



CITY OF
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION
TUESDAY, AUGUST 06, 2019**

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

AGENDA

1. **CALL TO ORDER / ROLL CALL - 6:00 PM**
2. **EXECUTIVE SESSION - 6:05 PM**
 - 2.A Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency
3. **APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE - 6:20 PM**
4. **MAYOR'S REPORT - 6:25 PM**
5. **PRESENTATIONS**
 - 5.A **(6:30 PM) Sustainable Transportation Planning - Goal Setting - Public Works**
BI Council Session Goals Outcomes
Sustainable Transportation Plan PSA Scope of Work
CC_Sustainable_Transportation_Proposal.pdf
 - 5.B **(7:00 PM) Suzuki Affordable Housing Project Feasibility Study and Decision on Number of Housing Units - Executive**
Suzuki Neighborhood Perspective
BRIDGE PowerPoint-HRB_Suzuki Site_8_2_2019_Presentation Copy.pdf
2019.08.02_HRB Suzuki Site Report_Final Draft.pdf
6. **UNFINISHED BUSINESS**
 - 6.A **(8:00 PM) Process Proposed by Climate Change Advisory Committee to Complete Climate Action Plan**

CCAC Presentation August 6th CC Study Session.pptx
CCAC Draft Timeline for CAP August 6th 2019.pptx
Bainbridge Island Climate Action Plan Draft Outline August 6th 2019.docx
BI CCAC Draft Community Survey August 6th 2019.docx
CCAC 2018 Report and 2019 Workplan
CCAC Detailed 2019 2020 Workplan

6.B (8:20 PM) Update on Moratorium - Planning

20190806 Moratorium Work Program Status Report
Ordinance No. 2019-10 Extending the Development Moratorium
Development Moratorium Summary Effective 20190403.pdf

7. CITY COUNCIL DISCUSSION

7.A (8:30 PM) Revisions to the City's Ethics Program

Draft Revisions to the City's Ethics Program With Discussion Points - Track Changes
Draft Revisions to the City's Ethics Program With Discussion Points - Clean
Memo - Potential Discussion Points for City Council

8. FUTURE COUNCIL AGENDAS

8.A (9:30 PM) Future Council Agendas

City Council Regular Business Meeting 081319
City Council Study Session 082019
City Council Regular Business Meeting 082719

9. FOR THE GOOD OF THE ORDER - 9:40 PM

10. ADJOURNMENT - 9:50 PM

GUIDING PRINCIPLES

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

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

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

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

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

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

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

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



City Council meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the City Clerk's Office at 206-780-8604 or cityclerk@bainbridgewa.gov by noon on the day preceding the meeting.



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: August 6, 2019

ESTIMATED TIME: 15 Minutes

AGENDA ITEM: 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

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Executive session discussion.

SUMMARY:

Executive session.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



City Council Study Session Agenda Bill

MEETING DATE: August 6, 2019

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (6:30 PM) Sustainable Transportation Planning - Goal Setting - Public Works

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Public Works

RECOMMENDED MOTION:

Discussion only.

SUMMARY:

At their July 9, 2019 Business Meeting, the City Council approved a "scoping scope of work" for consultant Nelson Nygaard to prepare a scope of work for the ensuing Sustainable Transportation project. One task in the consultant's work is to meet with the Council to confirm the high-level project goals and desired outcomes of the project. The consultant will facilitate that discussion with the Council tonight.

FISCAL IMPACT:

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

BACKGROUND:

On January 22, 2019, the Council reviewed the final form of a document developed by Councilmembers to describe a Sustainable Transportation Project (see attached Sustainable Transportation Proposal). At that time, the Council directed staff to prepare a Request for Qualifications (RFQ) based on the activities identified in the Sustainable Transportation Proposal. During several Council discussions in March 2019, the RFQ and selection process were discussed and modified. The City Council approved an RFQ on March 26, 2019. The RFQ was advertised in early April 2019. Three firms – Alta, Toole, and Nelson/Nygaard - submitted their qualifications. All three firms were interviewed on May 15, 2019, and Nelson Nygaard was selected unanimously.

Staff and Nelson/Nygaard prepared a preliminary scope and budget, based on the tasks identified in the RFQ, for discussion with the Council. At their June 18, 2019 Study Session, the Council heard a presentation from staff summarizing the consultant selection process and presenting a proposed scope of work to meet the project objectives. At that meeting, Council agreed to pause the project pending further discussion about the project scope of work.

To address Council questions about how best to affirm the project's scope, staff proposed to use Nelson/Nygaard to conduct an initial review/scoping exercise. At the July 9 Business Meeting, the Council reviewed the proposed Professional Services work tasks for this new "phase 1." The purpose of this Phase/Scoping Exercise is to investigate best practices and industry expertise, and to develop a revised scope of work for the sustainable transportation project. The Council approved moving forward with an agreement for this work at the July 23 Business Meeting. This agreement is attached below. The budget for this Phase 1 scoping effort is \$15,000.

At the August 6 Study Session, the lead consultant will provide a presentation to Council and facilitate a Council discussion to complete the task described as "Task 2" in the agreement scope of work (Task 2 - Meeting With Council: Meeting to Confirm Sustainable Transportation Plan Goals and Outcomes). The presentation is attached below.

ATTACHMENTS:

[BI Council Session Goals Outcomes](#)

[Sustainable Transportation Plan PSA Scope of Work](#)

[CC Sustainable Transportation Proposal.pdf](#)

FISCAL DETAILS: The 2019-2020 biennial budget includes \$150,000 for this item under non-motorized transportation planning.

This current phase has a budget of \$15,000.

Fund Name(s): General Fund

Coding:

City of Bainbridge Island

Sustainable Transportation Planning

Presenting Today:
Jennifer Wieland
Lauren Squires

August 6, 2019



WHY SUSTAINABLE TRANSPORTATION PLANS?



THE NEED

Using Resources Wisely

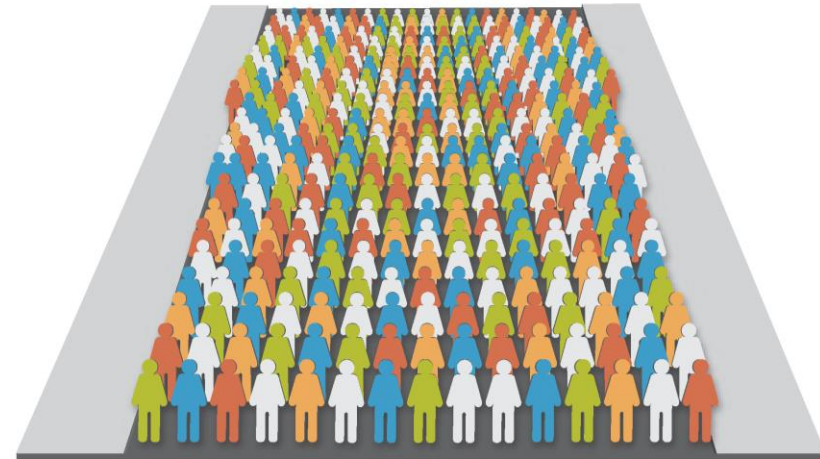
MOVING CARS



28.4 PEOPLE
PER BLOCK

OR

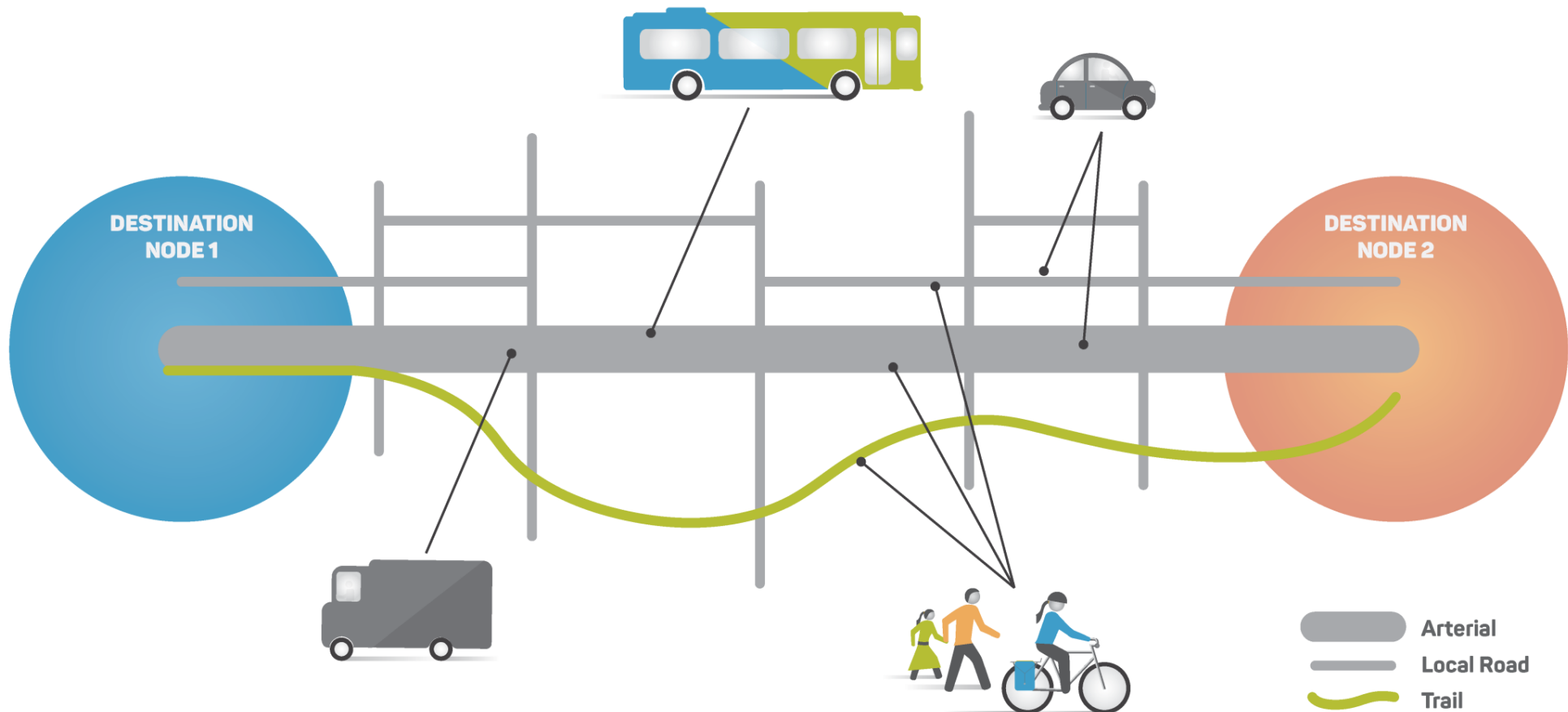
MOVING PEOPLE



1,000 PEOPLE
PER BLOCK

THE NEED

Connecting Nodes



THE NEED

Keeping People Safe



25%

chance of pedestrian
fatality or severe injury



50%

chance of pedestrian
fatality or severe injury

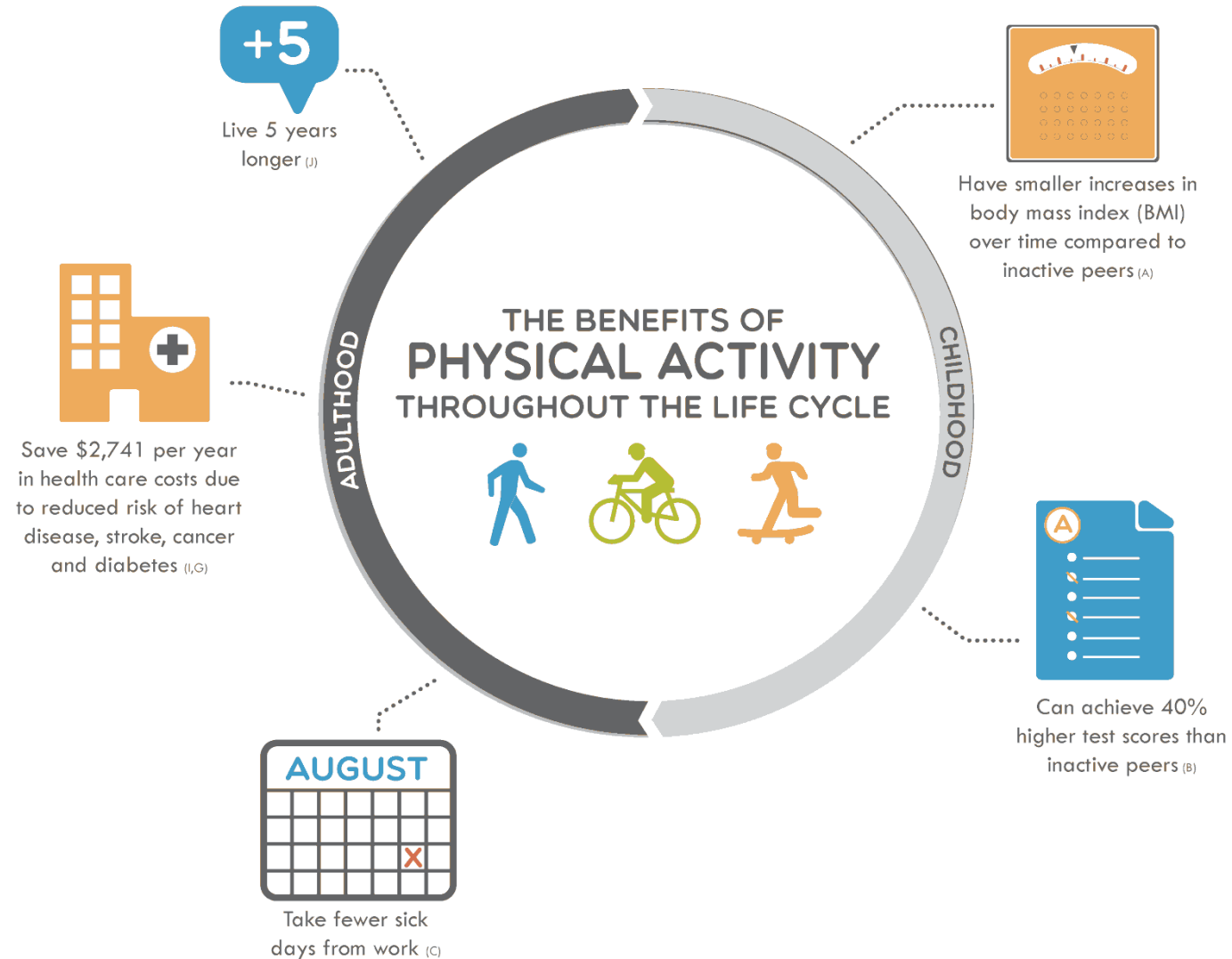


90%

chance of pedestrian
fatality or severe injury

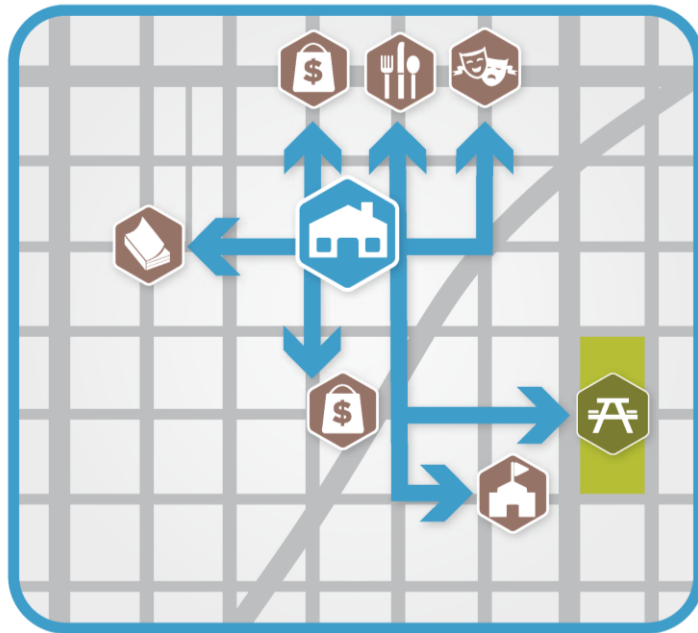
THE NEED

Creating Healthier Lives and Communities



THE NEED

Sparking Economic Development



\$\$\$

**HIGH WALKABILITY INCREASES
HOME VALUES**

(\$4,000 to \$30,000 Higher Sales Price)

