Guidelines” dated July 28, 2020, which is attached hereto as **Exhibit A**.

Section 2. Resolution No. 2018-13 and any prior versions of the City of Bainbridge Island Manual of City Governance Policies, Procedures, and Guidelines are hereby repealed in their entirety.

Section 3. This resolution shall take effect immediately upon its passage.

PASSED by the City Council this 14th day of July, 2020.

APPROVED by the Mayor this 14th day of July, 2020.



Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK: July 10, 2020
PASSED BY THE CITY COUNCIL: July 14, 2020
RESOLUTION NUMBER: 2020-15

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- Exhibit A – Summary of Robert’s Rules of Order**
- Exhibit B – Local and Regional Board / Committee Assignments**
- Exhibit C – Scalable Public Process System**
- Exhibit D – Sample Order of Business**

Article 1: USE OF THIS MANUAL AND ITS RULES

1.1 **Purpose**

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

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

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

Article 2: PRINCIPLES

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

2.1 **Values**

2.1.1 **City Leaders Listen to the Community**

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

2.1.2 **Collaboration is Valued**

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

2.1.3 **City Leaders Lead and Reason Together**

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

2.1.4 **The City Exemplifies Professionalism in City Management**

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

2.1.5 Sustainability

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

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

2.2.1 Council Oversees City Organization But Does Not Interfere With Management

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

2.2.2 Council and City Manager Roles and Responsibilities Differentiated

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

2.2.3 Performance-Driven Management

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

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

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

2.2.5 Staff Provides Adequate Information for Council Policy-Setting

Information is sufficient for effective decisions.

2.2.6 Council Will Not Request Unnecessary Information

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

2.2.7 Public Documents Ensure Open And Transparent Government

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

2.2.8 Communications to the Public are Essential

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

2.3 Functioning of City Council

2.3.1 Importance of Open Public Meetings

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

2.3.2 There is a Council-Selected Mayor

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

2.3.3 The Mayor Also Embodies Other Leadership Roles

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

2.3.4 Citizen Volunteers Play an Important Role

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

2.3.5 The Role of Deputy Mayor is Rotated

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

2.3.6 Service on Regional Bodies is Shared Among Council Members

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

2.3.7 Representatives of City Act in Accordance with City Policies

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

2.3.8 Councilors Serve in Liaison Roles to Community Organizations

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

2.3.9 Councilmembers Have Opportunity to be Leaders and Innovators

One or more Council members may “sponsor” an ordinance or resolution.

2.3.10 Council is Mindful of Limited Resources

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

2.3.11 Council Authorizes Certain Grant Applications Before Submittal

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

2.3.12 Fewer Standing Committees

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

2.4 **Efficiency and Effectiveness of Council Decision-Making**

2.4.1 **Council Makes Effective Use of Time**

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

2.4.2 **Opportunity for Public Interaction**

Typically, during Business Meetings public comments on any topic relating to City business are taken at the outset of the meeting and public comments are taken in the course of consideration of each matter under study at the meeting. Each public comment should usually be limited to three minutes. In order to allow the Council to more efficiently and effectively study issues during its limited Study Session time, public comment is generally not taken during Study Sessions. Councilmembers may also receive public comments via email or other written communications.

2.4.3 **Council’s Business Meetings Will Be Efficient and Businesslike**

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

2.4.4 **Effective Decision Making Requires Finality**

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

2.4.5 **Council Dialog Calls For “Sticking to the Point”**

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

2.4.6 **Council Meeting Agendas Are Set by a Team**

Agendas for Council meetings are generally developed and refined by the Council and Administration at City Council meetings and are then arranged by the Mayor, Deputy Mayor, and City Manager at the weekly agenda setting meeting prior to public notice and distribution of the agenda. Only the Mayor, Deputy Mayor, and City Manager attend the weekly agenda setting meetings, but exceptions can be made by request of a third Councilmember for a specific issue, or to include consultation with additional staff as needed. Items may be added to an agenda as described below:

- **To Add an Item to, or Change, the Current Meeting’s Agenda:** Any Councilmember may make a motion at “Approval of the Agenda.” A majority vote amends the current agenda.
- **For Regular Council Deliberation at a Future Meeting:** Any Councilmember may, during “Future Council Agendas,” request future Council deliberation of agenda items to discuss policy and request staff support. If after discussion there is not clear support for the agenda item, then the chair may call for a vote. If there is general Council support, or a majority vote of Council to proceed, then the City Manager, in consultation with the Mayor and Deputy Mayor, will add the item to an upcoming meeting agenda with adequate lead time for staff support.
- **For Consideration of Council Attention:** For proposed agenda items supported by a minority of Councilmembers, a motion and second may place a limited discussion

on the agenda for the next meeting to advocate for further consideration of Council attention, including requested staff support and recommended motions. When this item comes up at the next meeting, after 10 minutes of discussion the Chair calls for a vote on further consideration.

- **For Urgent Action by Council:** If an urgent issue or opportunity arises between meetings and is best addressed at the upcoming meeting, three Councilmembers—including the Mayor and Deputy Mayor—must agree to add the item, agree to any necessary staff support, and give direction for recommended motions. Lack of agreement still gives any Councilmember the opportunity to make a motion at “Approval of Agenda” as described above for additions or changes to a current meeting agenda.

2.5 Functioning of City Manager and Staff

2.5.1 ICMA Standards are Respected

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

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

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

2.5.3 Regular and Understandable Financial Reporting

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

2.5.4 Council and Administration are Mindful of Risk Management

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

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

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

Article 3: DEFINED TERMS AND BASIC RULES

3.1 **Types of Governing Bodies, and Advisory or Supporting Groups**

3.1.1 **City Council (or “Council”)**

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

3.1.2 **Council Standing Committee**

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

3.1.3 **Council Ad Hoc Committee**

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

3.1.4 **Citizen Board, Citizen Committee, or Citizen Commission**

As defined by ordinance or resolution, a citizen board, committee, or commission is generally a standing (rather than temporary) body with prescribed authority to perform a recurring advisory or decision-making role on behalf of the City as a municipal corporation. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B. Procedures and rules that apply to such bodies are described in Article 6: CITIZEN COMMITTEES, BOARDS AND COMMISSIONS.

3.1.5 **Citizen Advisory Committee**

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

3.1.6 Steering Group

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

3.1.7 Small Task Group

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

3.1.8 Multi-Agency or Regional Task Group

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

3.1.9 Scalable Public Process Planning System

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

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

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

3.1.10 Nonprofit Service Agency

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

3.2 City Officials and Adjudicators

3.2.1 Mayor

See the definition and duties stated in Section 5.3.

3.2.2 Deputy Mayor

See the definition and duties stated in Section 5.4.

3.2.3 Presiding Officer

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

3.2.4 City Manager

See the definition and duties stated Article 7: CITY ADMINISTRATION.

3.2.5 Appointive Officers

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

3.2.6 Council Liaison

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

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

3.2.7 Hearing Examiner

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

3.3 Types of Meetings of Council

3.3.1 Regular Meeting

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

3.3.2 Special Meeting

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

3.3.3 Business Meeting

A business meeting is a regular or special meeting of the Council that is primarily for the purpose of voting on the City’s business, generally in the form of motions, resolutions or ordinances. A business meeting typically includes a public comment period for a limited period of time stated in advance on the agenda, during which a member of the public may address the Council on any matter of public concern (whether or not on the agenda).

3.3.4 Study Session

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

3.3.5 Workshop

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

3.3.6 Public Hearing on Ordinance

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

3.3.7 Public Hearing on Quasi-Judicial matter

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

3.3.8 Retreat

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

3.4 Types of Public Participation in Government

3.4.1 Public Comment Period at Business Meetings

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

3.4.2 Limited Dialog with the Public at Study Sessions

Council Study Sessions will usually not include time for public comments. However, the Presiding Officer, with the consent of Council, may allow limited public comments from, and dialog with, members of the public who have information to share that would be pertinent to the issue that the Council is studying. In general, the Presiding Officer may allow more flexibility than is generally allowed at a Business Meeting in accommodating responses and interactive dialog with Councilmembers, the Administration, and other presenters.

3.4.3 Other Meetings with the Public Outside of City Hall

The Council may organize other meetings with the public in various forums outside of City Hall – in various settings such as public forums, neighborhood meetings, presentations to community

organizations, ward meetings, town halls, and so on. In such settings, the meeting shall ideally include one or more Council members and one or more members of the Administration.

3.4.4 Public Forum

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

3.4.5 Neighborhood or Ward Meetings

Neighborhood or ward meetings may be scheduled as part of a larger public process as designed by an Ad Hoc Committee, Steering Group, or Task Force (see Sections 3.1.6 to 3.1.9), however, any member of the Council may convene a citizens' neighborhood meeting or series of meetings for the purpose of providing a general forum on City matters. Such meetings shall, when convened, provide information pertaining to specific issues as well as an opportunity for citizens to ask questions or express views on any subject. The Councilmember may request that the City Manager or his or her designee attend these meetings to answer questions on administrative matters. Because such meetings typically involve three or fewer Council members and are therefore not official Council meetings, Councilmembers who attend shall report issues or conclusions to the Council as such meetings occur. At any such meeting, a Councilmember should avoid discussion or comments that pertain to current or potential lawsuits or other quasi-judicial proceedings that might later come before the Council. Councilmembers should exercise care to avoid claiming to speak for the City or Council on any issue on which the Councilmember is not expressly authorized to speak for the Council.

3.4.6 Additional Avenues for Public Participation

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

3.4.7 Committees and Other Citizen Participation Opportunities

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

3.5 Types of Governing Actions

3.5.1 Motion

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

3.5.2 Resolution

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

3.5.3 Ordinance

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

3.5.4 Comprehensive Plan Amendment

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

3.5.5 Budget Adoption or Amendment

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

3.5.6 Capital Facilities Plan (CFP) Adoption or Amendment

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

3.5.7 Quasi-Judicial Ruling

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

3.5.8 Best Practices

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

Article 4: STANDARDS OF CONDUCT

4.1 **Sources and References**

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

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

4.2 **Standards of Conduct for Officials under Washington Law**

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

4.3 **Oath of Office**

A Council member, when sworn into office by the City’s Municipal Court Judge or City Clerk, swears that “I will...”:

- comply with the constitution and laws of the United States and the State of Washington, and
- ... I will faithfully and impartially discharge the duties of this office to the best of my ability.”

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

4.4 **Public Trust and Fiduciary Duty**

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

The people themselves, in a 1972 ballot initiative relating to public campaign law, declared trust to be the public policy of the State of Washington, stating in part: “That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings” and “That the people shall be assured that the private financial dealings of their public

officials, and of candidates for those offices, present no conflict of interest between the public trust and private interests.”

4.5 Stewardship of Public Funds

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

4.6 Conflicts of Interest under State Law

As the state Supreme Court has ruled, a Councilmember may not vote on a matter where he or she would be especially benefitted. And, with some exceptions noted below, Washington law forbids a city official from having a financial interest in a City contract, regardless of whether or not s/he votes on the matter. (KTT, p.9).

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

4.6.1 State Code of Ethics

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

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

Legal advice should be sought on such questions as:

- (a) Is a very small gift, such as a coffee, small enough as to be “de minimus” and therefore not intended to be prohibited?
- (b) Should a gift from an out of town dignitary be handed over from an official to the city as a whole?

- (c) Under what circumstances can an official accept expense-paid travel to a meeting or a fact-finding visit?

4.6.2 Prohibition Against Private Interest in a Public Contract

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

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

- (b) This prohibition applies even if the official doesn’t vote on or otherwise approve the contract that presents a conflict. (KTT, p. 11-13)
- (c) Unlike the COBI Ethics Code (which applies to both financial interests and other personal interests), this State conflict of interest standard prohibits only financial conflicts.
- (d) There are exceptions to the prohibition, and there is a qualified set of exceptions for certain “remote interests”. (KTT, p. 11-13)

4.6.3 Limitations on Holding Multiple Offices

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

4.6.4 “Appearance of Fairness” Doctrine under State Law

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

4.7 Open Public Meetings under Washington Law

The Open Public Meetings Act is summarized in the KTT, and is also described in greater detail in the MRSC publication, “The Open Public Meetings Act – How it Applies to Washington Cities, Towns, and Counties.

4.7.1 All Deliberations and Actions Must Be At Noticed Public Meetings

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

4.7.2 Applies to Sub-Agencies of the City

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

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

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

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

4.7.4 Open to the “Public”

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

4.7.5 Executive Sessions

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

- (a) Real estate acquisition, lease or site selection; or deliberations on the price at which to offer real estate for sale or lease;

- (b) Negotiations on publicly bid contracts;
- (c) Evaluation of complaints or charges brought against a public officer or employee;
- (d) Evaluation of qualifications of an applicant for public employment or to review the performance of a public employee;
- (e) Evaluation of the qualifications of a candidate for appointment to elective office; or
- (f) To discuss with the City's legal counsel City enforcement actions or litigation or potential litigation.

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

4.7.6 Unintended Meetings; Electronic Meetings

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

4.8 Open Government and Public Records

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

4.8.1 Purpose of the Public Disclosure Law

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

It is hereby the policy of the City that elected and other city officials shall do nothing to hinder the City's obligation to possess, retain and store public records. Under RCW 42.56.010(2), a "public record ... includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Furthermore, and under RCW 42.56.010(3), a writing means "handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes,

sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.”

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

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

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

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

(a) Policies on Email Platforms

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

(b) Policies on Text Messages

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

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

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

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

4.8.3 **Duty to Act in the Interests of the City**

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

shall abstain participating in any Council discussion of such matter, and shall abstain from any vote on such matter.

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

Both elected City officials and non-elected City officials are frequently called upon to participate in policy bodies and decision-making forums at the county and regional level. It is hereby the policy of the City that, whenever any City official (whether elected or staff) is directly or indirectly representing the City on a policy making or decision-making body at the county or regional level, it shall be the primary duty of that individual to act in a manner consistent with the interests of the City, as embodied in City policy, budget, capital facilities plan or other action of Council or directive of the City Manager. In short, a City official who is serving on a county or regional body as a City representative must place his or her fiduciary duties to the City above any fiduciary duties owed to the county or regional body.

4.10 Role of City Attorney

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

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

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

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

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

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

4.11 Process for Officials to Question the Legality of City Actions

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

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

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

4.12 Conduct of Officials with Regard to Litigation Against City

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

4.13 Prohibition Against Making Gifts of Public Funds

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

Article 11, section 15 further provides as follows:

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

Article 8, section 7 of the constitution states:

No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.

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

4.14 Duty to Avoid Interfering with City Manager

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

4.15 Duty to Bargain in Good Faith with Collective Bargaining Representatives

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

In particular, most police ... departments are unionized. Except for very small cities, police ... unions have access to interest arbitration when an impasse in bargaining occurs. This can create a unique dynamic in police ... negotiations, given the potential for an outside arbitrator to make decisions regarding wages, benefits and contract language. (Councilmember's Handbook, p. 13)

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

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

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

An appointed or elected official or member of the governing body of a public agency is immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within

his or her official capacity, but liability shall remain on the public agency for the tortious conduct of its officials or members of the governing body. (See RCW 4.24.070(1))

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

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

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

Article 5: CITY COUNCIL – THE ELECTED GOVERNING BODY

5.1 **Council Meeting - Time and Location**

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

5.2 **Council Meetings Open to the Public**

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

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

Biennially at the first meeting of the new Council the members thereof shall choose a chair from among their number. The chair of the Council shall have the title of Mayor and shall preside at meetings of the Council. In addition to the powers conferred upon him or her as Mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the Council. The Mayor shall be recognized as the head of the city for ceremonial purposes. He or she shall have no regular administrative duties. (See RCW 35A.13.030)

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

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

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

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

5.5 Quorum

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

5.6 Respect and Decorum

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

5.6.1 Orderly Behavior and Civility in Remarks

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

5.6.2 Permission Required to Address the Council

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

5.7 Telephonic or Video Participation from a Remote Location

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

5.8 Attendance; Excused Absences

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

5.9 Filling Council Vacancies

If a vacancy occurs, the Council will follow the procedures provided in RCW35A.12.050 in order to fill the vacancy with the most qualified person available until an election can be held. The Council will publish a notice of the vacancy, the procedure, and distribute the application form for soliciting candidates. The Council will draw up an application, which contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember.

5.10 Continuity of Government Act

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

Article 6: CITIZEN COMMITTEES, BOARDS AND COMMISSIONS

6.1 Approval of Appointees

6.1.1 Citizens on Standing Governing Bodies

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

6.1.2 Citizens on Temporary Governing Bodies

Any citizen members of any other committees – such as Ad Hoc Committees, Citizen Advisory Committees or Steering Committees – shall be appointed and approved in the manner described in Section 3.1 (Types of Governing Bodies, and Advisory or Supporting Groups) of this Manual.

With regard to any appointments that would normally be subject to Council approval, the Council may choose to waive confirmation in the instrument creating said committee or group.

6.1.3 Removal

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

6.2 Establishment and Review of Citizen Governing Bodies That Are Temporary

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

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

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

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

6.3 Relations with Boards, Commissions and Citizen Advisory Groups

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

Article 7: CITY ADMINISTRATION

7.1 **City Manager**

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

7.2 **Role of the City Manager**

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

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

7.3 **Informal Communications Encouraged**

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

7.4 **City Manager – Interference by Councilmembers**

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

discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

7.5 **Complaints to Councilmembers**

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

7.6 **Administrative Complaints - "Best Practice"**

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

7.7 **City Clerk - Minutes - Public Information Access**

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

7.8 **The Three Touch Rule**

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

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

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

7.9 **City Staff – Attendance at Meetings**

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

7.10 **Administrative Presentations and Briefings**

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

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

Article 8: PREPARATION FOR COUNCIL MEETINGS

8.1 **Council Meeting Agendas**

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

The City Clerk, under the direction of the City Manager, and in consultation with the Mayor, Deputy Mayor, or Mayor Pro Tem, shall arrange a list of proposed matters deemed ready for Council consideration according to the “3 touch” rule (Article 7.8) and shall prepare a “**preliminary agenda**” for the next Council meeting. When the “**preliminary agenda**” has been reviewed by the Mayor or other Presiding Officer, he or she shall have the option of adding (or deleting) any item from such agenda.

When the Mayor executes approval of the preliminary agenda it shall then become the “**proposed agenda**.” Copies of the “proposed agenda” shall be posted on the City website at least 24 hours prior to the Council meeting and shall be subject to the notice provisions stated in the City Code.

Upon convening a Council meeting and before any other business, the Council shall accept or modify the agenda by motion. The agenda shall then be officially the “Council agenda” for that meeting.

Requests for presentations to be scheduled on the formal agenda imply that the presentation is an official business consideration of the City. The Presiding Officer shall have the authority to rule on whether or not a graphic presentation, video, or other audio-visual presentation by non-City personnel is appropriate to be presented at the meeting.

The Presiding Officer, a majority of Councilmembers present, or the City Manager may propose a new item for the agenda at a meeting when extraordinary circumstances require, or for the purpose of information touches, excepting that items for action may not be added to a Special Meeting agenda.