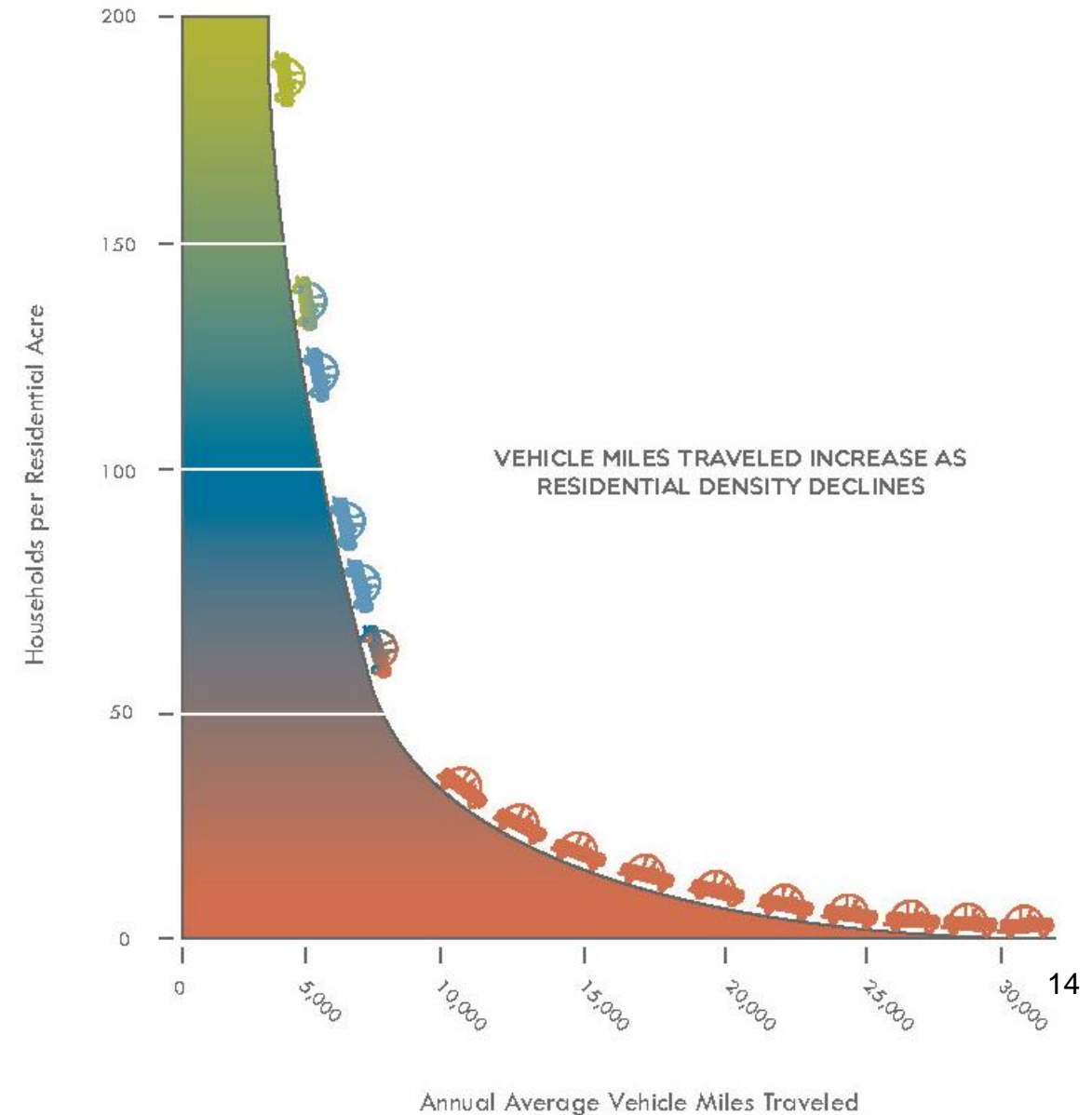
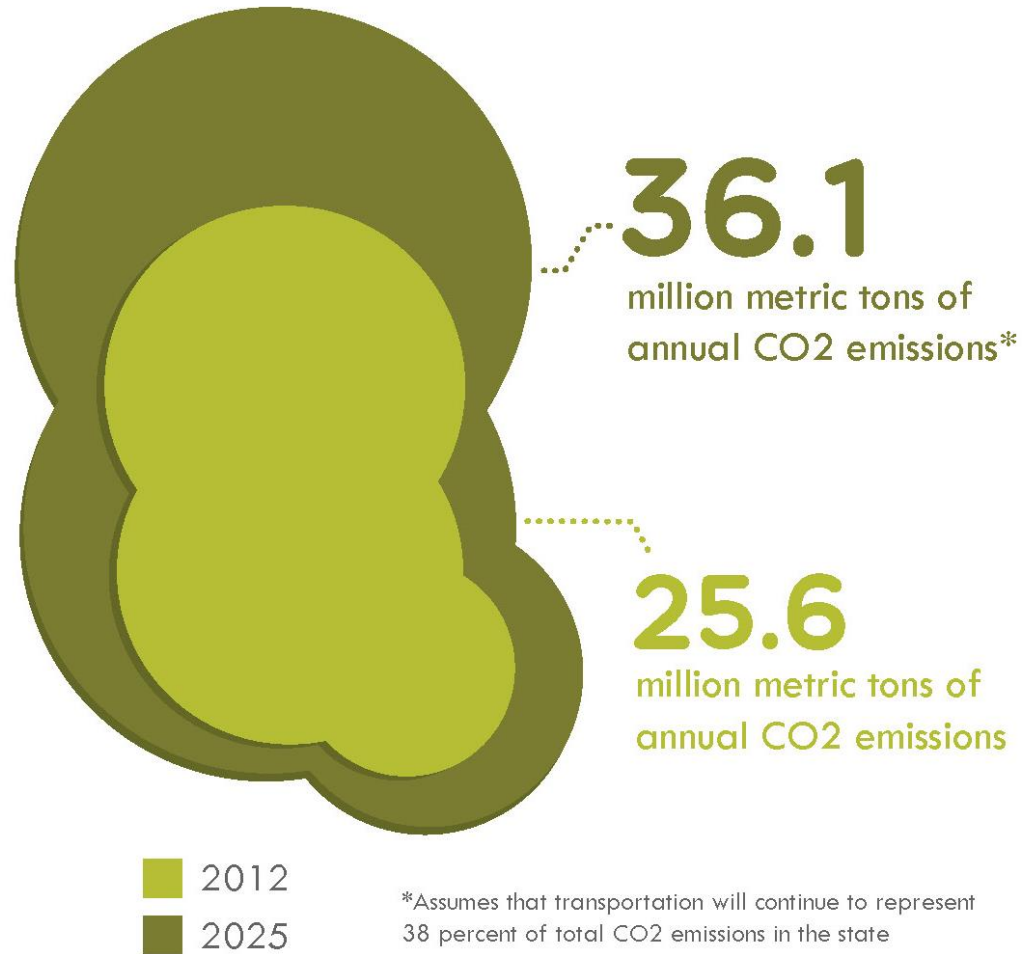


**HIGH WALKABILITY INCREASES
COMMERCIAL PROPERTY VALUES**

(Valued at 54% higher per square foot)

THE NEED

Addressing Climate Change



THE NEED

Identifying Benefits



Streets that encourage slower speeds



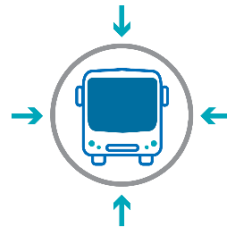
Streets that are easier to cross, including to access transit stops



Increased walking and bicycling to and within downtown



A connected network of comfortable bicycle facilities



Improved access to transit and fewer detours for transit riders



Streets that support access to retail and increased sales



A walkable downtown that attracts new workers and residents



Streets that are interesting and comfortable to walk along



Enhanced mobility for downtown neighborhoods



Connections to the regional trail system

A SUSTAINABLE TRANSPORTATION PLAN FOR BAINBRIDGE ISLAND



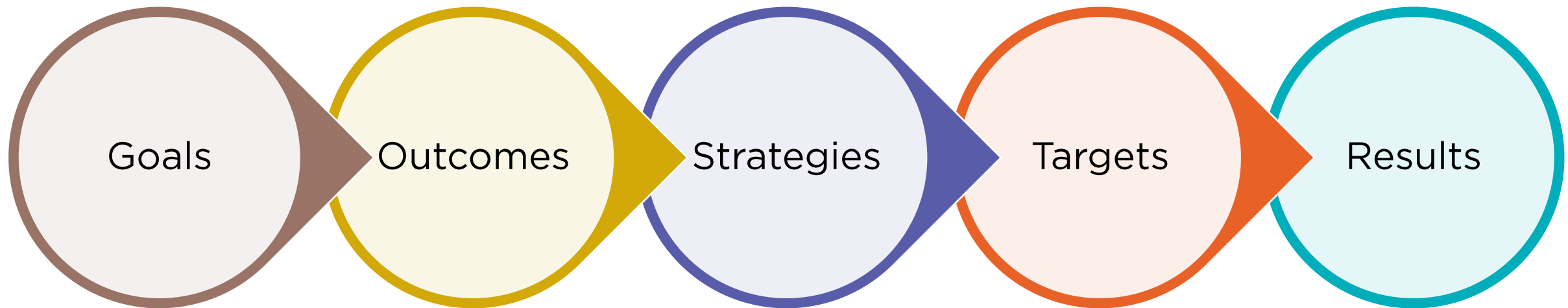
“

**Bainbridge Island has a safe, dependable,
properly maintained, and fiscally responsible,
multimodal transportation system.**

- Transportation Vision 2036

GETTING IT RIGHT

Clarity on the End Result



CITY GOALS

Transportation Vision 2036

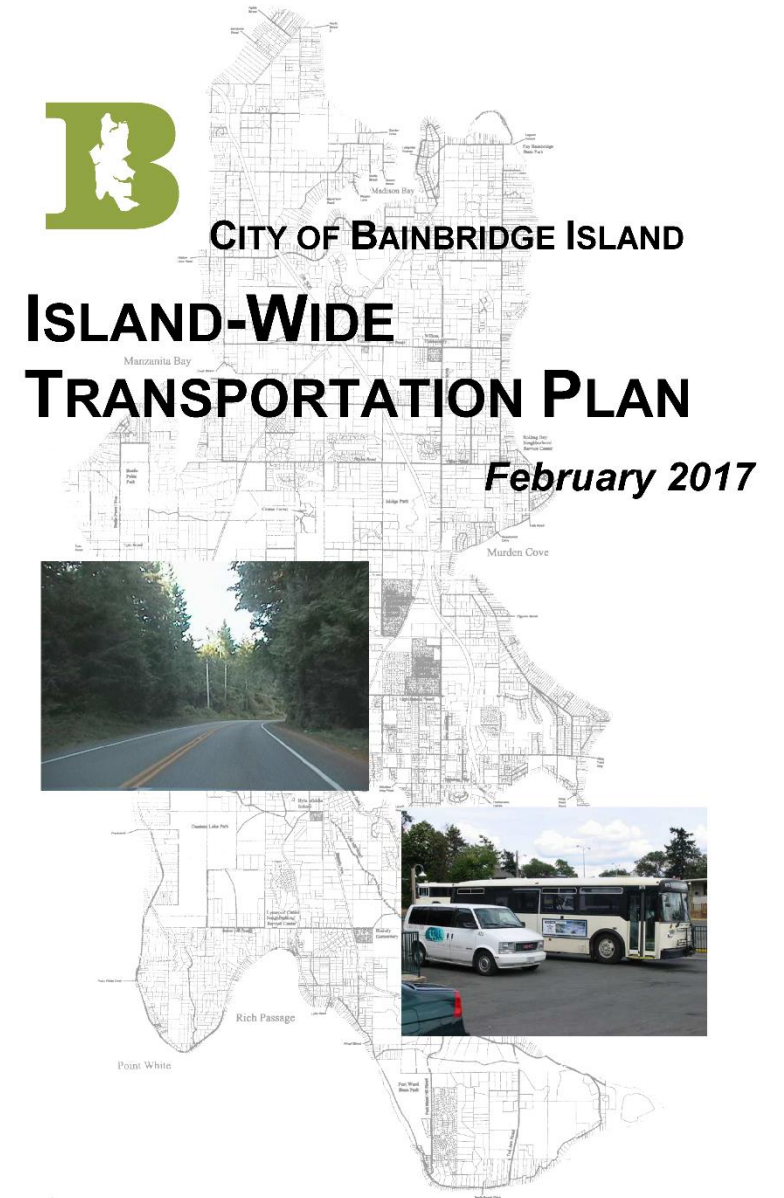
- Improves mobility and safety for all
- Dependable
- Properly maintained
- Fiscally responsible and adequately financed
- Respects neighborhood character
- Climate resilient
- Regionally coordinated



DESIRED OUTCOMES

10-Year Strategy for the Sustainable Transportation Plan

- Build consensus and support
- Achieve the greatest sustainable transportation benefit for the most people
- Define inspiring and measurable goals
- Provide neutral expertise
- Include formal partnerships
- Communicate a compelling vision



LEADING WITH VALUES

What Matters Most

- What has changed since Council developed the 10-Year Strategy?
- When you think about mobility on Bainbridge Island, what is most important to you?



MOVING FORWARD

Success and Risk

- How would you define success for the Bainbridge Island Sustainable Transportation Plan?
- What are the risks to achieving the results you hope to see?



THANK YOU!



Jennifer Wieland, Principal

206-576-3938

jwieland@nelsonnygaard.com

SCOPE OF WORK

BAINBRIDGE ISLAND SUSTAINABLE TRANSPORTATION PLANNING: PROFESSIONAL SERVICES AGREEMENT (PSA) 1

This scope of work outlines the Nelson\Nygaard tasks and deliverables proposed to support the City of Bainbridge Island in developing a revised scope and budget for a Sustainable Transportation Plan. The recommendations will be based on best practices research and industry expertise, as well as coordination with City staff and City Council. This work will be completed by August 31, 2019.

TASK 1 PROJECT MANAGEMENT

Check-In Calls and Ongoing Project Management

Nelson\Nygaard will maintain regular contact with the City's project manager throughout the duration of this agreement and will hold up to two (2) one-hour meetings with an expanded team of City of Bainbridge Island staff. The purpose of the larger team meetings is to gather feedback on work underway, including the following potential topics:

- Review of feedback from Council study session and proposed interviewees
- Review of feedback from best practices interviews and initial scope outline

Deliverables:

- Ongoing project management
- Two (2) one-hour meetings with City staff, including agendas, materials, and notes

TASK 2 MEETING WITH COUNCIL

Meeting to Confirm Sustainable Transportation Plan Goals and Outcomes

Nelson\Nygaard will meet with Council at a regularly-scheduled Council meeting or study session to confirm the high-level project goals and desired outcomes of the Sustainable Transportation Plan. The goals and desired outcomes that emerge from this discussion will frame the key questions for Task 3 research. Nelson\Nygaard will prepare presentation materials to guide the conversation and will facilitate the goals and outcomes discussion.

Deliverables:

- Presentation framing discussion of Sustainable Transportation Plan goals and outcomes

TASK 3 BEST PRACTICES RESEARCH

Best Practices to Guide Scope Development

Bainbridge Island's Sustainable Transportation Plan will be informed and guided by industry best practices. Based on the Council discussion to identify goals and desired outcomes for the

Sustainable Transportation Plan, Nelson\Nygaard will conduct a literature review and interviews to identify best practices in sustainable transportation planning. This review will include a search for textbooks, articles, and innovative, relevant, and award-winning municipal sustainable transportation plans that can serve as models for Bainbridge Island. Nelson\Nygaard will review up to five (5) documents with an eye toward must-include items for Bainbridge Island.