8.2 **Consent Agenda**

The City Clerk or City Manager, in consultation with the Mayor or other Presiding Officer, may place matters on the consent agenda that:

- have been previously discussed by the Council; or
- based on the information delivered to members of the Council by Administration, can be reviewed by a Councilmember without further explanation;
- are so routine, technical, or "housekeeping" in nature, that passage without discussion is likely; or
- are otherwise deemed in the best interest of the City.

8.3 **Study Session Agendas**

The City Clerk, under the direction of the City Manager and in consultation with the Mayor, Deputy Mayor, or other Presiding Officer, shall arrange a preliminary study session agenda worksheet for the meeting. Councilmembers may request items to be placed on the agenda by contacting the City Clerk.

The Study Session worksheet shall, for each item, contain the following elements:

- **Subject:** The project designation or descriptive name for the item. The person requesting the item should use the same title in any subsequent business.
- **Discussion Leader:** The person who will introduce the item and lead the discussion as in 8.3.1 below.
- **Activity:** A brief description and time estimate of the discussion necessary for the Council to speak to the question posed in the "Goal" column.
- **Goal:** The reasonable outcome contemplated, whether a final action, advancement to a future agenda, just a "touch," according to the 3 touch rule, or for general information.

When the **"preliminary study session agenda"** has been reviewed by the Presiding Officer for the Study Session, he or she shall have the option of deleting any item from such agenda until the next Council meeting when the full Council may vote on whether to re-introduce the item on the agenda or for a subsequent Council meeting. When the Mayor has approved the preliminary study session agenda, it shall then become the **"proposed study session agenda."** The proposed agenda shall be published on the City website not less than 24 hours prior to the Study Session.

Upon convening the Study Session and before any other business, the Council shall accept or modify the agenda by motion. The agenda shall then officially be the **"Council study session agenda"** for that meeting.

8.4 **Study Session Procedure**

During a Council Study Session or Workshop, the discussion leader introduced by the Presiding Officer should:

- Introduce the subject and give background information;
- Identify the discussion goal;
- Act as facilitator to keep the discussion focused toward the goal; and
- Alert the Presiding Officer when it is appropriate to call for consensus or a motion.

The Presiding Officer shall retain the option of assuming the function of the discussion leader at any time in order to keep the discussion properly focused. The City Clerk shall keep notes of the discussion subjects with special attention to Council consensus or administrative direction which may need more formal action in a later meeting (i.e. agenda, future budget changes, etc).

8.5 **Process for Preparing Legislation or Policies for Adoption**

8.5.1 **Draft Documents**

Prior to consideration or final passage of all Ordinances, Resolutions, or pre-written Motions, draft documents or proposals shall be designated as drafts and shall contain the date of revision and the name of the author. Proposed Ordinances and Resolutions shall be accompanied by a “bullet” summary for possible later publication.

- “Proposed Drafts” shall contain the date, name of the group or individual originating or sponsoring the proposal, prior to the first presentation to the City Council.
- “Council Drafts” shall be documents or proposals which have been presented in open public session and held over by the City Council for further consideration or revision.

8.5.2 **Preparation of Ordinances.**

The procedures for ordinances are as follows:

(a) **Proposing an Ordinance**

A Councilmember may, in open session, request of the Presiding Officer that the Council consider enacting an ordinance. The Council then may assign the development of the proposed ordinance to the Administration, an Ad Hoc Committee, an Advisory Committee or the Council for consideration. The committee or Administration shall report its findings to the Council. The City Manager, the City Attorney, or any of the citizen boards, committees, or commissions may propose that Council consider an ordinance or resolution.

(b) **Sponsorship Encouraged**

When a Councilmember wishes to assume sponsorship or advocacy of an ordinance or resolution, he or she should so announce, make the initial motion, provide an introduction and advocate the measure before the Council.

(c) **Two (2) Readings**

Although State law requires only one reading in most cases, all City ordinances shall normally have two (2) separate readings at separate Council meetings. At each reading, the title of the ordinance and a simplified summary or title of the ordinance shall be read prior to a vote. Not later than the date of the meeting at which the reading occurs, the full text of the draft ordinance shall be posted on the City website. A printed copy of the ordinance shall be made available by the City upon request by a member of the public.

(d) **Waiver**

The provision requiring two (2) separate readings of an ordinance may be waived at any meeting when the Council determines that the ordinance is simple, non-controversial, or administrative in nature or that the interests of the City are best served by one reading.

(e) **Motion failure**

If a motion to “continue an ordinance to a second reading” fails, the ordinance shall be considered lost, unless a subsequent motion directs its revision and resubmission to second reading.

(f) **Repealer.**

Any ordinance repealing any portion of the Municipal Code shall also repeal the respective portions of the original ordinance(s). Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions or decisions occurring before such repeal.

8.5.3 **Preparation of Resolutions**

A resolution may be put to its final passage on the same day on which it was introduced. However, the Council may invoke the two (2) reading procedure, described in Section 8.5.2(c) above, to facilitate public understanding and opportunity to comment on the resolution. The title of each resolution and a simple text summary, if available, shall be read prior to its passage. Not later than the date of the meeting at which the reading occurs, the full text of the draft resolution shall be posted on the City website. A printed copy of a resolution shall be made available upon request by a member of the public.

8.6 **Council Packets**

Councilmembers shall receive their agenda packets from the City Clerk. Councilmembers and affected staff should read the agenda material and ask clarification questions prior to the Council meeting, when possible.

Article 9: RULES OF ORDER FOR COUNCIL MEETINGS

9.1 **Parliamentary Procedure**

Rules of order not specified by statute, ordinance, or this Manual shall be governed by Robert's Rules of Order (<http://www.robertsrules.com/>). A simplified summary of some of the most frequently used motions under Robert's Rules is shown in Exhibit A.

9.2 **Motions and Discussion**

All items of business placed before the Council that require the expenditure of Council or Administration resources or changes in land use shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed negative motion.

9.3 **Voting**

The votes during all meetings of the Council shall be transacted as follows:

- Unless otherwise provided by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Councilmember, a roll call vote shall be taken and recorded by the City Clerk. The order of the roll call vote shall be determined by the Presiding Officer.
- In case of a tie vote on any proposal, the motion shall be considered lost.
- Every member who was in the Council chamber when the question was put, shall give his or her vote unless the Council, for special reasons, shall excuse the member by motion. If any Councilmember refuses to vote "aye" or "nay" (for example, due to a conflict of interest), the result shall be determined in accordance with Robert's Rules, which generally means that it shall be as if the individual who abstained from voting was not present for the vote.

9.4 **Reconsideration**

Any action of the Council, (including without limitation a final action on applications for legislative changes in land use status), shall be subject to a motion to reconsider, *except for*:

- any action previously reconsidered,
- motions to adjourn or motions to suspend the rules, or
- a vote electing to office one who is present and does not decline.

A motion for reconsideration can be made only by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next regular Council Business Meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table immediately or at the next regular Council meeting (as determined by the wording of the motion to reconsider) for any action the Council deems advisable. Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter may not be discussed or acted upon unless and until the parties or their attorneys and the persons testifying have been given at least five (5) business days advance notice of such discussion or action.

9.5 **Dissents and Protests**

Any Councilmember shall have the right to express dissent from or protest, orally or in writing, against any Motion, Resolution, or Ordinance of the Council, and have the reason therefore entered or retained in the minutes.

9.6 **Complaints and Suggestions to Council**

When citizen complaints or suggestions, not on the agenda, are brought before the Council at a meeting, the Presiding Officer may, if circumstances warrant it, attempt to direct the citizen matter to an appropriate channel for resolution. In such a case, the Presiding Officer shall, in consultation with the City Manager, first determine whether the issue is legislative or administrative in nature and then:

- If legislative, and a complaint is about the language or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Presiding Officer may refer the matter to Administration, or the Council for study and recommendation.
- If administrative, and a complaint regarding administrative staff performance, execution of legislative policy or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for review, if said complaint has not been so reviewed. The Council may direct that the City Manager brief the Council when the City Manager's response is made.

9.7 **Prior Permission Required for Certain Elaborate Presentations**

No overhead projection, photographs, motion pictures, or video that require the use of flood lights or similar continuous artificial illumination, shall be used by the public at City Council meetings without the prior consent of the Presiding Officer or the City Manager.

9.8 **Conduct of Business Meetings**

The Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the Council's business more expeditiously. Business Meetings of the Council may generally include many or most of the following agenda elements (which need not occur in the order stated below). Council may, by motion, formally approve a "Sample Order of Business," which, if adopted, shall be appended to accompany the published body of this manual as information. Such "Sample Order of Business" shall serve as a guideline, subject to change by motion of the City Council, in accordance with the procedures described in Article 8.1 and this article.

Examples of Business Meeting agenda elements include:

- **Executive Session**

The Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Presiding Officer shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session shall be concluded. If the Council wishes to adjourn or take action at the close of a meeting from executive session, that fact will be announced. The announced time limit for executive sessions may be extended by announcement of the Presiding Officer made to those waiting in the nearest public area. No final

action may be taken in executive session. (See RCW 42.30.110) Councilmembers shall not disclose any confidential oral and written information provided during executive sessions or otherwise obtained in the course of their duties in order to protect the best interests of the City. (See RCW 42.23.070(4), Article II(C) of the City's Code of Ethics.)

- **Summary Reports**

Short summary reports may be presented near the end of the meeting. Short summary reports may, for example, be presented by the Presiding Officer, the City Manager, or the chair of an Ad Hoc Committee or Steering Group.

- **Public Comment Period or Public Hearing**

The routine public comment period at a Business Meeting is conducted as described in Section 9.12 below. By contrast, a public hearing is governed by different rules of procedure than a public comment period and may either be (a) a quasi-judicial review of a land-use matter, or (b) an opportunity for public comments to be heard and recorded on a legislative matter. Special opportunities for public comment apply to a public hearing (see Section 9.13 below), and special rules and procedures apply to a quasi-judicial hearing (see Section 9.14 below).

- **Consent Agenda**

The proper Council motion on the consent agenda is as follows: *"I move adoption of the consent agenda"*. This motion shall have the effect of moving to adopt all items on the consent agenda. Any member of the Council shall have the right to remove ("pull") any item from the consent agenda. Therefore, prior to the vote on the motion to adopt the consent agenda, the Presiding Officer shall inquire if any Councilmember wishes an item to be "pulled" from the consent agenda. If any matter is pulled, the Presiding Officer shall entertain discussion and a motion on any pulled item after the vote on the passage of the unpulled items of the consent agenda.

- **Discussion of Matters for Future Meetings**

The purpose of such a discussion is to offer Council members (an opportunity) to express preferences regarding the setting of the agenda for a future Council meeting, subject to the prerogatives of the agenda-setting process described in Section 8.1.

- **Other Common Agenda Elements**

The agenda of a Business Meeting may also include other elements such as: Unfinished Business; Ordinance Reading; and New Business.

9.9 **Conduct of Study Sessions and Workshops**

Regular or Special Meetings of the Council, or portions thereof, may be designated as Study Sessions. The definition and the basic rules for Study Sessions are stated in Section 3.4.4 and for a Workshop in Section 3.3.5.

A Study Session may consist of any or all of the following elements:

(a) **Public Comment Period**

In general, because a Study Session is more informal and more interactive than a Business Meeting, the Presiding Officer may have greater latitude to seek public comment on a particular issue being discussed. Therefore, the Presiding Officer may invite public comment and dialog from time to time during the Study Session. In general, public comment shall be sought solely or primarily on matters on the Study Session agenda.

(b) **Vetting of Agenda Items:**

This element of a Study Session involves a vetting and review of agenda items that are expected to appear for Council action on the agenda of the next ensuing Council Business Meeting. This element of the Study Session may include: review of clarity and completeness of issues presented; discussion of the merits of the proposal; and a procedural vote to determine whether the agenda item shall be advanced to an ensuing Business Meeting of the Council.

(c) **Study of Emerging Issues**

This element of the Study Session involves emerging issues that are not initially expected to appear for action at the next Council Business Meeting, and it may include: (i) staff or third-party presentations; (ii) Council and Administration study, discussion and analysis; and/or (iii) interactive public comments and Council responses to comments.

(d) **First Touch and Second Touch Updates**

The agenda may provide time for short updates by the City Manager, staff, Councilmembers, or a member of an Ad Hoc Committee or Steering Group.

(e) **Referral to Committee, Steering Group or Further Public Process**

At a Study Session, the Council may choose to refer an issue to an Ad Hoc Committee or Steering Group, or schedule a Public Forum, before the issue returns to a future agenda.

9.10 Workshops

The purpose of a Workshop (i.e., a single-topic Study Session) is to allow Councilmembers to do concentrated preliminary work with Administration or the public on a single subject (i.e., budget, complex legislation, or reports, etc.). Workshops shall be in a less formal setting but shall not discourage public observation. Public comment is not normally allowed at Workshops although the Council may allow, or request, participation in the same manner as other Council Study Sessions.

9.11 Adjournment Due to Emergency or Disruption

In the event of emergency, such as a fire, threatened violence, or inability to maintain order, the Presiding Officer shall declare the meeting adjourned or continued and Councilmembers shall immediately leave the meeting area.

9.12 Procedures for Public Comment at Business Meetings

9.12.1 In General

The City Council desires to allow a maximum opportunity for public comment at various public forums and meetings. However, at a Business Meeting, the business of the City must proceed in an orderly, timely manner, and in that setting, the open Public Comment period is generally limited in overall time on the agenda (e.g. 30 minutes), and is further limited in the amount of

time per speaker (3 minutes, or such lesser time determined by the Presiding Officer if a large number of individuals wish to speak). At any time the Presiding Officer in his or her sole discretion, may set such further limitations as are necessary to progress through the agenda and to prevent disruption of other necessary business.

The City will utilize a sign-in procedure for public comments, but, if time permits, the Presiding Officer may also invite comments from individuals who failed to sign in. The Presiding Officer may require a member of the public to state their name, address, and the subject of their comments.

These rules are intended to promote an orderly system of holding a public meeting, to give persons opportunity to be heard and to create an environment in which no individuals are embarrassed or uncomfortable by exercising their right of free speech.

9.12.2 Subjects – Whether or Not on the Current Agenda

Public comments received during the public comment period may be on any public topic, whether or not on the agenda, but a comment on the subject that is covered by a public hearing at that meeting must be made during the period of the public hearing.

9.12.3 Use of Microphones

Comments shall be made directly into the microphone, as it is necessary for the public record and for the audience to hear all proceedings. No comments shall be made from any other location.

9.12.4 Civility

The Presiding Officer is responsible for maintaining order and civility among those addressing the Council. There will be no demonstrations during, or at the conclusion of, any person's presentation. Any disruptive behavior, as determined by the Presiding Officer, shall be cause for removal from the meeting room.

9.12.5 Council May Overrule the Presiding Officer

Any ruling by the Presiding Officer relative to the conduct of the public comment period may be overruled by a vote of a majority of Councilmembers present.

9.13 Public Hearings – In General

9.13.1 Sign in Procedure

Prior to the start of the public hearing, the Presiding Officer may require that all persons wishing to be heard sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing, persons who have signed in and wish to be heard shall be given an opportunity to be heard.

9.13.2 Time Limits

The Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings, (i.e., proponents, opponents, adjacent owners, vested interests, etc.).

9.13.3 Other Rules

The rules applicable to a Public Comment period under Sections 9.12.3, 9.12.4, and 9.12.5 shall likewise apply to legislative public hearings.

9.14 Council Quasi-Judicial Hearings

Quasi-judicial hearings and actions of the Council are those proceedings which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions or hearings do not include the hearings pertaining to legislative actions adopting, amending, or revising a general governmental policy or ordinance, or a comprehensive, community, or neighborhood plan or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.”

9.14.1 Appearance of Fairness Doctrine Applies to Quasi-Judicial Actions

If a proceeding is quasi-judicial, the “appearance of fairness doctrine” under Washington state law is generally applicable. See RCW 42.36.010 and Section 4.6.4 of this Manual. If a proceeding contains both legislative and adjudicative functions, it is recommended that the appearance of fairness doctrine rules be followed by the Council.

9.14.2 Obligations of Councilmembers in Quasi-Judicial Proceeding

In the event of a quasi-judicial proceeding of the Council, a Council member should immediately disclose any interests that may appear to constitute a conflict of interest. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve a Councilmember’s business associate, or a member of the Councilmember’s immediate family. It could involve *ex parte communications* (that is, communications with one party to the quasi-judicial matter without notice to or argument from the other party). Or it could involve ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember’s employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should disclose such fact to the City Attorney.

Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known, or reasonably should have been made known, prior to the issuance of the decision. Upon failure to do so, the Doctrine may not be relied upon to

invalidate the decision. The party seeking to disqualify the Councilmember shall state, with specificity, the basis for disqualification.

In the case of the Council sitting as a quasi-judicial body, the Presiding Officer shall have authority to request a Councilmember to excuse him or herself on the basis of an Appearance of Fairness violation. Further, if two Councilmembers believe that an Appearance of Fairness violation exists, such individuals may move to request a Councilmember to excuse him or herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Councilmembers shall give due regard to the opinion of the City Attorney.

9.14.3 Avoid Ex Parte Communications with Quasi-Judicial Parties

During the pendency of any quasi-judicial proceeding, no Councilmember may engage in **ex parte** communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember: (1) places on the record the substance of such oral or written communications concerning the decision or action; and (2) provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. Under RCW 42.36.060(2), this does not prohibit correspondence between a citizen and his or her elected official, if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding.

EXHIBIT A - SIMPLIFIED SUMMARY OF PARLIAMENTARY PROCEDURE

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

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

Legend:

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

Ord: Required by City ordinance.

Res: Required by Council resolution.

COUNCIL WORKING COMMITTEES

- **Public Safety Committee:** 3 Councilmembers, Police Chief and City Manager.
- **Ad Hoc Tree & Low Impact Development Committee:** Research and recommend legislation modifying regulations relating to trees and low impact development

COUNCIL STANDING ADVISORY COMMITTEES

- **Climate Change Advisory Committee:** 9 members; Councilmember is liaison; serves as a technical and planning advisory committee on issues related to climate change. (Ord)
- **Cultural Organization Funding Committee:** 7 members; Councilmember is liaison; develops funding recommendations to support cultural activities in the community. (Ord)
- **Environmental Technical Advisory Committee:** 7 members; Councilmember is liaison; provides technical and scientific advice on environmental management issues and projects. (Ord)
- **Human Services Funding Advisory Committee:** 7 members; Councilmember is liaison; develops funding recommendations for human services funding. (Ord)
- **Lodging Tax Advisory Committee:** 6 members – four from the community plus Councilmembers as chair and co-chair; reviews proposals for contracts for tourism promotion or tourism facilities, funded by the lodging tax. (RCW)
- **Marine Access Committee:** 7 members; Councilmember is liaison; supports awareness, management, and enhancement of public access to the Island's water and water dependent activities. (Ord)
- **Multi-Modal Transportation Advisory Committee:** 7 members; Councilmember is liaison; advise on transportation issues.
- **Utility Advisory Committee:** 7 members; Councilmember is liaison; Public Works Director is principle support staff; advise on issues relevant to the operation and maintenance of the City's water, sanitary sewer, stormwater, and other utilities. (Ord)
- **Youth Advisory Committee:** Unspecified number of members; Councilmember is liaison; provides youth perspective on selected issues.