Nelson\Nygaard will also identify up to four (4) industry experts, including academics, practitioners, and industry leaders, who will be interviewed regarding sustainable transportation planning best practices. Nelson\Nygaard will propose a list of experts—which may include suggestions from City Council and others—for review and approval by the City’s project manager. Potential interviewees could include the following individuals:

- David Blum, Affiliate Instructor, Urban Design and Planning, University of Washington
- Daniel Rodriguez, Chancellor’s Professor of City and Regional Planning, UC Berkeley
- Madeline Brozen, Associate Director, UCLA Institute of Transportation Studies
- Preston Schiller or Jeffrey Kenworthy, Authors of “An Introduction to Sustainable Transportation: Policy, Planning, and Implementation”, Department of Civil and Environmental Engineering, University of Washington
- Jeffrey Tumlin, Author of “Sustainable Transportation Planning: Tools for Creating Vibrant, Healthy, and Resilient Communities,” Principal and Director of Strategy, Nelson\Nygaard

The key findings of the literature review and interviews will be summarized by theme and used to inform the revised scope of work (Task 4).

Deliverables:

- Recommended list of industry experts for interviews
- Brief summary (no more than 5 pages, with a focus on informing scope development) documenting applicable best practices and findings from the literature and interviews

TASK 4 SUSTAINABLE TRANSPORTATION PLAN SCOPE AND FEE

Development of Updated Sustainable Transportation Plan Scope and Fee

Nelson\Nygaard will begin development of an updated Sustainable Transportation Plan scope with review of the *10-Year Strategy to Update and Implement the Bainbridge Island Sustainable Transportation Plan*. Using the Sustainable Transportation Plan goals and outcomes confirmed by Council (Task 2) and the findings from the best practices research (Task 3), Nelson\Nygaard will develop an updated Draft Sustainable Transportation Plan Scope of Work and Fee.

The City project manager will distribute and consolidate feedback, providing a single set of non-conflicting comments. Nelson\Nygaard will integrate comments and requested changes and deliver a Final Sustainable Transportation Plan Scope of Work and Fee for Council approval.

[NOTE: If requested by the City project manager, the Nelson\Nygaard project manager would be pleased to present the final scope and fee to City Council. This is not included as part of the budget; rather, any cost would be absorbed by Nelson\Nygaard.]

Consultant Deliverables:

- Draft and Final Scope of Work and Fee for the Sustainable Transportation Plan

A 10-year Strategy to Update and Implement the Bainbridge Island Sustainable Transportation Plan

COBI 2016 Comprehensive Plan Update, Transportation Element, Transportation Vision 2036:

“Bainbridge Island has a safe, dependable, properly maintained, and fiscally responsible, multimodal transportation system. The system provides good facilities for non-motorized users and pedestrians and good access to transit, consistent with and supporting the other Elements of the Comprehensive Plan. The transportation system improves mobility and safety for all users while respecting the character of neighborhoods and maintaining a climate resilient environment. The system is regionally coordinated, adequately financed, and community supported.”

PROPOSAL: Hire an expert in community consensus-building and active transportation who will work with stakeholders and the public to create measurable goals and a strategy for building out sustainable transportation infrastructure that is aligned with *Transportation Vision 2036*.

Recent reports on climate change indicate that we need to make massive behavioral changes to reduce our carbon footprint, and our reliance on automobiles for primary means of transportation is a sizable contributor. Sustainable transportation initiatives that aim to reduce single-driver trips and offer car-free options to Islanders should be at the core of our efforts

Decades of dedicated committee volunteers and City staff efforts have produced detailed plans for a long list of non-motorized transportation projects. Each project has been thoughtfully scored and documented. But this planning by itself has not compelled public and stakeholder support, and the recent failure of a ballot measure for funding is the latest proof.

Transportation is changing. Car-sharing, ride-share companies such as Uber and Lyft, e-bikes, and bike/scooter sharing are transforming communities. Imagine how weekend and late-night ferry commutes might change if the last-mile problem could be solved with community supported last-mile home, designed to fit the needs and transportation requirements of the user? Further, we must look to our Comprehensive Plan and utilize our Neighborhood Centers as hubs for these above activities, ensuring geographic equity in our approach and as broad access to these initiatives as possible.

Recent Bainbridge Island surveys show that up to 60% of respondents want and would use new infrastructure for “active transportation” if it felt safe, compared to roughly [5%?] who currently use active transportation. Bike and car sharing could make housing more affordable by reducing the need for parking requirements. And Bainbridge Island has a built-in incentive to save the cost of a car on the ferry; we can use ferry metrics to help measure success.

A successful outcome of this proposal will:

- Build **consensus and support from stakeholder groups to achieve the greatest sustainable transportation benefit for the most people.**
- Define **inspiring and measurable goals** against which all individual projects can be measured. Measurable goals for instance could to reduce the growth of vehicle use

- Provide **neutral expertise** (i.e. not from stakeholders) that can challenge our perceived constraints, suggest best practices, share success stories from other comparable small town/rural communities, apply creative problem solving, and get consensus on appropriate standards and guidelines for meeting our goals.
- Include **formal partnership from other jurisdictions (Bainbridge taxing districts, Kitsap Transit, WSDOT)** to maximize opportunities for new solutions and support for those solutions.
- Communicate a compelling vision and high-level plan based on these goals and partnerships, with appropriate **visualizations, technology enhancements, illustrations, and narrative** to tell a story that is accessible to all islanders.

To address these needs for updated infrastructure strategy and planning, the City will:

1. Request the formal involvement of the BI Parks District, the BI School District, and any other interested government entities such as Kitsap Transit and WSDOT in the development of a new strategy.
2. Issue a Request for Proposal for an expert individual or firm with rich experience in active transportation and community consensus-building to work with stakeholders and the public to establish measurable community goals, evaluate the entirety of the City's [Island-Wide Transportation Plan](#) against these goals, and create a strategy for building out the sustainable transportation infrastructure over the next 10 years.

THE PROCESS

The Facilitator will lead a process that includes the steps listed below.

- A. Determine the stakeholders who will be involved and how they will be involved, including: City staff; the City Multi-Modal Transportation Advisory Committee; Climate Change Advisory Committee; the Race Equity Task Force; the City Council or a subset thereof; other jurisdictions such as the Parks District and the School District; and members of the public. The exact method of involving all of these stakeholders will be decided by the Council with the input of the Facilitator.
- B. Identify the measurable community goals that will be used to guide the Plan and project selection (the "Community Goals"). Goals could be related to safety, integration with public transportation, or reducing the number of vehicle trips.
- C. A thorough and holistic review of the Island's transportation infrastructure, which will include the following:
 - Review existing conditions/infrastructure to identify gaps between current state and the community goals
 - Review list of currently identified projects to assess/rank projects for their ability to achieve/support the community goals
 - Identify/propose new projects that have the ability to achieve/support the community goals
- D. Review and assessment of the current non-motorized systems plan.
- E. A thorough review and assessment of the current public transportation system on the Island and options for increasing ridership with last-mile solutions that could include new forms of active transportation.

- F. Develop a set guidelines and standards that shall apply to all projects to be built, such as width and paving options for separated paths; width and separation of bike shoulders; requirements for native restoration of disturbed landscapes; etc.
- G. Develop a multimedia presentation of the Plan that provides the narrative, clarity, and specificity needed to communicate with and inspire residents.
- H. Make recommendations for education, promotion, and incentives to increase use of infrastructure.



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: August 6, 2019

ESTIMATED TIME: 60 Minutes

AGENDA ITEM: (7:00 PM) Suzuki Affordable Housing Project Feasibility Study and Decision on Number of Housing Units - Executive

STRATEGIC PRIORITY: Healthy and Attractive Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

To discuss the number of housing units to include in the project. If Council consensus is reached, a formal decision on the number of units for the project could be scheduled for a future business meeting.

SUMMARY:

To discuss the number of housing units for the Suzuki Affordable Housing project and project financing options, to receive a presentation from Housing Resources Bainbridge and Bridge Housing Corporation on their recent feasibility study, and to receive a presentation from the Suzuki Neighbors Working Group.

FISCAL IMPACT:

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

BACKGROUND:

The City owns a 14-acre property at the intersection of New Brooklyn and Sportsman Club Road. The City intends to develop a 100% affordable housing project at this site, and has engaged Olympic Property Group (OPG) to complete the initial phases of property development and site preparation. The City originally planned to have Housing Kitsap serve as the development partner for the project. However, in Fall 2018 Housing Kitsap indicated that they were no longer available to serve in that role.

In late 2018, an Ad Hoc Committee of Councilmembers was tasked with developing a recommendation on how the City should proceed with the project, given that Housing Kitsap would not serve as the development partner. 29

Ad Hoc members met with OPG representatives and Housing Resources Bainbridge (HRB) Executive Director Phedra Elliott.

At the Council study session on February 5, 2019, the full Council discussed options for next steps. At that meeting, the Council approved asking HRB to conduct a feasibility study to assess financing options for the project for a range of scenarios from 30 - 90 units. HRB engaged Bridge Housing Corporation (Bridge) to complete this work. The City provided \$49,500 to HRB to conduct this study. At that time, the City also requested that OPG pause their work on site development until the completion of the feasibility study.

The HRB/Bridge feasibility study and presentation materials are attached below.

The Council will also use this time to receive a presentation from the Suzuki Neighbors Working Group on their priorities for this project. This presentation is attached below.

Numerous additional documents and studies related to the project are available on the "Resources" tab of the OPG project website: <https://www.suzukiaffordable.com/resources>

The next steps for the project will be for the Council to formally approve the number of housing units and other information needed to inform the site plan. That will allow OPG to resume work on site development tasks.

ATTACHMENTS:

[Suzuki Neighborhood Perspective](#)

[BRIDGE PowerPoint-HRB Suzuki Site 8 2 2019 Presentation Copy.pdf](#)

[2019.08.02 HRB Suzuki Site Report Final Draft.pdf](#)

FISCAL DETAILS:

The \$49,500 cost for the feasibility study was paid from the City's Housing Trust Fund, with no assumption for cost recovery from future development. The City's current agreement with OPG for site development represents \$800,000 in total spending. Full cost recovery of this amount (\$800,000) from future development is assumed within 2019-2020 Biennial Budget.

Fund Name(s):

Coding:



Suzuki Affordable Housing

A Neighborhood Perspective

PREPARED BY THE SUZUKI NEIGHBORS WORK GROUP

Introduction

Neighbors of the Suzuki property support building an affordable housing community that is scaled in keeping with surrounding neighborhoods, provides environmental protection for sensitive areas, limits unintended impacts, and includes housing opportunities for the Island's public sector employees.

Residents of the Commodore, Commodore West, and North Town Woods neighborhoods are no different from the majority of Bainbridge Islanders in recognizing the growing need for housing solutions that make our community affordable for people from diverse economic backgrounds. At multiple community meetings, area residents have repeatedly expressed the opinion that a well-designed affordable housing project is the best of the several uses that have been suggested for the Suzuki property over the years.

Area residents also recognize and appreciate the efforts the City has undertaken to protect environmentally significant areas of the property.

Many, however, are disappointed that the City is entertaining plans to maximize the density of the project. This course seems to follow the lead of so many private developers, leveraging every aspect of land-use regulations to squeeze in as many homes as possible, regardless of external impacts.

We expect that of private developers. The City can do better.

Focus on quality and balance, not numbers.

With this city-owned property, there is an opportunity for the City Council to strike a balance that demonstrates care for future residents, surrounding neighborhoods, and the Island as a whole—not by building the most, but by building the best.

Developing the Suzuki property will have a number of impacts on the Island, including environmental, traffic, parking, and the character of the surrounding area. In the pages that follow, we offer a community perspective on important issues relating to this project, along with specific recommendations to help guide the project.

Summary of Recommendations

This page summarizes the topics addressed and recommendations made on the pages that follow. We believe these recommendations will help guide this project to deliver a significant stock of affordable housing and produce an outcome that the entire Island can celebrate.

Environment

Develop affordable housing at a scale that provides enduring protection for the natural features of the wildlife corridor.

Affordability

Ensure that the parameters for affordable housing on this site provide plenty of housing opportunities for public sector employees.

Scale

Limit the negative impacts of the development by confining the scale of the project to a level appropriate to the existing R-2 zone.

Buffers

Require a 25-foot buffer to protect the wildlife corridor and a minimum 50-foot buffer along New Brooklyn Road to allow for effective restoration of a healthy native landscape.

Traffic

Complete an area-wide study of auto, bike, and pedestrian traffic before deciding how many homes will be built on the Suzuki property.

Transportation & Parking

Scale the development to support a model for sustainable transportation and apply a realistic standard for on-site parking to prevent overflow parking.

Process

Direct OPG to develop unique, site-specific plans that are optimized to highlight the benefits of smaller-scale development on this property.

Comprehensive Plan

Respect the Comp Plan's instructions to pursue less intensive residential development in the Residential District.

Environment

By establishing a significant wildlife corridor within the mature forest area of the Suzuki property, the City is making a strong commitment to environmental protection. Allowing excessive density in the adjacent building area will undermine this investment.

The southern portion of the Suzuki property is home to a noteworthy grove of mature trees. In a 2016 letter to the Bainbridge Island Review, Michael Bonoff, a former member of both ETAC and the Department of Natural Resources old-growth commission wrote:

"[The] mature forest stand of trees...is really a remnant old growth stand. ...This stand is priceless and it cannot be replaced. It is one of the most significant vestiges of old growth I have seen in my 25 years with the Bainbridge Island Land Trust."

After careful study, the City acknowledged the value of this area and agreed to preserve it as a wildlife corridor. Unfortunately, this investment in environmental protection is threatened by plans to maximize the scale of the adjacent affordable housing project.

There are several ways that high-density development will diminish the integrity of the wildlife corridor and undermine the old-growth grove.

First, the proposed maximum-volume housing project would create Winslow-level density and house nearly 1% of the Island's entire population within yards of the wildlife corridor. Such a high concentration of human activity would inevitably degrade the value of the wildlife corridor and undermine the City's investment in environmental protection.

In addition, after the development site is cleared, the remaining trees on the edge of the protected area will be endangered by soil disturbances, storms, and other threats. As time passes, many trees on the edge of the protected area will become unstable and will inevitably be felled to protect homes that are built along the boundary, further diminishing the effectiveness of the wildlife corridor.

Finally, high-density development might force the adoption of a stormwater management solution that directly invades the wildlife corridor. The November OPG presentation included two stormwater options that would require significant disturbances in the protected area. Obviously, this would be counterproductive.

To guarantee long-term environmental protection and ensure the effectiveness of the wildlife corridor, the City should develop affordable housing at a scale that does not endanger the natural features of the protected area.

It simply does not make sense for the City to plan a maximum-density development immediately adjacent to a valuable wildlife corridor and an irreplaceable grove of old-growth trees.

Affordability

Affordability standards applied to the development of the Suzuki property should provide housing opportunities for the Island's public sector employees.

There is a widespread hope that affordable housing projects on the Island will create housing opportunities for teachers, police, firefighters and municipal workers. But there is also a high level of concern that this group won't have access to affordable housing developments because their modest incomes will exceed the limits that may be imposed upon the development.

Neighbors in the communities that surround the Suzuki property want to see a detailed commitment to affordability that ensures the Island's public sector employees have access to the community.

Support for making affordable housing accessible to public sector employees is particularly strong in the North Town Woods neighborhood, where 20% of the homes were designated for affordable housing when the community was developed in the early 2000s. **Today, more than 50% of the affordable homes in North Town Woods are still owned by their original owners.** Thanks to the affordability program that was in place when the neighborhood was created, North Town has been home to a significant number of public sector employees—including teachers and firefighters.

Residents of the neighborhoods that surround the Suzuki property have been unfairly painted as opponents of affordable housing simply because they have advocated for environmental protection and responsible development of the property. This is inaccurate and unfair.

In fact, community organizers believe that a properly scaled affordable housing development will enjoy nearly unanimous support from local residents if it provides ample housing opportunities for public-sector employees.

Scale

The proposed “build as much as possible” development of the Suzuki property would set a dangerous precedent for extending high-density Winslow-style development beyond the boundaries of any existing neighborhood center.