STANDING COMMISSIONS AND BOARDS

- **Civil Service Commission:** 5 members; administers Police Department advancements, demotions, suspensions, discharges and employment. (RCW)
- **Design Review Board:** 7 members; Councilmember is liaison; advises on commercial / mixed-use land use applications, makes recommendations based on design guidelines. (Ord)
- **Ethics Board:** 7 members; Councilmember is liaison; promotes understanding of ethical standards for elected officials, and for major contractors working with City. (Ord/Res)
- **Historic Preservation Commission:** 7 members; Councilmember is liaison; provides technical advice on historic preservation to property owners, reviews applications to National Historic register.
- **Planning Commission:** 7 members; Planning Director is staff liaison; reviews applications for amendments to comprehensive plan, official zoning map and official zoning ordinance and other land use and city planning matters. (RCW)

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

(a) **Meetings**

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

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

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

(c) **Liaison Procedures**

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

Exhibit C - Scalable Public Process Planning System

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

Level of Public Interest/Impact	Who and How	Sample Outreach Activities/Tools
<p>Straightforward issue</p> <ul style="list-style-type: none"> • Information only • Low controversy • One-time event 	<ul style="list-style-type: none"> • Staff “expert” • Communications Coordinator ➤ A few emails 	<p>Information (2.4.6)</p> <ul style="list-style-type: none"> • Press release • Calendar announcement
<p>More complex issue</p> <ul style="list-style-type: none"> • Multiple public “touches” • Public input helpful • Low controversy • Longer term impact 	<p>Ad Hoc Committee (2.1.3, 2.1.9)</p> <ul style="list-style-type: none"> • Director/designee • Staff “expert” • Communications Coordinator ➤ One or more meetings 	<p>Small-scale campaign</p> <p>may include above, plus:</p> <ul style="list-style-type: none"> • Display ad • ListServ notification • FAQ • Presentations to Key Influencers (ie., Rotary, Men’s Oatmeal, 2.4.3)
<p>Complex, and/or controversial issue</p> <ul style="list-style-type: none"> • Lasting policy and/or land use impacts • High interest for multiple community elements • Public input desired • Longer process 	<p>Small Task Force (2.1.7, 2.1.9)</p> <ul style="list-style-type: none"> • City Council liaison • City Manager/designee • Director/designee • Staff “experts” • Communications Coordinator ➤ Multiple meetings 	<p>Longer, more complex strategy</p> <p>may include above, plus:</p> <ul style="list-style-type: none"> • Multiple press releases/ announcements • Targeted outreach to potential stakeholders • Stakeholder meetings (2.4.3) • Neighborhood meetings (2.4.5) • One or more public forums (2.4.4) • Built-in, iterative feedback loop to evaluate results and alter course as needed

Exhibit D - Sample Order of Business

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

Call to Order by the Mayor (7:00 PM)

Pledge of Allegiance

Roll Call

Acceptance or Modification of Agenda / Conflict of Interest Disclosure

Public Comment

Mayor's Report

City Manager's Report

Presentations

Public Hearing (if any)

Unfinished Business

New Business

Consent Agenda

Committee Reports

For the Good of the Order

Adjournment



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: January 19, 2021

ESTIMATED TIME: 20 Minutes

AGENDA ITEM: (8:30 PM) Economic Recovery Grants - Councilmembers Schneider, Hytopoulos, and Deets

SUMMARY: The City Council will discuss economic recovery grants for local businesses.

AGENDA CATEGORY: Discussion

PROPOSED BY: City Council

RECOMMENDED MOTION: I move to direct the Interim City Manager to develop the necessary elements of a business recovery grants program based on the guidelines presented by the subcommittee and any additional materials shared by the Bremerton Phase 3 Small Business Assistance program.

STRATEGIC PRIORITY: Vibrant Economy

FISCAL IMPACT:

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

BACKGROUND: Many jurisdictions across the Country—including the local jurisdictions of Kitsap County, Poulsbo, and Bremerton—have allocated significant CARES funds to a business recovery grants program.

- Poulsbo helped 23 businesses using \$180,000 out of \$550,000 total CARES funding (33%)
- Bremerton helped 86 businesses with grants of up to \$10K using \$580,000 of CARES funding

In general, the businesses that qualified for this relief in nearby jurisdictions were storefront, e.g. restaurants, retail, and walk-in services such as salons.

Additionally, Poulsbo purchased outdoor heaters, bistro furniture, and tents for restaurants. A field trip to Poulsbo on December 31 at 4pm showed many of these venues, located in sidewalk and parking areas, being used.)

With Covid-19 restrictions and customer wariness expected to continue impacting businesses for months to come, many of those businesses that have survived so far are struggling. Conversations with Island businesses have demonstrated strong support for a direct grant program.

Attached are the proposed COBI business recovery grants memorandum from the ad hoc committee, a sample application, and additional background materials from Bremerton.

ATTACHMENTS:

[Proposed COBI Business Recovery Grants Memo.docx](#)

[Phase III Application Example Redacted.pdf](#)

[FOR REFERENCE - Agenda Bill for Resolution 3329 Small Business Assistance CARES.pdf](#)

[FOR REFERENCE - Resolution 3329 Small Business Assistance CARES.pdf](#)

[FOR REFERENCE - Bremerton Contract with KEDA -- Small Business Grant Program Administrator Agreement.docx](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

Proposed COBI Business Recovery Grants Program

Proposed Grants Program

The Business Recovery Subcommittee proposes leveraging and following the Bremerton Phase 3 program with modifications as needed for Bainbridge. This program was refined over three phases and was highly successful and well received. More detail from Bremerton about their program is expected and might suggest changes to some of the detail referenced in this proposal.

Overall Funding Budget

- \$200K for grants to businesses
- \$5K for grant administration delegated to Kitsap Economic Development Alliance (KEDA), the entity that administered the Bremerton program.
- \$5K for outdoor venue purchases (e.g. heating lamps, tents) on behalf of businesses that request them

Will require a budget amendment of \$210K from the General Fund, not to exceed staff reimbursement of CARES funding received by COBI.

Maximum grant amount per business

First round: \$5K per business. If funding remains after grants are offered to all qualifying businesses, then both grantees and new businesses can re-apply for a cumulative total of \$10K, first come first served.

Businesses Targeted for Relief

For-profit or non-profit storefront (customer walk-in) restaurants, retail, salon, and gyms in Winslow and neighborhood centers. NOTE: we are expecting to follow Bremerton Phase 3 criteria when known. The criteria above are inferred from conversation with the Bremerton Financial Director.

Calculation of funding eligibility and impact of past grants (state or county) on this award

- Business must show a minimum 25% overall decrease in revenue for Q2-Q4 2020 compared to the same quarters the business was operating in 2019. If the business wasn't operating for full comparison quarters in 2019, then an average of all operating months leading up to Q2-Q4 2020 may be used for comparison instead.
- All relief grants (e.g. EIDL and PPP) must be reported, and will offset that loss
- Any remaining loss is eligible to be covered by this new grant program

Eligible Expenses

Lease/rent paid or owed, utilities, expenses related to COVID accommodation. NOTE: The Bremerton program did not require receipts, which would have added significantly to the administration overhead.

Date company must have been opened for business (with city license) on Bainbridge Island Jan 1, 2020.

Bremerton CARES Small Business Reimbursement Grants - Phase 3



This grant program is for firms operating in Kitsap County with up to 50 FTE and holding a current Bremerton business license. Funding made possible by CARES funds distributed by City of Bremerton.

More details at <https://www.kitsapcaressmallbiz.com>

Company Information

Legal Company Name

DBA (if applicable)

Address

Address Line 1

Address Line 2

City

State

Zip Code

Date Business Opened

UBI Number

###-###-###

form defaults to comma separator

Is the business L&I account current?

Yes

No

you can look up and verify the status

here: <https://secure.lni.wa.gov/verify/>

NOTE: you may not have an L&I account if you have no employees

CEO/President/Owner

Name

First

Last

Email

Phone

Company Website (if applicable)

Person Filling Out Form (if different from CEO/President/Owner)

Name

First

Last

Email

Phone

Industry

- Agriculture
- Food Services/Restaurant
- Legal
- Professional Services
- Salon/Spa
- Transportation/Logistics
-
- Childcare
- Hospitality/Rec/Accomm
- Manufacturing
- Real Estate/Property Management
- Supplies/Wholesale
- Other
- Construction/Building Trades
- Healthcare/Medical/Dental
- Personal Services
- Retail Sales
- Technology/Research

Does your business REQUIRE in-person (physical) interaction?

Yes No

Does business have a public facing storefront?

Yes No

Number of FTE (1/1/2020)

Number of FTE today (date of application)

FTE Calculations: Full Time Equivalent = FTE. Final numbers to be rounded up.

- **Full-Time Employees** (Not Volunteers) = Employees working 30-40 hours per week = 1 FTE
- **Part-Time Employees** (Not Volunteers) = Employees working less than 30 hours per week, add their hours together and divide by 40. Example: 3 Employees working the following 11+29+20 hours = 60 Hours/40 hours = 1.5 FTE.