The proposed Suzuki project includes as many as 91 homes on a development footprint of fewer than five acres, with 9 additional acres set aside as open space. That’s a density of 6.6 homes per acre, triple the density envisioned in the R-2 zone. **Most importantly, there would be 19 homes per acre within the development footprint.**

This level of density is entirely out of character with the surrounding neighborhoods. For comparison, the adjacent Commodore, Commodore West, and North Town Woods neighborhoods have a total of 200 homes on approximately 81 acres—just 2.5 homes per acre.

The proposed max-density development would also rely primarily upon attached 3-story townhouses or apartment buildings, neither of which is characteristic of the R-2 zone.

Nearly all of the negative impacts associated with the proposed project can be alleviated simply by confining the scale to something appropriate to the R-2 zone.

Livability: Limiting density will give site planners more flexibility to design the best community.

Environment: Properly scaling the development will maximize the effectiveness of the adjacent wildlife corridor.

The Comprehensive Plan: Using a scale appropriate for the R-2 zone will comply with the Comprehensive Plan.

Traffic: Limiting the scale of the neighborhood will lessen the impacts on pedestrian traffic and nearby intersections.

Parking: A “right-sized” plan will require less overall parking but still allow for adequate on-site parking.

Storm Water Management: Fewer homes may eliminate the need to consider expensive options that encroach on the surrounding wildlife buffer.

Preserving Neighborhood Character: Lower density would require less reliance on large-scale buildings that are out of character with surrounding neighborhoods.

Buffers: A smaller plan will free up space for additional buffers to increase privacy for future residents and preserve the rural character of New Brooklyn Road.

Buffers

Development of the Suzuki property will clear-cut nearly five forested acres fronting New Brooklyn Road. To restore the rural character of this area, improve the quality of life for future residents, and provide protection for the adjacent wildlife corridor, the City should expand the buffers planned for the development.

The draft site plan presented to the public by OPG in November 2018 includes no buffers between the protected wildlife corridor and the southern or western edges of the development area, and only the minimum required 25-foot buffers along New Brooklyn Road. This approach was widely panned as insufficient.

If homes are built up to the edge of the wildlife corridor, there will be inevitable degradation of the corridor as hazardous trees are removed to protect homes. It's also all but inevitable that residents will encroach upon the protected area. By requiring a 25-foot buffer on the southern and western perimeter of the development, the City can provide a minimal area of long-term protection for the new wildlife corridor.

Also, the development plan calls for the removal of every existing tree and all existing vegetation within the development footprint—a 5-acre, City-sponsored clearcut. Clearly, it will require more than the 25-foot minimum buffer included in the OPG site plan to restore a healthy native landscape, provide adequate screening for the new homes, and preserve the rural character of New Brooklyn Road.

For comparison, the nearby North Town Woods neighborhood was created with a 75-foot buffer along New Brooklyn Road and with buffers averaging more than 90 feet along Sportsman's Club Road. These buffers screen homes from roadways and preserve the rural character of the area. We believe future residents of the affordable housing project—and everyone on the Island—would benefit greatly from a similar buffer on the Suzuki property.

A 25-foot buffer may be allowed by code and would certainly be used by a private developer in pursuit of maximum profits. The City should take a more balanced view and make a commitment to require a buffer of at least 50 feet along New Brooklyn Road.

Expanding the buffers will improve quality of life within the affordable housing development, allow for more effective restoration of a healthy native landscape, protect a valuable wildlife corridor, and set an example for responsible development.

Traffic

Development of the Suzuki property will create a new intersection directly in the path of a pedestrian route used by a large number of children walking and riding to and from school every day. It will also produce hundreds of additional daily car trips in an area already known for traffic problems.

Neighborhood residents have two primary concerns regarding traffic associated with development of the Suzuki property:

- The safety of pedestrians and cyclists, including many school children, who walk or ride past the proposed development site every day.
- The need to consider the wide-ranging impact of increased traffic in the surrounding area.

Many children use the sidewalk on New Brooklyn Road on their way to and from seven area schools every day. Even the minimum proposed development of the property has the potential to create hundreds of daily car/pedestrian interactions when the existing sidewalk is cut to create a new intersection allowing vehicle access to the property.

Extrapolating from other recent traffic studies, developing the Suzuki Property at the proposed maximum of 91 homes could produce more than 800 vehicle trips every day. Many of those trips would no doubt occur during school commute times when hundreds of children are crossing the new intersection.

Developing the property at maximum density will also aggravate growing traffic problems in the wider area. In addition to the Suzuki project, neighborhood traffic will be impacted by future development of the Coultas property less than 100 yards away and by a new police station only 600 yards away. To account for this growth, the City should develop a long-range, area-wide plan that considers not only the Sportsman's Club/New Brooklyn intersection, but also makes adequate provision for the failing Madison Avenue/New Brooklyn "T" intersection, and for the Sportsman's Club Road school zone.

A thorough study of auto, bike and pedestrian traffic in the area should be completed before deciding how many homes will be built on the Suzuki property. It is simply counterintuitive to arrive at a decision regarding the scale of the development without this information.

Absent a traffic study, one simple principle is evident: Allowing high-density Winslow-style development will increase the traffic impacts, while limiting the scale of the project will produce fewer impacts.

Transportation & Parking

The Suzuki affordable housing project should be a model for sustainable transportation and should be built at a scale that includes sufficient on-site parking to prevent unworkable overflow parking situations on neighboring roads.

During the November 28, 2018, Suzuki development community presentation, Jon Rose of Olympic Property Group summarized the need for adequate on-site parking: “Whoever is going to be the owner of the site does not want it under-parked, regardless of what code says. ...[Housing Kitsap said] the number one challenge in every place is when there's just not enough parking...”

The site plan presented by OPG in the November presentation showed as few as 1.6 parking spaces per unit. While this may meet code requirements, it will likely result in overflow parking on New Brooklyn Road, Sportsman's Club Road, and Northtown Drive. None of these are designed for on-street parking.

People already park haphazardly on New Brooklyn and Sportman's Club when nearby schools let out and the potential for a car/pedestrian accident is unmistakable.

Northtown Drive is so narrow that two cars parked opposite each other make the street nearly impassable and the City must close one entire side to parking during the annual Rotary auction to ensure access for emergency vehicles.

A large-scale development will require more funding for alternative transportation options, making it harder to achieve sustainable transportation goals. For example, if car and bike sharing are included, a development of 80 homes will require twice as many shared vehicles and bikes—at twice the cost—as a community with 40 homes.

Conversely, a smaller community will increase the likelihood that transportation options can be adequately funded to meet the mobility needs of future residents.

The City should take three steps to ensure the Suzuki community becomes a model for sustainable transportation and to prevent overflow parking:

1. Ensure adequate funding is in place to support alternative transportation, such as car-sharing, improved bike routes, and increased transit service.
2. Limit the scale of the project to make alternative transportation options more feasible.
3. Limit project density to allow site planners to apply a realistic parking standard above the code-required minimum.

If the City decides to pursue development with a lower parking allowance, it should—as a last resort—consider making limited vehicle ownership a condition of residency in the neighborhood.

Process

The City has been shortchanged by OPG in the initial site planning; they have focused only on the largest possible development and failed to show the benefits of plans that are optimized for fewer homes.

The baseline site plan presented to the community by developer Jon Rose of Olympic Property Group and architect Jonathan Davis used a plan for 91 homes—the maximum possible configuration—as a baseline for the Suzuki affordable housing project.

That is, the plan was optimized only for maximum density.

Other iterations of the site plan showing fewer homes simply eliminated ADUs or blocked out housing units and parking areas, with no apparent effort made to optimize the plan for a smaller scale development.

With this cookie-cutter approach, OPG has failed to show the City any of the potential benefits of building the best community, not just the biggest. Whether this approach was taken at the direction of the City or decided upon independently by OPG is immaterial; the net effect is that the City Council is asked to decide what number of homes would produce the best project without a plan optimized for anything but the maximum volume allowed by land-use regulations.

It's fair to question how the City Council can make a decision that balances the costs and benefits of this project without considering plans that are optimized for anything but maximum density.

Before any decision is made regarding the scale of the project, we encourage the City to direct OPG to develop unique site plans that are optimized for a smaller scale development.

These plans should show how reducing the scale of the project may improve the overall result, including:

- Creating additional community open space
- Providing more flexibility for clustering homes
- Allowing for increased buffers
- Allowing for more effective parking solutions while allocating less overall parking
- Reducing reliance on large multi-family buildings that are inconsistent with surrounding neighborhoods

The Comprehensive Plan

Development of the Suzuki property should adhere to the Goals and Policies of the City's Comprehensive Plan, which makes it clear that high-density development should be limited to designated neighborhood centers, and residential zones are reserved for less intensive development.

The Comprehensive Plan provides extensive guidance regarding the concentration of development in Winslow and designated neighborhood centers. It also clearly instructs the City to limit density in residential zones:

Policy LU 14.1 *The Residential District area is designated for less intensive residential development and a variety of agricultural and forestry uses.*

Policy LU 14.3 *Maintain the natural and scenic qualities of the Island by limiting residential density.*

Since the city-owned Suzuki property lies in the R-2 residential zone outside any designated neighborhood center, it is inconsistent with the Comprehensive Plan to include high-density, Winslow-style development on the property, whether the homes are affordable or not.

The Comprehensive Plan is a policy statement, but it is not a “land use control.” This distinction allows private developers to compromise public benefits and maximize the development of private property when land-use regulations do not align with the Goals and Policies included in the City's Comp Plan.

With the development of city-owned property, however, there is no need for the City to copy the behavior of the private developer.

Rather than pursuing maximum allowable development, the City can strike a balance that respects the Comprehensive Plan in a way that the private developer rarely will.

The Comp Plan instructs the City to pursue “less intensive residential development” in the Residential District. The Comp Plan also instructs the City to pursue opportunities for affordable housing. These are not conflicting goals; there is no reason why the City cannot satisfy both of these objectives with a balanced plan that features less intensive development on the Suzuki property.

Put simply, pursuing a “build as much as possible” approach on the Suzuki property violates the letter and intent of the City's Comprehensive Plan.

This document has been prepared by The Suzuki Neighbors Work Group on behalf of the North Town Woods HOA, and the Commodore and Commodore West neighborhoods.

**For more information,
contact:**

Michael Gray
Co-Chair — North Town Woods
michael.gray.9001@gmail.com

Marshall Tappen
Co-Chair — Commodore
mtappen@gmail.com

Island residents listed below have endorsed the recommendations outlined in this document:

| | |
|----------------------|------------------------|
| Barbara Angel | Janice Huang |
| Chris Barnett | Brenda James |
| Mary Beth Barnett | Tag Kleiner |
| David Beckett | Tamar Kupiec |
| Terri Beckett | Lisa Lanese |
| Nikki Beilfuss | Jeff Logan |
| David Bennet | Leslie Marshall |
| Aileen Burrows | Duncan McIntosh |
| Alex Burrows | Ximena McIntosh |
| Thomas Cappadona | Andrew Myers |
| Jean Capps | Melinda Myers |
| Larry Capps | Molly O'Hara |
| Rachelle Castleberry | Dennis O'Reilly |
| Rick Castleberry | JoEllen O'Reilly |
| Tina Chang | Ed Owens |
| Wayne Chang | Heather Parker |
| Enrique Chee | Chris Reilly |
| Clo Copass | Susan Reilly |
| Bill Creech | Chris Sand |
| Martha Creech | Ellen Schagene |
| Jane Dunkel | JoAnn Schuh |
| Ross Eide | Nathan Segerson |
| Sara Eide | Marshall Tappen |
| Anna Fehrenbacher | Cheryl Tetlow |
| Rich Fehrenbacher | Derek Tetlow |
| Liz Finnin | Steve Tremble |
| Doug Fleming | Emily Wachsman |
| Christine H. Fulgham | Sonya Warner |
| Jim Furlong | Daniel Watson |
| Theresa Furlong | Faith Watson |
| Julie Gray | |
| Michael Gray | (List updated 7/31/19) |
| Brent Haley | |
| Mitzi Haley | |
| Herb Hethcote | |

Suzuki Site

Financial Feasibility Report & Recommendations
Bainbridge Island City Council
Study Session: August 6, 2019

Kurt Creager | EVP, PNW
BRIDGE Housing Corporation

About BRIDGE Housing

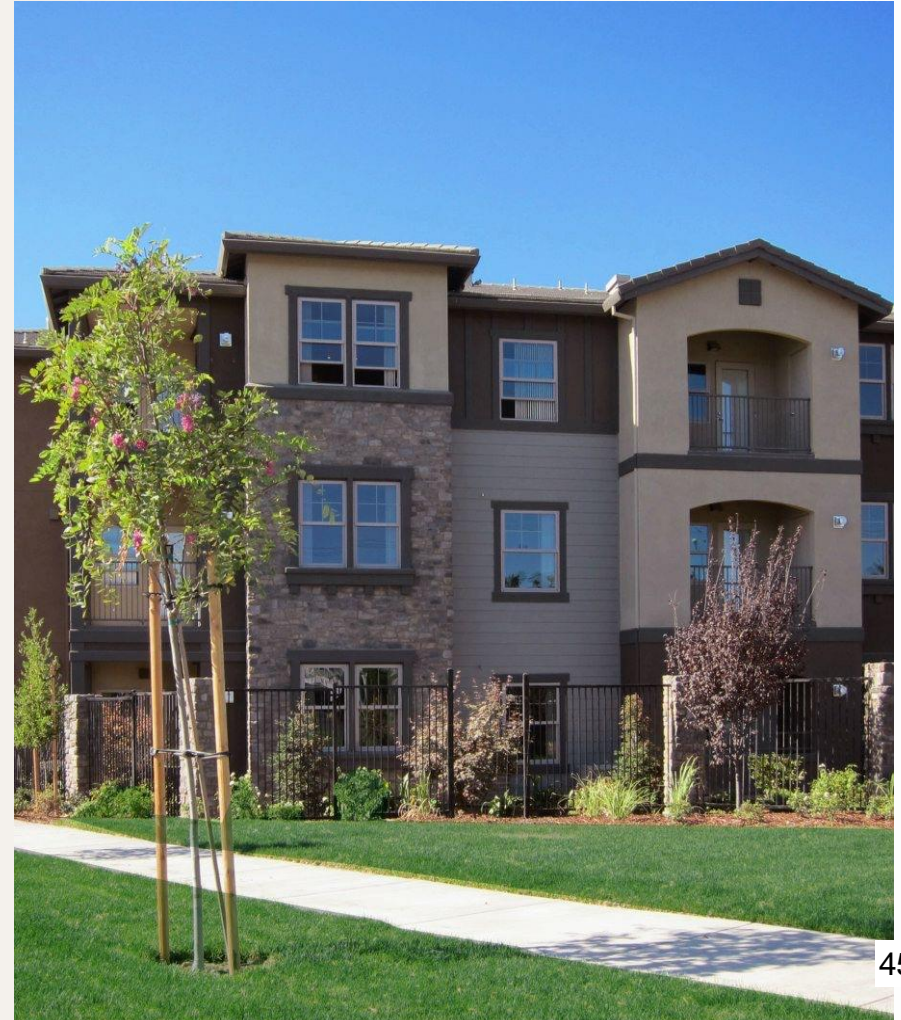
- Mission
 - Quantity, quality & affordability
 - Diverse, equitable & inclusive
 - Cultivate community partnerships
- Track Record
 - Business & community leadership
 - 35 years of success
 - 17,500 units developed
 - No-profit no-loss
 - Reinforce community values
 - Sustainable design
 - Best practice leaders and innovators



Residents at BRIDGE Housing apartments
Source: BRIDGE Housing

BRIDGE Best Practices in Affordable Housing

- Triple bottom line
- Provide meaningful *public value*
- Ensure *environmental sustainability* through best practices
- Resilient *financial performance* over the economic life cycle of the property



Foothill Farms Sacramento, California
Source: BRIDGE Housing

Site Context



Project History

2015

- City issues Request for Proposals
- Receives 4 and moves forward with OPG

2016

- City hires Environmental Science Associates (ESA) to conduct an ecological assessment on the Suzuki property

2017

- ESA report
 - “Mature second growth forest”
 - Buffering the human-created pond
 - Creation of a 300’ wildlife corridor
- Council requested OPG alter its plan based on ESA’s recommendations, reducing the potential development area from 13.8 acres to +/-4 acres
- Council voted to make 100% of the housing affordable

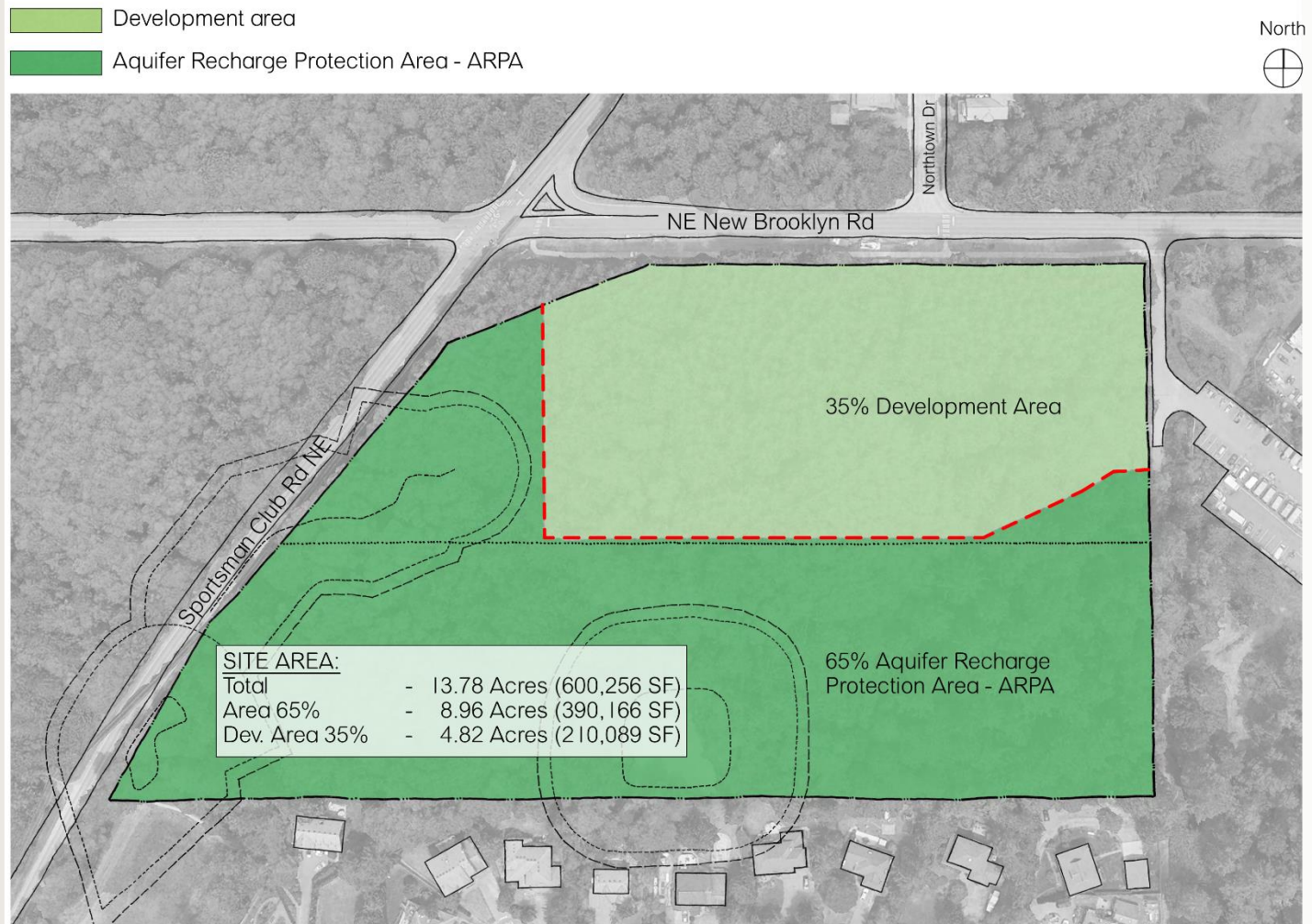
47

Project History

2018

- OPG presented a revised site plan which was approved in concept by the City
- OPG:
 - Assembles project team
 - Commissions pre-design studies
 - Launches a website: www.suzukiaffordable.com
 - Conducts first public outreach meeting
- Council chooses to conduct a financial feasibility study and contracts with HRB who subcontracts with Bridge Housing
- OPG's contract work is put on hold

ARPA + Development Area



Option 4: OPG Study Option



50

Source: Davis Studio Architecture & Design

Housing Resources Bainbridge Scope of Work

- Include a diversity of housing choices
- Preserve mapped woodlands & wetlands
- 100% affordable and/or below market rate housing
- Leverage public benefits from the City's ownership of the land
- Provide actionable information to City



Ferncliff Village Phase II by HRB
Source: Mike Seidl

Decisions for Consideration by City

- Key Decision #1: Land donation for public benefit
- Key Decision #2: Seek capital budget support from the State legislature
- Key Decision #3: Approve sufficient density on the site for a financially sustainable community
- Key Decision #4: Build for-sale units to cross-subsidize rentals creating a complete community

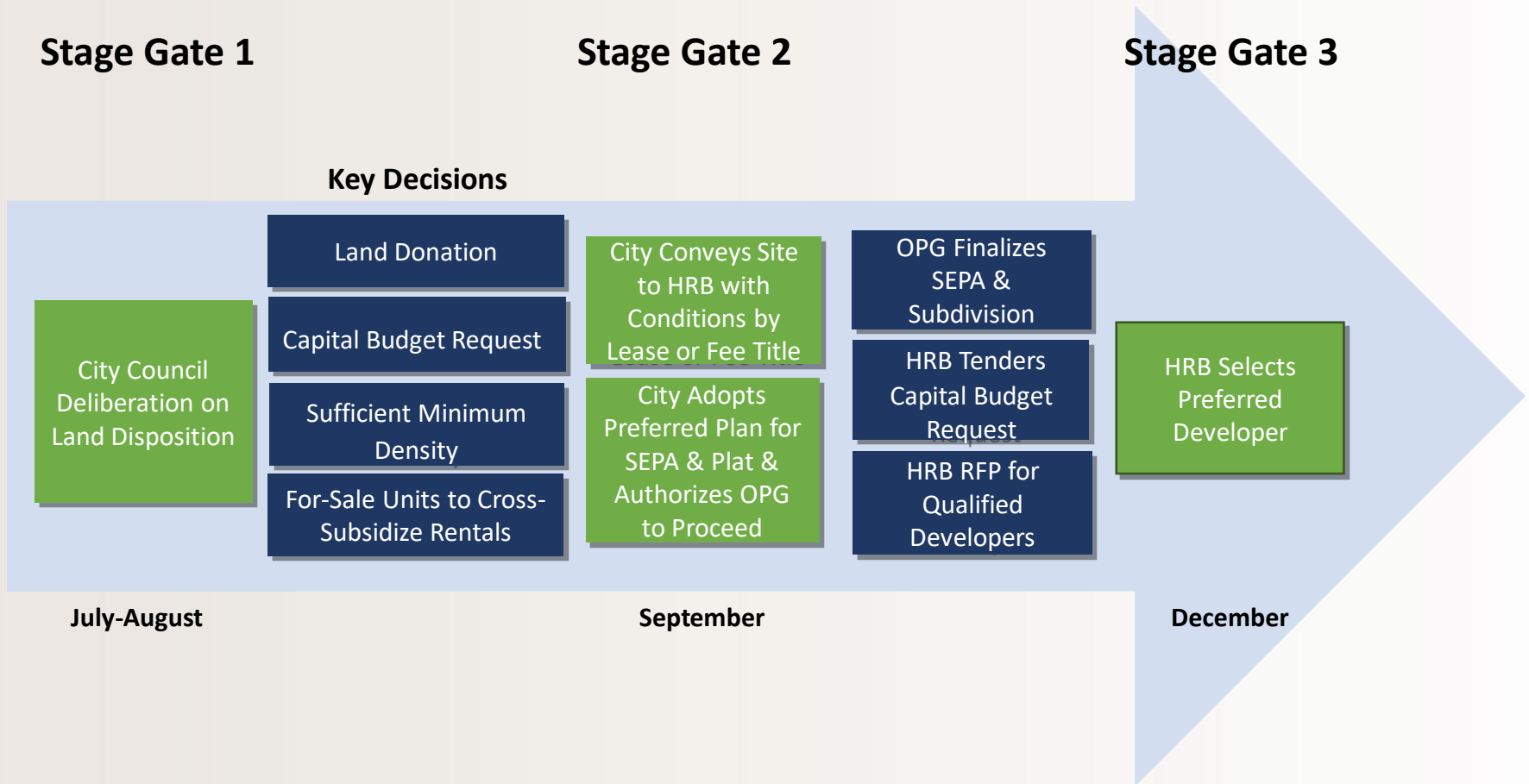
52

Key Decision #3 Detail: Sufficient Density for a Financially Sustainable Community

| | Option 1 | Option 2 | Option 3 | Option 4 | Alternative |
|---------------------------|-----------|----------|----------|----------|-------------|
| Rental | 35 | 36 | 48 | 60 | 60 |
| For-Sale | 0 | 18 | 18 | 30 | 39 |
| Manager | 1 | 1 | 1 | 1 | 1 |
| Total | 36 | 55 | 67 | 91 | 100 |
| | | | | | |
| City Fee Waivers | \$0.6M | \$0.6M | \$0.7M | \$0.8M | \$0.8M |
| County HOME/CDBG | \$1.0M | \$1.0M | \$1.0M | \$1.0M | \$1.0M |
| State Capital Budget | \$6.0M | \$3.4M | \$4.1M | \$2.6M | \$1.2M |
| Public Subsidies | \$7.6M | \$5.0M | \$5.8M | \$4.4M | \$3.0M |
| Public Subsidies Per Unit | \$217,000 | \$93,000 | \$88,000 | \$49,000 | \$31,000 |

53

City of Bainbridge Island Critical Path



Revised Option 4: 91 Dwellings



Source: Davis Studio Architecture & Design

Housing Resources Bainbridge Tasks

- Broaden the Income Spectrum of Households assisted by HRB from 120% to 150% of AMI
- Select a Master Developer Through a Request for Proposals
- Multitask Suzuki Site Oversight and Partnership with Madison Avenue Development
- Coordinate with and Between OPG and City
- Organize and Mobilize Support for State Capital Budget Appropriation
- Ensure Financial Transparency & Accountability

56

BRIDGE Recommendation: 100 Dwellings



Source: Davis Studio Architecture & Design

Building a Complete Community

| Area Median Income | 1 Person | 2 Person | 3 Person | 4 Person | |
|--------------------|----------|-----------|-----------|-----------|-----------------------|
| 50% | \$29,950 | \$34,200 | \$38,500 | \$42,750 | Barista |
| 80% | \$47,920 | \$54,720 | \$61,600 | \$68,400 | Office Manager |
| 120% | \$71,880 | \$82,080 | \$92,400 | \$102,600 | Police Officer |
| 150% | \$89,850 | \$102,600 | \$115,500 | \$128,250 | Engineer |

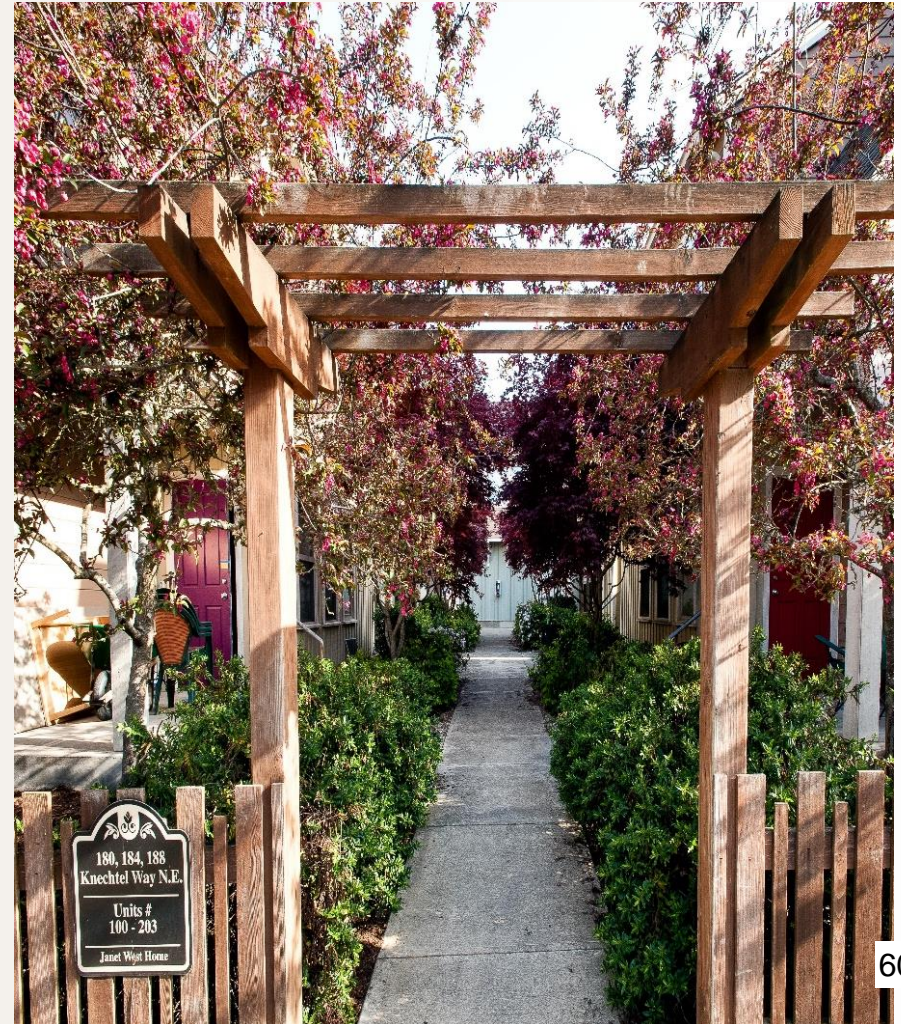
- Rentals for workforce (50-80% AMI): \$750-\$1,700/month
- For-sale for middle income (120-150% AMI): \$410,000-\$620,000

Comparison of 91 and 100 Unit Options

- 100 units reduces the State Capital Budget request from \$2.4 million to \$1.2 million
- 100 units optimizes the use of the site while preserving habitat & aquifer recharge areas
- 100 units broadens the moderate income portion of the income spectrum to 40% of the total community
- Both options are within City regulations for density, height, parking, setbacks & lot coverage
- City preferred option will become the basis for OPG environmental analysis to comply with SEPA

Cost of No Action

- SEPA compels OPG to study a “*no action*” alternative
- No action prolongs an impasse during a housing emergency
- No action misses a singular opportunity to address the demand for affordable housing-no other public sites exist
- No action now will make the cost of housing more expensive in the future, due to inflation



Janet West Rental Community by HRB
Source: David Cohen

Thank You

"Housing is a means to an end....*the end is to provide opportunities for people to stabilize their lives and achieve their dreams, whatever those are.*"