Business Structure

- Sole Proprietorship
- Limited Liability Company (LLC)
- Close Corporation
- S-Corp
- Limited Partnership (LP)
- Nonprofit 501(c)3
- General Partnership
- Cooperative
- C-Corp
- B-Corp
- Limited Liability Partnership (LLP)

Is your business HOME BASED?

- Yes
- No

Signed Business W-9

[Redacted Signature]

9
here. <https://www.irs.gov/pub/irs-pdf/fw9.pdf>

Company description. Describe the company and its products/services.

[Redacted Company Description]

Is your business OMWBE (WA Office of Minority and Women Business Enterprises) certified?

- Yes
- No

Are you a veteran?

- Yes
- No

Is your business woman owned? (51% or more ownership)

- Yes
- No

Is your business minority owned? (51% or more ownership)

- Yes
- No

Please check one of the following:

- White
- Black or African American
- Asian
- Other Race
- Hispanic or Latino
- American Indian or Alaskan Native
- Native Hawaiian or Pacific Islander

Economic Impact



Economic Impact. Describe the effect of the public health crisis on the business

We have lost over 60% of our business, had to lay off dedicated employees, incurred more debt through PPP and EIDL loans and used every penny of savings to keep our doors open to a community we love and cherish.

How will allocated funds can help the business? Why is funding critical to this business?

Determining Economic Impact

Our restaurant did not open it's doors until May 2019 so comparison of Q2 numbers between 2019 and 2020 don't accurately show the financial impact of this pandemic. So below are the numbers for June 2019 and June 2020 instead.

Most businesses will establish revenue impact by comparing Q2 2019 and Q2 2020 gross revenue. If the impact to your business was delayed or other specific circumstances apply, please detail them here:

Q2 2019 Gross Revenue

\$60,774.27

This is earned revenue only. Do not include loans or grants.

Q2 2020 Gross Revenue

\$36,319.78

This is earned revenue only. Do not include loans or grants.

COVID response - did you implement new products or services to increase revenue?

Yes No

New Product or Service Details -- this must be completed if you checked Yes.

Started an online ordering system and participated in Full Circle Meals just to make bills

Date business closed due to COVID 19 (if applicable)

Date business re-opened (if applicable)

Business closed due to Governor's Directive?

Yes No, considered essential No, did not comply

Additional comments about business closure/reopening

[Redacted]

How many months reserve funding does your business have based on the current economic situation?

0

Reserves: calculated by subtracting the current monthly net loss from the cash reserves the business currently holds. Loan proceeds should not be considered as part of the reserve.

Additional comment about revenue impact

If Phase II rolls back to Phase I we will have to shut our doors.

Likelihood of Permanently closing the business

High Medium Low

Are you able to operate and be open under the current Safe Start guidelines?

Yes No

Number of potential jobs lost.

9

Will this grant help retain jobs? If so, how many?

9

I received and/or was notified I was awarded one of the following grants: Working Washington Small Business Emergency Grant

- Working WA Small Business Emergency Grant
- Kitsap CARES rent relief grant
- Port Orchard CARES grant
- Bremerton CARES grant
- Traditional bank loan
- Dept of Child, Youth and Families Child Care grant
- Bremerton Chamber
- Other local or state

If you checked any of the state or local grant programs - please list the

[Redacted]

You noted you received a local or state grant. Please list the grant program and grant amount below.

grant grant

I did not receive a state or local grant

Priority will go to businesses that have NOT received any of these types of funds.

NOTE: Businesses that received \$5,000 or less from Working Washington Small Business Emergency Grant program are eligible.

I received an SBA PPP loan and/or an EIDL advance or loan.

Yes No

Award of SBA funds does not impact the business scoring; we must confirm the use of this potential grant is different from the loan funding uses.

Federal funds such as EIDL, PPP and CARES cannot be used for same use twice -- i.e. if you used funds for April rent, this grant cannot be used for April rent.

You may NOT be reimbursed by multiple funders for the same cost (double-dipping). "No duplicate payment or supplanting of other costs is allowed"

You answered yes confirming you received an SBA PPP and/or EIDL loan. List the SBA loan(s) and amount received. Please note what the loans funded.

[Redacted area containing SBA loan details]

Determining Eligible Expenses

Explain how funds will be used to help the business. This information is necessary to ensure that proposed expenses are eligible for reimbursement.

If you can answer YES to all questions below, the costs may be eligible:

- the expense is connected to the COVID-19 emergency
- The expense is "necessary" to continue business operations
- The expense is NOT filling a shortfall in government owed payments (i.e. taxes, licenses, state/county/federal and/or city fees)
- You will self-attest by signature that the expense is NOT funded by any other funder, whether private, state or federal
- You would not be seeking this grant IF you had NOT been impacted by COVID-19

Amount of CARES grant money being requested (up to \$10,000)

\$10,000.00

Detail how funds will be used to help the business. This information can help us ensure that proposed expenses are eligible for reimbursement.

We are planning to use this grant for reimbursement of October rent and a portion of November rent for the remaining funds. (Rent is \$7129.16 p month) We will also use the funds for continued purchases of PPE that we provide for our customers such as masks, hand sanitizers and subscription to contactless menu as we continue to provide a safe environment in our restaurant. The Bremerton CARES Small Business Grant is a much needed resource for us as we continue to operate in a reduced capacity in order to comply with the Governor's SAFE START requirements. Thank you.

Be as specific as possible. General statements like "it will make a huge difference" and "I will probably buy something to help" are not adequate.

Acceptable statements include item/service, cost and date.

SELF- CERTIFICATIONS

Failure to self-attest to the following statements results in grant ineligibility.

I certify my business has been negatively impacted by emergency public health protections in place and/or mandatory closure buy executive order due to COVID-19.

**AFFIRMATI
ON**
 Yes No

I certify my business has not been debarred by the Federal Government.

**AFFIRMATI
ON**
 Yes No

I certify my business is licensed in Washington State, has an active UBI number. Note: Tribal Businesses without a UBI number may submit a certification from the Tribe recognizing them as a business in good standing

**AFFIRMATI
ON**
 Yes No

I certify my business does not have any L&I Tax debts, or any license violations.

**AFFIRMATI
ON**
 Yes No

I certify my business acknowledges and agrees to comply with the Governor's phasing plan applicable to my business.

**AFFIRMATI
ON**
 Yes No

I certify that if the business receives a grant the funds will only be spent on expenses connected to the COVID-19 emergency.

**AFFIRMATI
ON**
 Yes No

I certify that if the business receives a grant the funds will not be spent on filling a short fall in government revenues. (i.e. taxes, licenses, state, county, federal and/or city fees)

**AFFIRMATI
ON**
 Yes

I certify that if my business receives a grant the funds will not be spent on an expense that is funded by any other funder, whether private, State or Federal.

No

AFFIRMATION

Yes No

I certify that if my business would not be applying for this grant IF it had NOT been impacted by COVID-19.

AFFIRMATION

Yes No

I certify that if my business is awarded a grant I MUST keep all receipts and paperwork related to this grant for six (6) and that KEDA and/or City of Bremerton may request to see documentation during application, at time of award or at any time during the six-year followup.

AFFIRMATION

Yes No

Declaration Signature

Signature

|



Your signature signifies that all information provided in this application is true and can be verified if requested.

KEDA nor the State of Washington are liable for any false statements and/or data provided by you and/or those acting on your behalf.

Title of application signer

Date Signed

AGENDA BILL
CITY OF BREMERTON
CITY COUNCIL

4A

SUBJECT:

Resolution No. 3329 to establish Bremerton CARES, a Small Business Relief Grant Program in response to COVID-19 to provide Business Rental Assistance

Study Session Date: July 22, 2020

COUNCIL MEETING Date: August 5, 2020

Department: Financial Services

Presenter: Michael Riley

Phone: (360) 473-5303

SUMMARY: The City has been allocated \$1,264,400 from the federal government's Coronavirus Relief Fund ("CARES ACT funding"). The City intends to establish a small business grant relief program and direct \$255,000 of the COVID ACT funding to this program for small business assistance, specifically a rent relief program.

ATTACHMENTS: 1) Resolution No. 3329 Bremerton CARES, Small Business Relief Program; and 2) Department of Commerce COVID Cares Interagency Agreement

FISCAL IMPACTS (Include Budgeted Amount): \$255,000 from COVID ACT Funding

STUDY SESSION AGENDA:

Limited Presentation Full Presentation

STUDY SESSION ACTION:

Consent Agenda General Business Public Hearing

RECOMMENDED MOTION:

Move to 1) accept funding allocation of \$1,264,400 from the federal government's Coronavirus Relief Fund; and 2) approve Resolution No. 3329 establishing Bremerton CARES, Small Business Relief Program directing \$255,000 of the COVID ACT funding to the program, and to authorizing a budget adjustment in the same amount.

COUNCIL ACTION:

Approve Deny Table Continue No Action

RESOLUTION NO. 3329

A RESOLUTION of the City Council of the City of Bremerton, Washington, establishing Bremerton CARES, a small business relief grant program in response to the novel Coronavirus (COVID-19) to provide business rental assistance.