*The late Lillian Murphy
RSM & CEO of Mercy Housing*



Anthem Park at Uptown Village Townhomes
Source: Kurt Creager

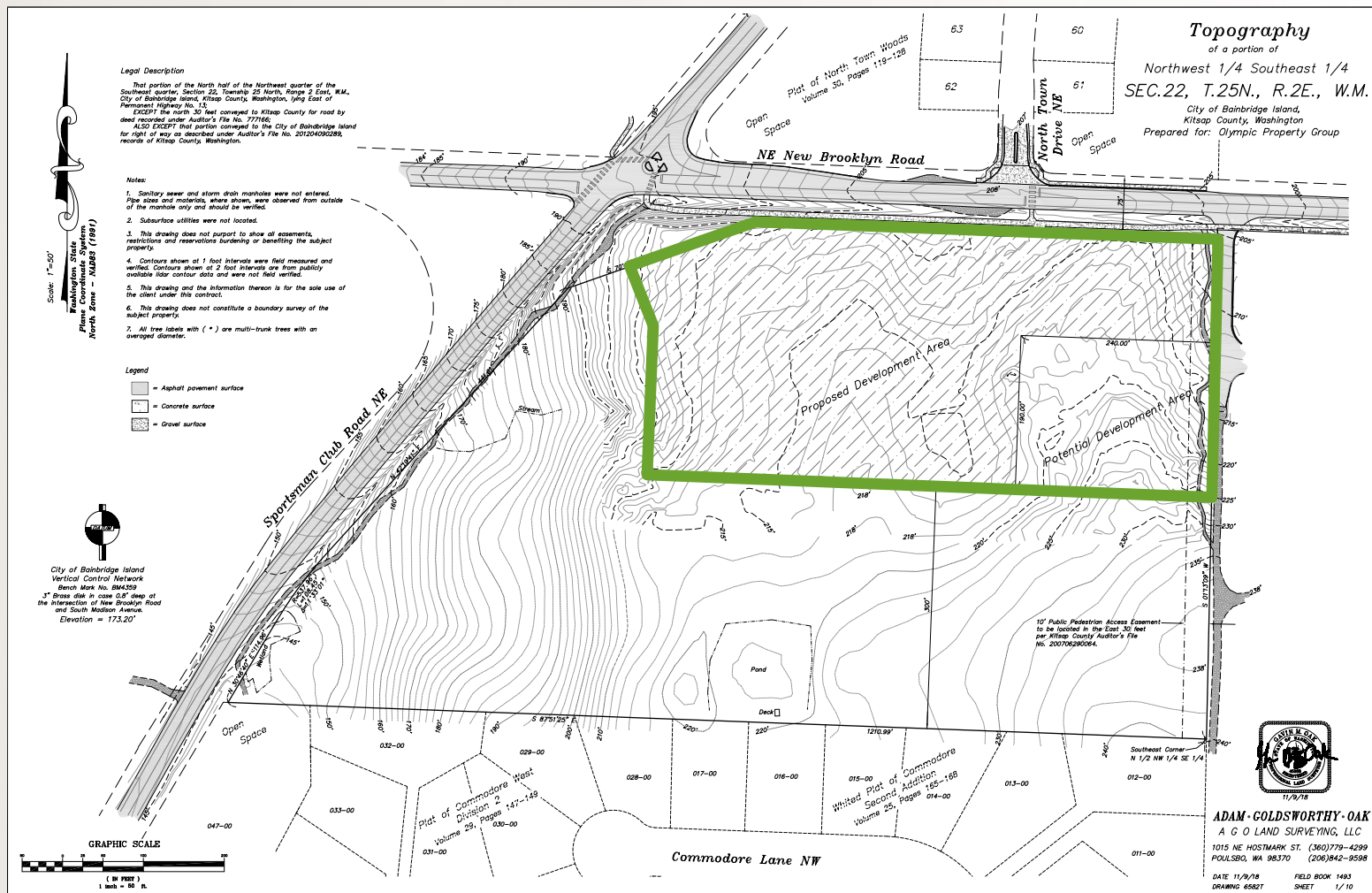
APPENDIX

Issues Raised During RFP - Conservation

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

Issues Raised During RFP - Development

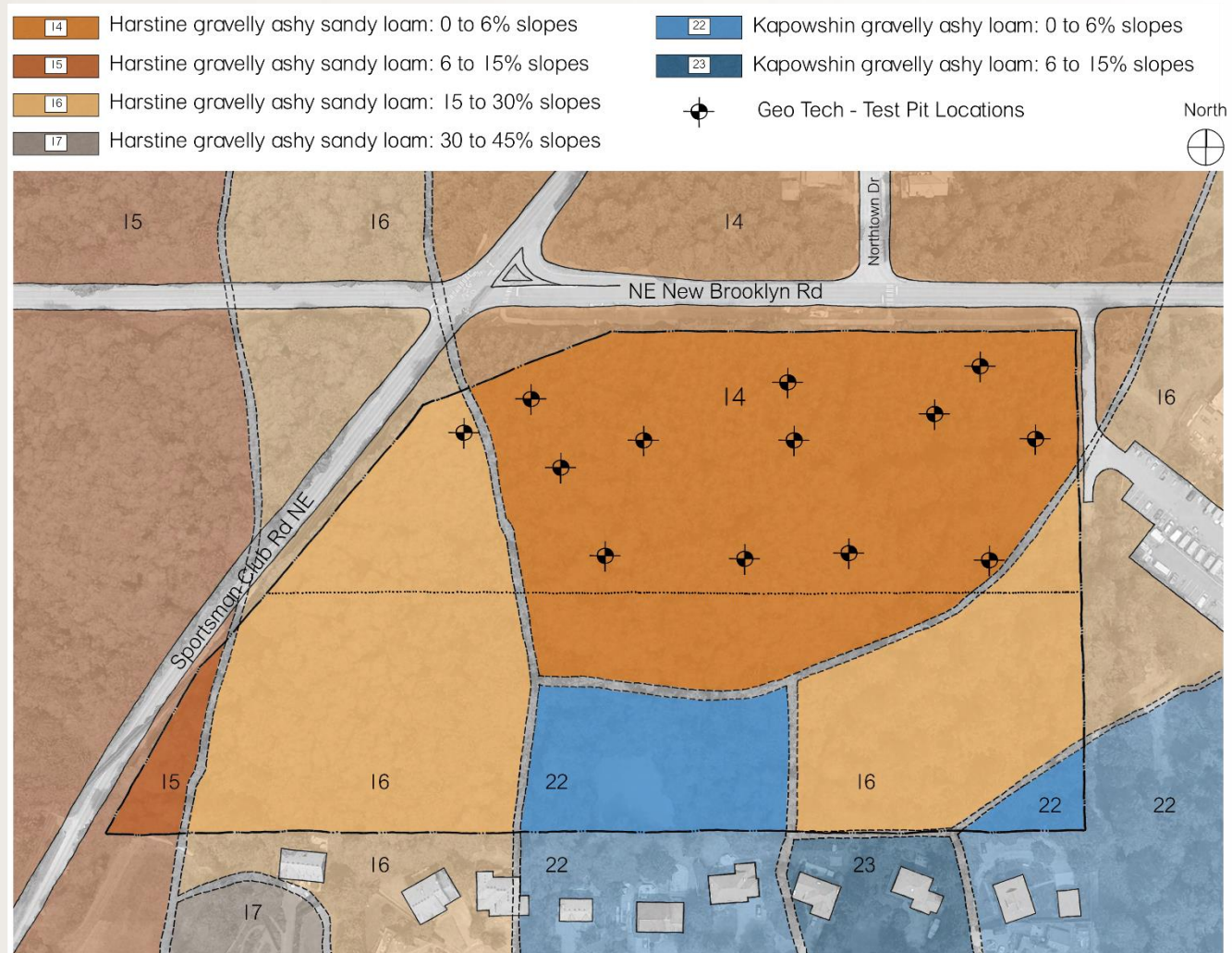
- Provide a place to expand the Boys and Girls Club
- Provide affordable housing
- The City's fiduciary responsibility to judge any proposed use against the fair market value of the property
- Overall land conservation (higher density urban development versus more rural densities)
- Create a neighborhood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





critical areas

soils



topo and drainage





trees

ARPA + development area





BUILDING SUSTAINING LEADING

Date: August 2, 2019

To: Phedra Elliott, Executive Director, Housing Resources Bainbridge

From: Kurt Creager, Executive Vice President, BRIDGE Housing Corporation

Re: Report & Recommendations for the Suzuki Affordable Housing Site

The following materials constitutes BRIDGE Housing Corporation's ("BRIDGE") final report and recommendations for the Suzuki affordable housing site. This final report contains new information, updated budgets and reflects the deliberation and recommendations of the Housing Resources Bainbridge ("HRB") Board of Directors at their meeting on the draft report and recommendations on July 9, 2019.

These work products are consistent with and in furtherance of the Memorandum of Understanding between HRB and BRIDGE dated March 27, 2019. The agreement calls for BRIDGE to assess the feasibility of developing the City-owned Suzuki Site, a portion of the 13.83 acre site at the SE quadrant of the intersection of New Brooklyn Road and Sportsman Club Road on Bainbridge Island, Washington. Preliminary plans range from 36 units up to 91 units, including a mix of single family detached cottages, townhomes, and accessory dwelling units ("ADUs"). These units are envisioned as a mix of rentals and homeownership units that are permanently affordable for low to moderate income households.

This report assesses the financial feasibility of the preliminary plans in addition to the financial feasibility of a 100-unit alternative which is within the residential and parking capacity for the site. This report and its findings and recommendations may be used by the City of Bainbridge Island to guide disposition of the property as appropriate. The draft report is structured as follows:

- 1) Project Reconnaissance;
- 2) Key Decisions for Funding Strategy;
- 3) Design Refinement, Budget, and Cost Control; and
- 4) Preliminary Financial Proforma.

About BRIDGE Housing

Founded in 1983, BRIDGE Housing Corporation is the largest non-profit developer of affordable housing and workforce housing on the West Coast. As a mission-driven non-profit, BRIDGE's primary goal is to produce high quality homes for working families and seniors at a variety of income levels. We pay close attention to the double-bottom line of financial and social return on investment, always in pursuit of quality, quantity and affordability for the long term. The opinions and conclusions contained within this report are those of the BRIDGE Housing Principal Investigator, Kurt Creager, Executive Vice President, and may be quoted with citation.

I. PROJECT RECONNAISSANCE

BRIDGE conducted site visits over the winter and spring of 2019 and reviewed the June 2018 existing conditions reports commissioned by Olympic Property Group ("OPG") under contract to the City of Bainbridge Island. Additional work is still in process as the OPG scope of work was temporarily suspended until questions regarding the project's financial feasibility could be answered to the satisfaction of the City Council. BRIDGE Executive Vice President, Kurt Creager, also met with OPG and OPG-retained architect Jonathan Davis. An engineering report and a financial alternative analysis prepared by Browne Wheeler Engineers Inc. was also reviewed and addressed in the budget estimates herein. In addition, BRIDGE held subsequent meetings with HRB and Housing Kitsap to conceive and coordinate the delivery of the for sale units for low or moderate income¹ households. BRIDGE is grateful for the assistance of OPG, Davis Studio Architecture & Design, Housing Kitsap and Clark Construction to help articulate and assess the financial feasibility of this proposed project.

II. KEY DECISIONS FOR FUNDING STRATEGY

Given the diversity of uses proposed on-site, the project must be broken into components which will be funded separately but undertaken in a coordinated manner to produce a seamless, inclusive and integrated master plan. The components of the Suzuki project are as follows:

- Open space, sensitive area and habitats (approximately 9.83 acres in each scenario)²
- For-sale homes (0-39 detached cottages or townhomes³)
- Rental homes (36-61 townhomes⁴ and ADUs⁵)
- Community building and amenity space⁶
- Infrastructure to support the site consistent with City standards.

¹ Low income for purposes of Washington State Law is defined as 51-80% of the Area Median Income, indexed by family size and published by the US Department of Housing & Urban Development annually. Moderate income is 81-120% of Median Income for purposes of this report and recommendations

² Wetlands on the site include an historic man-made impoundment which is envisioned to be enhanced for surface water management purposes. The proximity of the site to public schools means many pedestrians use the open space as an alternative to the sidewalk on New Brooklyn Road. These informal trails would be improved to ensure public safety and minimize intrusion into woodland and wetland habitats.

³ Approximately 439-569 square feet for 1 bedroom ADUs, 1,000-1,061 square feet for 2 bedroom townhomes, and 1,300-1,381 square feet for 3 bedroom townhomes.

⁴ Ibid

⁵ Ibid

⁶ Envisioned as a single story structure of 3,500 square feet

Financial feasibility will depend on key decisions by the City of Bainbridge Island and HRB:

Key Decision #1: Land Donation

Public agencies often leverage the value of public land to create long term public benefits. Given the affordability challenges of Bainbridge Island and the amount of open space desired by the City, BRIDGE concludes that neither the stewards of open space nor an affordable housing developer can support market value for the land. Therefore, it is crucial that the City of Bainbridge Island and its City Council affirm that the land be either donated or leased for a negligible sum of money in exchange for a long-term commitment to preserve the open space and maintain housing affordability. If the City is seeking market value for some or all of the land, the master developer will likely need to reduce the amount of open space or affordability of homes in order to maintain financial feasibility.

The City of Bainbridge Island may choose to transfer the entire site to a single entity or the open space and developable portions of the site to different entities. Based on initial reconnaissance and pending discussions with the City, we believe the Bainbridge Island Metro Park and Recreation District and HRB are the most appropriate candidates. HRB will need evidence of site control to secure the participation of a master development partner and accumulate the necessary funding to build the project. HRB also needs sufficient time to mobilize capital and implement the preferred plan.

While planning discussions have included Housing Kitsap (the housing authority serving Kitsap County), we do not anticipate the agency will act as a master developer given their current priorities and capacity. However, we believe the agency still has an instrumental role in terms of financing (e.g. project-based vouchers) and in an advisory capacity to HRB and the selected master developer given their local expertise in development, construction management, and homeownership programs.

Key Decision #2: Capital Budget Support from the State Legislature

A State Capital Budget appropriation is essential for attracting additional financial resources for the proposed project. As detailed in the proforma, while the master developer and HRB can obtain a sizable investment from private lenders and tax credit investors and nominal support from the City and Kitsap County, there remains a significant gap that must be filled by the State. State resources from the Department of Commerce's Housing Trust Fund prioritizes high-needs populations (e.g. mentally ill, veterans, people with developmental disabilities, farmworkers) which are limited on Bainbridge Island. Moreover, preferences for households earning 30% of Area Median Income or below and for formerly homeless and at-risk populations means that the project as conceived is unlikely to be competitive statewide. Absent a significant change in State priorities or the project's target population, BRIDGE recommends the City and HRB pursue a capital budget appropriation instead. As detailed in Section III and IV, the project requires an appropriation of \$2.4 million with 91 units and only \$1.2 million under the 100-unit recommended alternative. The use of capital budget earmarks is a standard operating procedure in the Washington State Legislature. In the 2019-2020 Biennial Budget approximately \$46 million was earmarked in the Department of Commerce budget for high

priority capital projects statewide. While funds are routinely available for the highest priority projects, it will take time and a unity of purpose from the elected officials representing Bainbridge Island. Assuming a robust effort by local officials, we estimate it may take as long as one to two years to gain traction and approval for such an appropriation.

Key Decision #3: Approve Sufficient Density on the Site

Over the last several years, the City and local stakeholders have proposed a range of alternative programs that balance the desire for affordable housing and environmental conservation with the physical development constraints and limitations of the site. These include Option 1 - 36 units, Option 2 - 55 units, Option 3 - 67 units, and Option 4 - 91 units.

Based on the analysis below and BRIDGE's 35 years of experience in housing development and financing, a project with fewer than 90 units is not financially feasible and may not attract tax credit investors and funders.

FINANCIAL FEASIBILITY OF PRELIMINARY OPTIONS & 100-UNIT ALTERNATIVE

| | Option 1 | Option 2 | Option 3 | Option 4 | Alternative |
|----------------------------------|------------------|-----------------|-----------------|-----------------|--------------------|
| Rental | 35 | 36 | 48 | 60 | 60 |
| For-Sale | 0 | 18 | 18 | 30 | 39 |
| Manager | 1 | 1 | 1 | 1 | 1 |
| Total | 36 | 55 | 67 | 91 | 100 |
| City Fee Waivers | \$0.6M | \$0.6M | \$0.7M | \$0.8M | \$0.8M |
| County HOME/CDBG | \$1.0M | \$1.0M | \$1.0M | \$1.0M | \$1.0M |
| State Capital Budget | \$6.0M | \$3.4M | \$4.1M | \$2.6M | \$1.2M |
| Public Subsidies | \$7.6M | \$5.0M | \$5.8M | \$4.4M | \$3.0M |
| Public Subsidies Per Unit | \$217,000 | \$93,000 | \$88,000 | \$49,000 | \$31,000 |

In the lower density scenarios (Options 1-3), the project does not achieve sufficient economies of scale and incurs the same fixed costs for architecture, engineering, tax credit syndication, etc. while delivering fewer units. A rental project with fewer than 50-60 units may also have difficulty attracting tax credit investors, thereby reducing the amount of tax credit equity generated and increasing the need for subsidies from the City, County or State. BRIDGE estimates the project will require \$88,000-\$217,000 in public subsidies per unit in the lower density scenarios, significantly higher than the \$49,000 required for Option 4.

Based on our financial feasibility analysis, BRIDGE recommends the City and HRB consider Option 4 as the Base Case. While Option 4 still requires a \$2.6 million State Capital Budget request, a challenging amount to obtain as appropriations are typically less than \$1 million, it may be viable if requested over multiple legislative cycles. To reduce the amount requested from the State, BRIDGE also analyzed a 100-unit alternative that provide more economies of scale, 9 additional for-sale units, and complies with the City's parking requirements. This recommended alternative is more financially feasible and requires only \$1.2 million in State

assistance. We recommend that the City and HRB reassess the Base Case site plan for opportunities to increase density while protecting the open space preserve and utilizing parking more efficiently. Absent an increase in density, the City and HRB may need to consider serving higher income households or selling market-rate homes in order to generate revenues and reduce public subsidies.

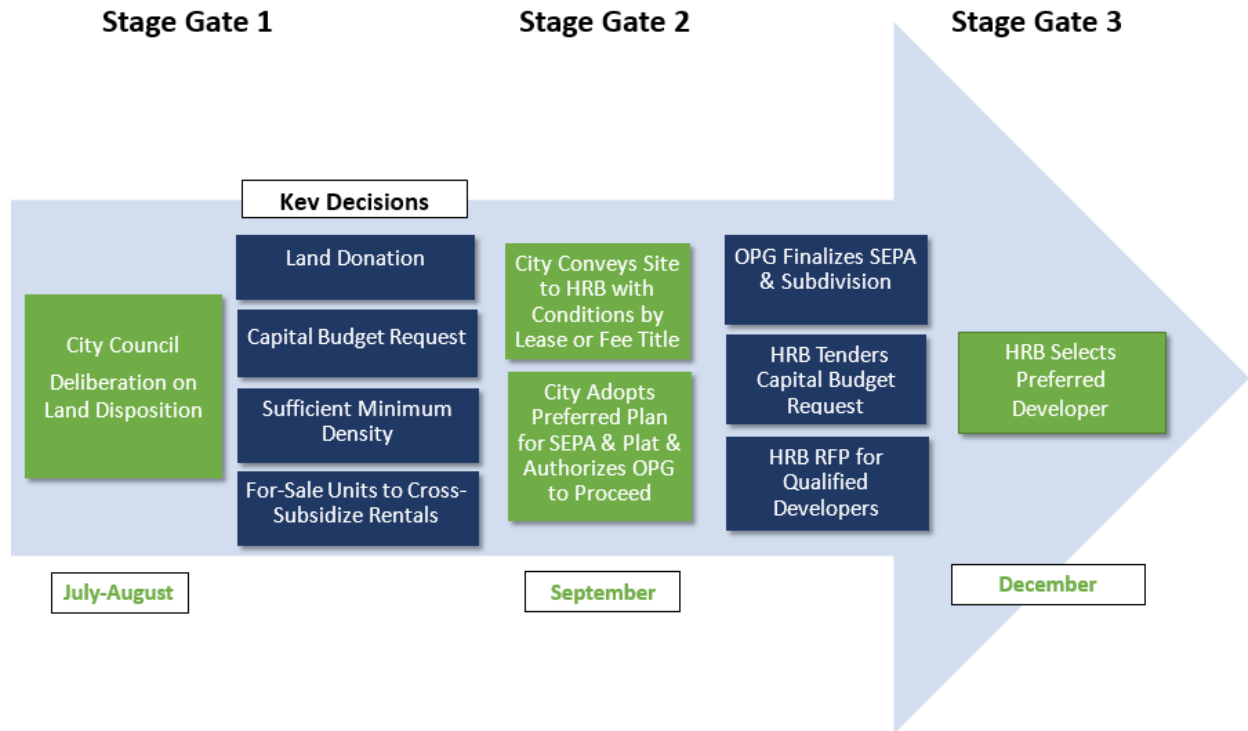


Site plan for the Base Case (Option 4 – 91 units); Source: Davis Studio Architecture & Design

Key Decision #4: Build For-Sale Units to Cross-Subsidize Rentals

Based on our preliminary proforma and understanding of available funding sources, we believe that revenues from for-sale units will be crucial for closing the funding gap for the rental component. The number of for-sale units required depends on the income of homebuyers served and the rental component's ability to obtain sufficient City, County, and State funds. Our preliminary pro forma for the Base Case (Option 4 - 91 units) assumes that 30 units will be reserved for homebuyers earning 140% Area Median Income (AMI), generating approximately \$4.5 million to support the rental building serving households earning 50-80% AMI. The 100-unit recommended alternative includes 39 townhomes, generating \$5.8 million in cross-subsidy and reducing the State Capital Budget support from \$2.4 million to \$1.2 million. The addition of homeownership units for higher-end households will not only enhance financial feasibility but also provide for a truly mixed-income community.

Ultimately, if the City of Bainbridge Island and HRB can come to consensus on the terms of a land donation, obtain a State Capital Budget appropriation, achieve sufficient density on the site, and build for-sale units to cross-subsidize the rental units, we believe the project will be financially feasible. Below is a critical path, outlining the anticipated roles for the City, HRB, and OPG before soliciting and selecting a development partner.



III. DESIGN REFINEMENT, BUDGET AND COST CONTROL

The team assembled by OPG is exemplary and well-established in the Bainbridge Island market. To establish a preliminary budget, BRIDGE considered two construction methods and validated costs with a contractor experienced in building on the island and across Kitsap County but do not yet have a role or interest in the project.

Rental Component

BRIDGE assumes the proposed project will be built with lightweight frame construction typical of most conventional affordable housing projects in Kitsap County. While very little purpose-built affordable housing has been completed on Bainbridge Island, Clark Construction recently completed the Ferncliff Village Townhomes in 2017. BRIDGE believes this project serves as a good comparable for purposes for cost estimating.

RENTAL COMPONENT – PRELIMINARY USES – BASE CASE (61 UNITS)

| Description | Total Amount | Per Rental Unit |
|---|---------------------|------------------|
| Land, Title and Escrow | \$25,000 | \$417 |
| Holding Costs | \$0 | \$0 |
| subtotal | \$25,000 | \$417 |
| Construction | \$12,729,810 | \$212,164 |
| Furnishings and Equipment | \$60,000 | \$1,000 |
| Hard Cost Contingency | \$954,736 | \$15,912 |
| subtotal | \$13,744,546 | \$229,076 |
| Architecture/Engineering | \$1,550,000 | \$25,833 |
| Permits and Fees | \$844,729 | \$14,079 |
| Construction Loan Interest/Fees | \$961,733 | \$16,029 |
| Bond Cost of Issuance | \$198,735 | \$3,312 |
| Legal | \$90,000 | \$1,500 |
| Appraisal/Market Study | \$15,000 | \$250 |
| Marketing/Lease-up | \$110,000 | \$1,833 |
| Title/Audit/Cost Certification | \$60,000 | \$1,000 |
| Insurance | \$111,050 | \$1,851 |
| Property Taxes (Exempt) | \$0 | \$0 |
| Soft Cost Contingency and Reserves | \$312,668 | \$5,211 |
| subtotal | \$4,253,914 | \$70,899 |
| Syndication Costs | \$178,047 | \$2,967 |
| Developer Fee (Incl. \$1M Recontributed to Project) | \$2,546,077 | \$42,435 |
| TOTAL DEVELOPMENT COSTS | \$20,747,584 | \$345,793 |
| | ===== | ===== |

Using Ferncliff as a comparable, Clark Construction estimated the cost of the three-story townhomes and ADUs to be \$185-220 per square foot for vertical construction, including cost escalation. Horizontal construction (e.g. driveways, landscape, parking, water, sewage, surface water detention) is estimated to range \$30-40 per square foot of vertical construction. For this preliminary budget, we have assumed \$200 and \$30 per square foot for vertical and horizontal costs respectively. Operation and maintenance of the drainage detention facility is planned as a cost of the City of Bainbridge Island. Assuming a 7.5% contingency, BRIDGE estimates a hard cost of \$13.7 million or \$229,000 per unit. In addition to hard costs, BRIDGE estimates approximately \$7 million or \$116,000 per unit in soft costs, including the cost of architecture and engineering, financing, legal, marketing, insurance, reserves, and fees to the developer and City of Bainbridge Island. Based on permit fee schedules, we have budgeted \$845,000 or \$14,000 per unit for transportation impact fees, water and sewer system participation fees, building permit fees, plan check fees, and subdivision fees.

For-Sale Component

Construction of the for-sale component will be coordinated with the rental component to attain some economies of scale. To reduce cost, we assume that HRB and the selected master developer will coordinate all architectural and engineering work. Windows, roofing and siding would likely be purchased in bulk for the greatest cost savings possible. Whereas the for-sale component will include townhomes and layouts similar to the rental component, we have assumed costs at \$200 per square foot for vertical construction and \$30 per square foot for horizontal construction. In sum, we anticipate \$12.1 million or \$405,000 per unit in total development costs, including \$276,000 per unit for hard costs and \$129,000 per unit for soft costs.

FOR-SALE COMPONENT – PRELIMINARY USES – BASE CASE (30 UNITS)

| | Total | Per Unit |
|----------------------------------|---------------------|------------------|
| Land (Donated) | \$0 | \$0 |
| Site Work Costs/Utilities | \$1,080,000 | \$36,000 |
| Building Hard Costs | \$7,200,000 | \$240,000 |
| Architecture and Engineering | \$207,000 | \$6,900 |
| City Permits and Fees (Waived) | \$0 | \$0 |
| Selling Expenses | \$830,089 | \$27,670 |
| Admin / Insurance | \$498,054 | \$16,602 |
| Real Estate Excise Tax | \$295,512 | \$9,850 |
| Legal / Accounting / Consultants | \$75,000 | \$2,500 |
| Construction Loan Fees/Costs | \$155,177 | \$5,173 |
| Construction Loan Interest | \$326,831 | \$10,894 |
| Contingency | \$800,075 | \$26,669 |
| Developer Fee | \$688,064 | \$22,935 |
| TOTAL COSTS | \$12,155,802 | \$405,193 |
| | ===== | ===== |

Conventional vs. Insulated Concrete Form

Several market rate developers on Bainbridge Island are using Insulated Concrete Form (ICF) as their preferred building envelope, essentially creating a super-insulated shell sided with COR-TEN steel or finished/sealed concrete. ICF is a superior building envelope in terms of energy efficiency and durability. However, it is rarely used in affordable housing construction because the initial cost is prohibitive. Clark Construction estimated that ICF in a low-rise structure would likely cost \$220-\$310 per square foot for vertical construction, a premium of 20-40% over conventional construction. Given this anticipated premium, we have assumed the project will be built using conventional construction methods.

Conventional Site Built vs. Offsite Modular Construction

BRIDGE is one of the first affordable housing developers to utilize modular construction in California and is actively exploring other innovative technologies that can reduce cost and time.⁷ The townhouse typology contemplated for Suzuki is suitable for modular construction and we recommend designing the project as modular-ready. Based on BRIDGE's recent experience, we estimate that modular construction can reduce construction time by up to 3-6 months but cost savings have been insignificant versus conventional construction thus far. Therefore, our budget estimate has not assumed the use of modular construction or any potential savings. While the project may be considered too small for some manufacturers, BRIDGE recommends further study given the benefits of minimizing disruption to the open space and compressing the construction period.

Use of Volunteer Labor and Donated Materials

The use of volunteer labor and donated materials surfaced during deliberations on the proposed project. While there is financial benefit to using volunteers and donated materials, it will complicate quality control and will very likely impair the ability to provide a warranty on the finished product. Moreover, the complexity of project management would place a burden on HRB, the master developer, and their contractors. For these reasons, BRIDGE did not further evaluate the idea in this report.

Requirements for Federal Funds

The project proforma contemplates use of federal funds, HOME and CDBG,⁸ for the infrastructure supporting the rental townhomes and ADUs. The use of federal funds means the scope and procedure for environmental review should consider the requirements of the National Environmental Policy Act (NEPA). Olympic Property Group is currently only considering the Washington State Environmental Policy Act (SEPA) for purposes of compliance and entitlements. Should the project utilize federal funds, we recommend expanding OPG's scope to include NEPA or Kitsap County should manage the NEPA environmental review process on behalf of the project.

⁷ BRIDGE's experience with construction technology, including two recently completed modular projects in San Leandro, CA, is summarized in "[Faster, Better, More.](#)"

⁸ Community Development Block Grant (CDBG) and HOME Investment Partnership Act Funds (HOME)

Use of HOME and CDBG may also inadvertently trigger federal prevailing wage rate requirements (also known as Davis-Bacon) and, unless carefully managed and separated from the other private funding sources, could create added costs or risks to the master developer or Housing Resources Bainbridge (HRB). Federal prevailing wage rates could add as much as 20% to the cost of building the project if the funds are co-mingled with the private sources used in the vertical construction budget. Additional monitoring and reporting to ensure wage rate compliance will also require significant time and costs from HRB or the master developer.

IV. PRELIMINARY PROFORMA

Based on the key decisions in Section II and assumptions described in Section III, BRIDGE prepared a preliminary proforma to illustrate how the value of the land donated by the City of Bainbridge Island, the State capital budget appropriation, and revenues from for-sale units can help leverage private debt, private equity, master developer contributions, philanthropy and other resources.

General Assumptions

- The master developer selected by HRB will develop a minimum of 60 rental units given the high demand for affordable rental housing and to achieve economies of scale. 75% of these units would be configured as rental properties for very low income households earning 50% of Area Median Income (AMI) while the remaining 25% serve low income households earning 80% of AMI. This configuration utilizes income averaging to qualify for Low-Income Housing Tax Credits, aligns with the funding priorities of Kitsap County, and allows the property to qualify for the state's non-profit affordable housing tax exemption which requires at least 75% of units to serve very low-income households.⁹ We also anticipate some of these units will be set aside for an appropriate special needs population, such as seniors, and one will be set aside for the on-site property manager.
- HRB, with support from the master developer, will develop the remaining units as for-sale homes. These units would be sold to moderate and middle-income households earning up to 140% of AMI.
- The master developer will construct horizontal infrastructure for both the for-sale and rental units and will be reimbursed by HRB on a pro-rata basis (e.g. by number of units or gross square footage) on a full cost recovery (no profit-no loss) basis.
- The community building and amenity space, while open to residents of both the for-sale and rental units alike, will be paid for as part of the rental phase of the project.
- The project is exempt from Federal prevailing wage requirements due to the limited amount of HOME, CDBG, and project-based vouchers used. State and local sources are also not anticipated to require prevailing wage.
- City land will be leased by HRB and the master developer for \$1.00 for 99 years, with the option to extend if long-term commitments to affordability are met.

⁹ Very low income for purposes of Washington State Law is defined as 0-50% of the Area Median Income, indexed by family size and published by the US Department of Housing & Urban Development annually.

- A homeowner association will be formed by the master developer and HRB, it will be funded on a pro-rata basis (e.g. by number of units or gross square footage) and be responsible for the operations and maintenance of common areas.
- The City of Bainbridge Island or another entity such as the Bainbridge Island Metro Park and Recreation District will fund, develop, and manage the open space independently from the affordable housing components.

Rental Component

The proforma for the Base Case and the recommended alternative assumes 60 units of rental housing and 1 unit for an on-site property manager relying on equity generated by 4% Low Income Housing Tax Credits, a tax-exempt bond supported by rental revenues, and revenues from the sale of for-sale units. Additionally, the City, County, and State will provide grants or fee waivers.