WHEREAS, On March 27, 2020, the United States Congress adopted the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) which, among other things, amended Section 601(a) of the Social Security Act and established the Coronavirus Relief Fund into which Congress appropriated \$150 billion to make payments for specified uses to States and certain local governments; and

WHEREAS, The Coronavirus Relief Fund is available to reimburse government recipients for necessary expenditures incurred due to the COVID-19 public health emergency that were not accounted for in the government recipient’s most-recently appropriated budget and that were incurred during the period between March 1, 2020 and December 30, 2020; and

WHEREAS, Guidance issued by the U.S. Treasury Department indicates that necessary expenditures incurred due to the COVID-19 public health emergency include costs incurred to support local businesses that suffered losses due to COVID-19 business interruptions, or incurred costs for personal protective equipment or other materials, supplies and equipment needed to safely operate following a COVID-19-related closure; and

WHEREAS, the City Council believes a functioning local economy is critical to protect the health and wellbeing of Bremerton residents, as the failure of small businesses due to the pandemic will create a serious hardship on owners and individuals employed by those businesses, and create additional financial burdens on government services by increasing demand for government support to individuals who are unemployed coupled with a substantial decrease in revenue for the City due to the pandemic; and

WHEREAS, the City Council desires to establish Bremerton CARES, a Small Business Relief Grant Program, the focus of which is to provide short-term economic stability via monetary grants to qualifying businesses located within City limits for business rental assistance; and

WHEREAS, the City Council finds that this program will serve a governmental purpose by wherein in exchange for cash allocations, qualified small businesses will be able to re-open and provide the City’s residents with jobs, services and/or goods, and public services via tax revenue; and

WHEREAS, the City Council has directed staff to build a program and utilize general funds for this program, and seek reimbursement from the CARES program; and

WHEREAS, the City has limited resources, including limited available personnel, to administer the Program, and desires to partner with a qualified service provider capable of serving as grant administrator, selected due to its unique qualifications for the performance of this service during this declared state of emergency; and

WHEREAS, the City has developed the grant program and eligibility requirements, based on the requirements for use of funds established by the Washington Department of Commerce, the administrator for the CARES Act funding allocated to the City; and

WHEREAS, the City shall allocate no more than \$255,000 of CARES ACT funding for this program, with a maximum of \$5,000 allocated to a service provider for the administration of the program and \$250,000 for the relief grants to small businesses; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby adopts the recitals expressed above as Findings of Fact in support of this Resolution.

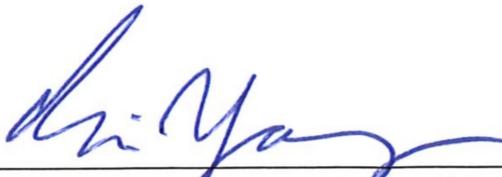
SECTION 2. The City Council hereby establishes the Bremerton Cares, Small Business Grant Relief Program, and allocates City general funding in the amount of \$255,000 to be utilized for economic recovery response to the impacts resulting from the COVID-19 pandemic. The City Council specifically directs that the \$250,000 be disseminated pursuant to the program criteria attached hereto as Exhibit A. Final selection of the grant recipients shall be determined by the Mayor or designee, based on the parameters set forth in Exhibit A.

SECTION 3. The City Council authorizes the Mayor to adopt any necessary administrative processes to implement this Resolution and attached policy set forth in Exhibit A, in compliance with the provisions of state law.

SECTION 4. Severability. If any one or more sections, subsections, or sentences of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect.

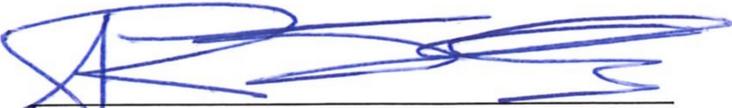
SECTION 5. Effective Date. This Resolution shall take effect and be in force immediately upon its passage.

PASSED by the City Council of the City of Bremerton, Washington this 5th day of August, 2020.


ERIC YOUNGER, Council President

APPROVED AS TO FORM:

ATTEST:


ROGER A. LUBOVICH, City Attorney


ANGELA HOOVER, City Clerk

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Exhibit A

City of Bremerton Bremerton Cares Small Business Relief Grant Program

Purpose

The City of Bremerton Small Business Relief and Recovery Grant Program is intended to ensure the economic health of the City of Bremerton, and thereby improve the public health and welfare for Bremerton's residents. The grant funded allocated hereunder is designed to help small businesses keep their doors open, protect local jobs threatened by the COVID-19 pandemic, support community recovery, and increase the resiliency of local businesses in our community.

Through the program, eligible small businesses operating in the City of Bremerton have the opportunity to apply for cash assistance to help with rent and to mitigate the impacts of revenue reductions associated with COVID-19. The City anticipates awarding eligible small businesses with a one-time cash grant of up to \$5,000 based on justifiable need and business resiliency.

Administration of Program

The City shall supply the cash grants to qualifying small businesses, consistent with the criteria herein. Due to the City's limited personnel, to effectuate this policy, the City may enter into a services agreement with a qualified non-profit organization to facilitate the timely and effective dissemination of these funds to businesses.

Criteria for Grant Funding:

To be eligible for grant funding, a small business must meet the following criteria:

- Must have a Bremerton business license
- Have a physical location in the City of Bremerton on or before March 1, 2020
- Have no more than 15 full-time equivalents.
- Engage in a type of business eligible to receive funding by the US Small Business Administration
- Ability to demonstrate loss of revenue due to COVID-19 (Priority given to businesses that were required to close due to the Governor's order)
- Your business has reopened prior to the date of the application
- If you answer yes to all of the above your business may qualify

Permitted Use of Grant Funding:

- Payment of business leasehold rents. Up to 6 months of rent from April thru September 2020 up to \$5,000

Not Permitted Uses for Grant Funding:

- Wages, bonuses or draws by you as the owner. (These expenses were eligible under the PPP loans)
- Operating expenses other than rent
- Businesses that received previous funding under the Working Washington Small Business Emergency Grant program or other local grants
- Not eligible for months that landlord provided rent relief
- Mortgage payments on owner occupied buildings
- Landlord must not have any ownership in business
- No homebased businesses

Required Documentation From Applicants:

- Application – As administered by the non-profit, all businesses seeking funding shall submit an application demonstrating that the business meets the above criteria.
- Evidence of Lease or Declaration from Landlord evidencing lease
- Documentation related to real estate holding company may be required

Awards will be made to qualified small businesses applicants, through the execution of an Agreement between the grant recipient and the City. Awarded small businesses may be, through the Agreement, required to report on expenditures and outcomes through a one-time end of program report.

**AGREEMENT FOR THE ADMINISTRATION OF
THE BREMERTON CARES
SMALL BUSINESS RELIEF GRANT PROGRAM**

THIS AGREEMENT is entered into on this ____ day of August, 2020, by and between the City of Bremerton, a Washington municipal corporation (“City”) and the Kitsap Economic Development Alliance (“KEDA”), a Washington nonprofit corporation, for the administration of the Bremerton CARES Small Business Relief Grant Program.

RECITALS

A. On March 27, 2020, the United States Congress adopted the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) which, among other things, amended Section 601(a) of the Social Security Act and established the Coronavirus Relief Fund into which Congress appropriated \$150 billion to make payments for specified uses to States and certain local governments.

B. The Coronavirus Relief Fund is available to reimburse government recipients for necessary expenditures incurred due to the COVID-19 public health emergency that were not accounted for in the government recipient’s most-recently appropriated budget and that were incurred during the period between March 1, 2020 and December 30, 2020.

C. Guidance issued by the U.S. Treasury Department indicates that necessary expenditures incurred due to the COVID-19 public health emergency include costs incurred to support local businesses that suffered losses due to COVID-19 business interruptions, or incurred costs for personal protective equipment or other materials, supplies and equipment needed to safely operate following a COVID-19-related closure.

D. The State of Washington determined to distribute a certain portion of its share of the CARES Act funds to Washington cities, including the City of Bremerton, with such funds being administered through the Washington State Department of Commerce.

E. The City has entered into an Interagency Agreement with the Washington State Department of Commerce, which governs the City’s receipt of the CARES Act funds allocated to the City, through the City’s request for reimbursement of eligible expenditures (the “Interagency Agreement”). Under the Interagency Agreement, the City’s reimbursable expenditures must be incurred during the period between March 1, 2020 and October 31, 2020 in order for the State of Washington to closeout its contracts in time to meet the United States Treasury’s December 30, 2020 end date.

F. To address the COVID-19 public health crisis, on March 23, 2020, Governor Inslee issued Proclamation 20-25, “Stay Home -- Stay Healthy,” which prohibited all people in Washington State from leaving their homes with certain exceptions, and generally prohibited all nonessential businesses from conducting business. On May 31, 2020, after extending Proclamation 20-25 several times, Governor Inslee issued Proclamation 20-25.4, which recreates a transition from “Stay Home

-- Stay Healthy” to Safe Start – Stay Healthy” on a County by County basis, and in accordance with a four phase re-opening plan.

G. Currently, Kitsap County is in Phase 2 of the re-opening plan. Many businesses in Bremerton have not yet re-opened, or are only open in a limited capacity. Without financial assistance, many businesses will not have the resources to re-open in the future, or if they have attempted to re-open, may have to cease operating. Disruptions to workers and businesses are serious, as small businesses are the backbone of our economy, and provide the foundation of employment, services for the community, and revenue for cities and other public agencies to continue to provide essential services for the public welfare and benefit.

H. The City recognizes that one of its essential functions is to secure the health and welfare of the community. Resources are necessary to help small businesses survive this unexpected economic downturn caused by the unprecedented COVID-19 crises. Therefore, the City established Bremerton CARES, a Small Business Relief Grant Program (“Program”), the focus of which is to provide short-term economic stability via monetary grants to qualifying businesses located within City limits.

I. The Kitsap Economic Development Alliance (“KEDA”) is a Washington nonprofit corporation with a mission to serve as a resource for businesses located in the City of Bremerton, and to promote economic opportunities in Kitsap County. In furtherance of that mission, KEDA is uniquely knowledgeable of the currently existing small businesses in Bremerton, and accordingly uniquely equipped to administer the Program for the businesses of Bremerton on behalf of the City.

J. The City has limited resources, including limited available personnel, to administer the Program, and desires to partner with KEDA as a qualified service provider capable of serving as grant administrator selected due to its unique qualifications for the performance of this service during this declared state of emergency.

NOW, THEREFORE, the Parties mutually agree as follows:

AGREEMENT

1. City’s Duties. The City shall provide the funding for the Bremerton CARES Program, and shall make grant payments to selected grant recipients.

The City shall pay to KEDA for its actual costs in administering the Program in an amount not to exceed \$5,000. Upon receipt of an invoice from KEDA the City agrees to pay this amount within thirty (30) days.

2. KEDA’s Duties. KEDA shall administer the Program as follows:

A. The City shall provide and KEDA shall review the executed Interagency Agreement between the City of Bremerton and the Washington Department of Commerce for CARES Funding, including any amendments thereto, and shall ensure compliance with the requirements of that Interagency Agreement in effectuation of this Agreement.

B. KEDA shall utilize the eligibility parameters for the Program attached as **Exhibit A** for the selection of grant recipients. Upon selection of said grant recipients, KEDA shall provide to the City the selected application and all supporting documentation for the City's audit. The City has ultimate decision-making authority as to the final grant recipients, and reserves the right to reject any application. The City shall inform KEDA of the final grant recipient(s) and allocated funding, and may do so on a rolling basis.

C. KEDA shall notify the final grant recipients upon selection by the City, and shall supply the awarded applications to the City on a bi-monthly basis.

D. KEDA shall administer the Program, utilizing the parameters set out in this Agreement, shall administer the Program in a manner which assures fair, equal and non-discriminatory treatment of all persons, including maintaining open hiring and employment practices, and compliance with all requirements of applicable federal, state or local laws or regulations related to hiring and employment practices and providing services to all persons, without discrimination as to any person's race, color, religion, sex, sexual orientation, disabled veteran condition, physical or mental handicap or national origin.

E. KEDA shall perform due diligence to ensure all grant recipients are eligible to receive grant funding under the terms of this Agreement, and KEDA shall document said due diligence via a report to the City. The report shall identify the measures taken by KEDA in detail, and the City reserves the right to request additional information and/or documentation to support each award.

F. KEDA, in conjunction with the City, shall ensure all grant recipients use Program Award Funds only to pay or reimburse Recipient for Eligible Expenses incurred during the time period set forth in this agreement. Eligible Expenses are limited to expenditures for costs of business interruption caused by closures and limited re-openings due to COVID, and must be specifically for COVID-related impacts.

G. KEDA shall ensure all grant recipients shall not use Program Award Funds to cover payroll or other employee-related or business-associated costs for which the grant recipient has received other federal, state or regional funds, including without limitation funds made available under the Payroll Protection Program ("PPP") or unemployment insurance compensation with a signed declaration by business in application process asserting they meet all criteria.

H. KEDA shall ensure all Eligible Expenses by grant recipients are incurred between March 1, 2020 and October 31, 2020. Any expenses incurred before or after this period are not Eligible Expenses for Program Award Funds. KEDA agrees that all proposed grant recipients shall be submitted to the City for review on or before September 30, 2020, and that all documentation required under this Agreement shall be submitted to the City no later than October 1, 2020.

I. In administering the Program, KEDA shall comply with and obey all applicable federal, state and local laws, regulations, and ordinances. Should KEDA's administration of the Program be inconsistent with applicable laws, provisions of this Agreement, or otherwise

inappropriate, the City shall have the right to the return of any portion of the Funds that are later determined to have been spent in violation of applicable laws. In the alternative, the City may recapture such funds from payments due under this Agreement. The City shall not exercise this right until it has given written notice of noncompliance with applicable laws or this Agreement to KEDA, and allowed KEDA a period of ten (10) days from the date of notice for KEDA to cure the noncompliance. The right of recapture provided in this section is in addition to and not in lieu of any right which Washington law provides for breach of contract.

3. Maintenance of Records. KEDA shall maintain accurate written records, including accounting records such as invoices, sales receipts, and proof of payment, books, documents, data and other evidence that reflects its costs of administering the Program, as well as all of grant recipients direct and indirect expenditures of Program Award Funds. These records must be sufficient to demonstrate that the funds have been used in accordance with Section 601(d) of the Social Security Act. The City may at any time review the documentation to determine KEDA's conformance with the requirements of the Program, and the KEDA shall make available to the City, upon request, all of the KEDA's records and documents with respect to all matters covered by this Agreement.

A. The City may require the KEDA to provide additional documentation if the existing documentation is deemed incomplete.

B. KEDA shall retain all records related to this Agreement for a period of six (6) years following the expiration or termination of this Agreement, whichever occurs later. These records, including materials generated under the contract, shall be subject at all reasonable times to inspection and review by the City, and to an audit by the Washington State Department of Commerce, personnel duly authorized by Commerce, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

C. If any litigation, claim or audit is started before the expiration of the six (6) year period provided in Section 3(b) above, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

D. The terms of this provision shall survive the expiration or termination of this Agreement.

4. Term. This Agreement shall commence upon mutual execution, and terminate upon completion of all duties proscribed herein, or on December 31, 2020, whichever occurs first.

5. Termination. If KEDA fails to fulfil its obligations under this Agreement, the City may terminate this Agreement upon written notice to KEDA specifying the reason for termination and the date of termination, and may seek to recover any Program Award Funds paid to KEDA or in KEDA's possession at the time of termination.

6. No Employee Relationship. KEDA understands and acknowledges that neither KEDA nor any officer, employee or agent of KEDA shall be considered to be an employee of the City, nor entitled to any benefits accorded City employees, by virtue of the services provided under

this Agreement. The City shall not be responsible for assuming the duties of an employer with respect to the KEDA or any employee of KEDA.

7. Indemnification. KEDA shall indemnify and hold the City harmless against any claim or liability of any nature in connection with or arising in any manner out of this Agreement. KEDA shall ensure that any recipient of any Program Award Funds shall agree to defend and indemnify the City to the extent and on the same terms and conditions as KEDA.

8. Complete Agreement. This Agreement sets forth the complete expression of the agreement between the Parties, and any oral representations or understandings not incorporated herein are excluded.

9. Waiver. Any waiver by KEDA or the City of the breach of any provision of this Agreement by the other party will not operate, or be construed, as a waiver of any subsequent breach by either party or prevent either party from thereafter enforcing any such provisions.

10. Modification. This Agreement may only be amended by written agreement signed by both Parties.

11. Severability. If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void, insofar as it is in conflict with said laws, and the remainder of the Agreement shall remain in full force and effect.

12. Notices.

Notices to the City of Bremerton shall be sent to the following address:

City of Bremerton
Attn: Michael Riley
345 6th Street, Suit 100
Bremerton, WA 98337

Notices to KEDA shall be sent to the following address:

13. Assignment of Contract. KEDA shall not assign this Agreement or any of the duties assigned to it hereunder without the prior written consent of the City.

14. Venue. This Agreement shall be governed by the law of the State of Washington and venue for any lawsuit arising out of this Agreement shall be in Kitsap County.

15. Interagency Agreement Amendments. Notwithstanding Section 10 above, the Parties acknowledge that Washington State may require or request changes to the Interagency Agreement or its requirements or provisions. Any changes or alterations to the Interagency

Agreement terms and conditions that are applicable or relevant to this Agreement shall be incorporated into this Agreement by amendment of this Agreement, upon notice by the City to KEDA.

16. Public Disclosure. All documents and records comprising the Agreement, and all other documents and records provided to the City by KEDA, are deemed public records under the Washington Public Records Act, Ch. 42.56 RCW, and may be subject to disclosure by the City. The City may be required, upon request, to disclose the Agreement, and the documents and records submitted to the City by KEDA, unless an exemption under the Public Records Act applies.

17. Disclaimer of Liability. Washington State Department of Commerce and the State of Washington are not liable for claims or damages arising from the KEDA's performance of this Agreement.

IN WITNESS WHEREOF, the City and the KEDA have executed this Agreement as of the date first above written.

<p>CITY OF BREMERTON, WASHINGTON</p> <p>By: _____ Grey Wheeler, Mayor</p> <p>Date: _____</p>	<p>Kitsap Economic Development Alliance</p> <p>By: _____ Typed/Printed Name: _____ Its: _____ Date: _____</p>
<p>APPROVED AS TO FORM:</p> <p>By: _____ Roger Lubovich, City Attorney Date: _____</p>	

Exhibit A

Bremerton Cares Small Business Rent Relief Program

How do I know if my small business qualifies?

- Must have a Bremerton business license
- Have a physical location in the City of Bremerton on or before March 1, 2020
- Have no more than 15 full-time equivalent employees.
- Engage in a type of business eligible to receive funding by the US Small Business Administration
- Ability to demonstrate loss of revenue due to COVID-19 (Priority given to businesses that were required to close due to the Governor's order)
- Your business has reopened prior to the date of the application
- If you answer yes to all of the above your business may qualify

What can I use the grant for?

- Reimbursement of business leasehold rents. Up to 6 months of rent from April thru September 2020 up to \$5,000

What things are not allowed?

- Wages, bonuses or draws by you as the owner. (These expenses were eligible under the PPP loans)
- Operating expenses other than rent
- Businesses that received previous funding under the Working Washington Small Business Emergency Grant program
- Not eligible for months that landlord provided rent relief
- Mortgage payments on owner occupied buildings
- Landlord must not have any ownership in business
- No homebased businesses

Documentation

- Application
- Evidence of Lease
- Declaration from landlord
- Documentation related to real estate holding company may be required