RENTAL COMPONENT – PRELIMINARY SOURCES – BASE CASE (61 UNITS)

| | Construction Period | Permanent Period |
|---------------------------------------|--------------------------------|-----------------------------|
| Permanent Mortgage | - | \$4,710,290 |
| Construction Loan | \$14,572,656 | - |
| Revenues from For-Sale Units | - | \$4,445,985 |
| City of Bainbridge Island Fee Waivers | \$844,729 | \$844,729 |
| Kitsap County HOME | \$500,000 | \$500,000 |
| Kitsap County CDBG | \$500,000 | \$500,000 |
| State Capital Budget Request | \$1,000,000 | \$2,597,052 |
| Investor Equity - Tax Credits - 4% | \$600,345 | \$6,003,451 |
| Developer Contribution | - | \$1,006,754 |
| Deferred Developer Fee | - | \$139,323 |
| TOTAL SOURCES | \$18,017,729 | \$20,747,584 |
| | ===== | ===== |

- **Construction Loan (\$14.6 million):** During the construction period, the primary source of funding will be a tax-exempt bond-funded construction loan. The proforma assumes a construction loan of approximately \$14.6 million at 4.75% interest for a 12-month construction period, 3-month lease-up period and 3-month period to close permanent financing. It is assumed that bonds will be purchased by a financial institution in a private placement transaction.
- **Permanent Mortgage (\$4.7 million):** The permanent loans are a combination of tax exempt and taxable loans. The tax-exempt mortgage supported by project rents totals \$4.7 million, including \$0.6 million that is supported by revenues from 8 project-based vouchers from Housing Kitsap. This loan is underwritten at a 5% interest rate and 35-year amortization.
- **Revenues from For-Sale Units (\$4.5 million):** BRIDGE assumed that HRB will develop and sell 30 units to middle-income households earning 140% AMI, generating \$4.5

million in surplus revenues that can cross-subsidize the rental component. The actual number of units and income bands served will depend on the rental project's ability to obtain City, County, and State funds. See the "For-Sale Component" section below for detailed assumptions on pricing and target population, including revenues generated under the 100-unit alternative.

- **City of Bainbridge Island Fee Waivers (\$845,000):** Based on the City's permit fee schedules, we have budgeted \$845,000 for transportation impact fees, water and sewer system participation fees, building permit fees, plan check fees, and subdivision fees. Based on recommendations from the City's Affordable Housing Task Force final report issued in July 2018, we assume the City will work with relevant jurisdictions and agencies to waive these fees for affordable housing projects such as the Suzuki site.
- **Kitsap County HOME (\$500,000):** Kitsap County has historically awarded \$180,000 to \$500,000 of HOME funds per project, including awards over multiple funding cycles. The 2020 CDBG/HOME Policy Plan prioritizes affordable housing serving households earning 50% AMI or below, which is well aligned with the proposed income mix. Given the project's scale, income mix, and support from the City and HRB, we have assumed the maximum award.
- **Kitsap County CDBG (\$500,000):** Kitsap County has historically awarded up to \$250,000 of Community Development Block Grants (CDBG) for a capital project. The 2020 CDBG/HOME Policy Plan prioritizes affordable housing serving households earning 50% AMI or below, which is well aligned with the proposed income mix. Given the project's scale, income mix, and support from the City and HRB, we assumed the project will receive an award of approximately \$500,000 over multiple funding cycles.
- **State Capital Budget Request (\$2.6 million):** As discussed in Section II, a State Capital Budget earmark is essential to the project's financial feasibility. State legislators typically have \$2 million for capital projects. Most earmarks have been \$1 million or less, with priority for innovative projects that serve a special population (e.g. supportive senior housing) but do not align with the priorities of the State Department of Commerce's Housing Trust Fund. Assuming a robust effort by local elected officials, we estimate it may take as long as one to two legislative cycles to receive an appropriation and it will likely consist of multiple earmarks to different components of the project (e.g. for-sale, rental, community building). Under the Base Case, the project has a funding gap and requires a State Capital Budget request of \$2.6 million. In the analysis below, BRIDGE also evaluated a 100-unit recommended alternative that only requires \$1.2 million in State Capital Budget support.
- **4% Low Income Housing Tax Credit Equity (\$6 million):** Total equity raised from federal credits is estimated to be approximately \$6 million using a pricing assumption of \$0.95 per dollar of credit. We assume that the project will qualify for tax credits via income averaging which allows for units serving households earning up to 80% AMI. 10% of the tax credit equity will be available during the construction phase.
- **Developer Contribution (\$1 million):** The developer will maximize its developer fee under Washington State Housing Finance Commission tax credit program guidelines but recontribute \$1 million in excess fees back into the project. This unique structure

increases the nominal amount of developer fee and therefore increases the amount of eligible basis and Low Income Housing Tax Credits generated for the project. BRIDGE has utilized this structure for most of its projects in California and is currently funding a Seattle project with a similar approach.

- **Deferred Developer Fee (\$140,000):** The developer will contribute \$140,000 of its developer fee as a project financing source, with repayment coming from cash flow during the first 12 years of operation.

BRIDGE also evaluated other local and State funding sources that are less aligned with the project's target population. Unless the project changes substantially to serve other populations (e.g. formerly homeless, mentally ill, veterans), the project is unlikely to be competitive for these funding sources.

- **Kitsap County AHGP/HHGP:** Kitsap County awards approximately \$250,000 a year through its Affordable Housing Grant Program (AHGP) and has historically prioritized operations and maintenance rather than capital construction. The Homeless Housing Grant Program (HHGP) has awarded \$800,000-\$1 million each year. Given the project's need for capital funds and target population, we do not believe it will be competitive for either program.
- **State Housing Trust Fund:** The State Department of Commerce manages the Housing Trust Fund. For the 2019 funding cycle, which BRIDGE believes is indicative of future cycles, the fund prioritizes housing for (in order of priority):
 - People with behavioral and chronic mental illness;
 - Veterans;
 - People with developmental disabilities;
 - Farmworkers;
 - Other special needs (e.g. seniors, domestic violence survivors, unaccompanied youth);
 - General low-income populations.

There is additional preference for homeless populations. Since the project intends to serve the State's lowest priority population, we do not believe the project will be competitive.

- **Federal Home Loan Bank Affordable Housing Program:** The Federal Home Loan Bank of Des Moines, whose district includes Washington State, awards up to \$1 million for affordable housing projects. Its 2019 Implementation Plan, which BRIDGE believes is indicative of future cycles, prioritizes funding for projects with 20%+ units serving households earning 50% AMI, 20%+ units for formerly homeless households, 20%+ units serving special needs populations (e.g. seniors, households that are mentally ill or suffer from substance or physical abuse) as well as projects serving Native Americans or farmworkers. Recently funded projects have received at least 59 out of 100 points. In order to be competitive, the City and HRB must significantly revise its target population to include a special population such as formerly homeless in addition to the currently envisioned population of households earning 50% AMI or less and seniors.

For Sale Component

To support a mixed-income community and generate subsidies for the rental component in the Base Case, we assumed that HRB, with support the master developer, will develop 30 units for households earning up to 140% AMI. For-sale units will be developed and sold under HRB's existing homeownership program, which allows residents to purchase the home and lease the underlying land from a community land trust controlled by HRB. While HRB has historically served moderate-income households earning up to 120% AMI, the funding gap of the rental component will require the developed to serve middle-income households earning up to 140% AMI. Below is an illustrative for-sale program. The actual program will depend on units built, income mix, and remaining funding gap for the rental component after City, County, and State resources are committed.

| Area Median Income | Annual Income | For-Sale Units | Sales Price |
|---------------------------|-----------------------------|-----------------------|--------------------|
| 140% | \$107,800 (3-person) | 10 | \$514,188 |
| <u>140%</u> | <u>\$119,700 (4-person)</u> | <u>20</u> | <u>\$572,995</u> |
| Total Revenues | | | \$16,601,786 |
| Total Costs | | | \$12,155,802 |
| Net Surplus | | | \$4,445,985 |
| | | | ===== |

BRIDGE estimates that pricing for a townhome will range from \$514,000 for a 2-bedroom up to \$573,000 for a 3-bedroom, well below the median price of homes on Bainbridge Island. Pricing was established using HRB's homeownership program guidelines, which assumes that households will pay no more than 35% of their annual income for principal and interest (4.25% for a 30-year mortgage with 5% down payment), taxes (0.96% of property value), homeowner association fees (\$25/month), ground lease fee (\$50/month), repair reserve fee (\$50/month), and utilities (based on Kitsap County utility allowance schedule for townhomes).

Due to the challenging of obtaining a State Capital Budget appropriation of \$2.6 million for the rental component, BRIDGE also analyzed a 100-unit alternative that allow for 39 for-sale townhomes. The additional 9 units is expected to generate a \$5.8 million surplus, reducing the project's funding gap from \$2.6 million to \$1.2 million, a significantly smaller and more reasonable request for the State Capital Budget.

| Area Median Income | Annual Income | For-Sale Units | Sales Price |
|--------------------|-----------------------------|----------------|--------------------|
| 140% | \$107,800 (3-person) | 13 | \$514,188 |
| <u>140%</u> | <u>\$119,700 (4-person)</u> | <u>26</u> | <u>\$572,995</u> |
| Total Revenues | | | \$21,582,322 |
| Total Costs | | | \$15,788,099 |
| Net Surplus | | | \$5,794,223 |
| | | | ===== |



Site plan for the 100-unit recommended alternative; Source: Davis Studio Architecture & Design

Based on our analysis of the 91-unit and 100-unit alternatives, BRIDGE recommends that the City and HRB reassess the Base Case site plan for opportunities to provide additional for-sale units while protecting the open space preserve. Absent an increase in for-sale units, the City and HRB may need to consider serving higher income households, selling market-rate homes, raising philanthropy, or obtaining a larger State appropriation.



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: August 6, 2019

ESTIMATED TIME: 20 Minutes

AGENDA ITEM: (8:00 PM) Process Proposed by Climate Change Advisory Committee to Complete Climate Action Plan

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

To discuss the process and timeline proposed by the Climate Change Advisory Committee for their work to develop a Climate Action Plan.

SUMMARY:

To receive a proposed process and schedule from the Climate Change Advisory Committee (CCAC) to complete a Climate Action Plan for the City.

FISCAL IMPACT:

| | |
|------------------------------------|-----|
| Amount: | TBD |
| Ongoing Cost: | |
| One-Time Cost: | TBD |
| Included in Current Budget? | No |

BACKGROUND:

The Climate Change Advisory Committee (CCAC) has spoken with the Council on two separate occasions this year about their work plan. On February 26, 2019, the CCAC presented their 2018 Annual Report and 2019 Workplan to the City Council. The Council reviewed and approved the workplan as presented (see attached two-page document "CCAC 2018 Report and 2019 Workplan"). Subsequently, the CCAC developed a more detailed workplan, with a range of identified activities (see attached 20-page document "CCAC 2019 2020 Detailed Workplan"). On June 18, the Council and CCAC again discussed the work plan. At that meeting, the Council requested that the CCAC focus on providing an approach to developing an outline of a Climate Action Plan for the City of Bainbridge Island.

Following the June 18 meeting, the CCAC determined that in order to prepare a Climate Action Plan (CAP), they would like to conduct community outreach, including a community survey and hold a public workshop. The attached materials provide more detail on the process and timeline CCAC proposes to complete the Climate Action Plan.

ATTACHMENTS:

[CCAC Presentation August 6th CC Study Session.pptx](#)

[CCAC Draft Timeline for CAP August 6th 2019.pptx](#)

[Bainbridge Island Climate Action Plan Draft Outline August 6th 2019.docx](#)

[BI CCAC Draft Community Survey August 6th 2019.docx](#)

[CCAC 2018 Report and 2019 Workplan](#)

[CCAC Detailed 2019 2020 Workplan](#)

FISCAL DETAILS:

Cost will depend on the process and schedule for the CAP. For example, an all-island mailing would cost roughly \$3,000 - \$4,000 depending on the type of mailing, and the cost to produce the postcard. The decision to allocate staff support to these activities in 2019 would create impacts to other planned work, since these activities are not anticipated in current workplans for Q3/Q4.

Fund Name(s): General Fund

Coding:

BI Climate Action Plan (CAP) Timeline/CAP Outline/Survey/Workshop

Tuesday August 6th: City Council Study Session



Overview

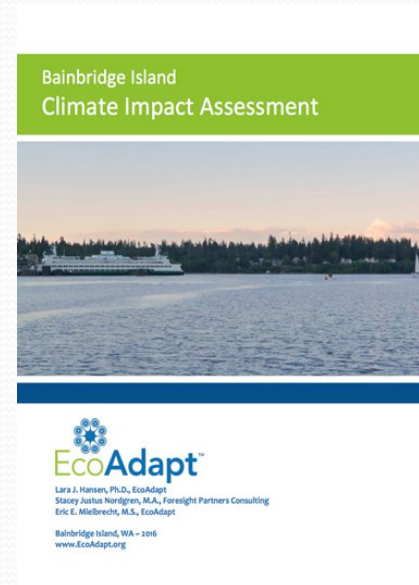
- CAP Timeline
- CAP Outline
- Community Survey
- Community Workshop

BI CAP Draft Development Timeline (August 6th, 2019)



CAP Section 1: Introduction

- Message from Mayor/CM
- Update BI Climate Change Impact Assessment
- Results from Survey and Community Workshop
- Vision, Goals, Organization
- City Actions
- Relevant Federal, State, and County Actions



CAP Section 2: GHG Emissions Inventory

- Results from GHG emissions inventory
- Emission reduction targets
- Monitoring and tracking progress



CAP Section 3: Strategy/Action Areas

- Energy
- Transportation
- Land-Use
- Buildings
- Forests, Shorelines, and Agriculture
- Waste Reduction and Consumption
- Community Engagement and Citizen Action



CAP Section 3: Contents

- Goals and Challenges
- Local Actions
- Strategies
- Mitigation/Adaptation Actions
- Prioritize Actions
- Targets/Benchmarks
- Timeline
- Roles: City, CCAC, Individuals

CAP Section 4: Implementation

- Steps needed to ensure successful CAP implementation
- Requires active participation by the Council and City Staff
- Need to have accountability and reporting
- Funding

Community Survey

- Purpose:
 - Establish community knowledge of climate change and actions they believe are needed.
 - Use to design community workshop and shape CAP
- Vehicle: Via City website
- Questions: ~10 questions using simple format like Survey Monkey
- Timeline: Open three weeks (September 9th – September 30th)
- Marketing: BI Connections, Climate and Energy Forums, BI review

Community Workshop

- Purpose:
 - Provide information
 - Updated BI Climate Impact Assessment
 - GHG Inventory
 - Sea Level Rise analysis; and
 - Draft CAP
 - Ask for community concerns/priorities related to climate change
- Format: Presentations and breakout groups by topic (e.g., energy, transportation, and buildings)
- Timeline: End of October or early November

Potential Costs, Staff Time, and CCAC Role

| Area | Potential Costs | Staff Time | CCAC Role |
|--------------------|---------------------------------------|--|---|
| Community Survey | Advertising (BI Connects, BI Review) | Participate in design/admin. of survey | Work with City on design/administration |
| | | Review results/report | Analyze results/develop report |
| Community Workshop | Venue (City Hall) | Participate in planning | Develop agenda/facilitate workshop |
| | Materials/Advertising Refreshments | Participate or lead discussion at workshop | Develop workshop report |
| CAP | Printing/advertising of CAP | Review and provide comments on draft CAP | Develop draft CAP |
| | | Implement recommendations | Incorporate public, staff, and council comments |
| | | | Develop final CAP |



Next Steps

- Council feedback
- Community Survey: Work with City on design and distribution
- CAP: Develop rough draft by early to mid October
- Community Workshop: Select dates after results from Survey

BI Climate Action Plan Draft Development Timeline (August 6th, 2019)



Bainbridge Island Climate Action Plan (CAP): Draft Outline (August 6th, 2019)

Letter from Mayor/City Manager/Acknowledgements

Executive Summary

Tasks 1.1 - 1.7: Introduction (Lara Hansen and Mike Cox)

The Introduction explains why and how the CAP was developed and provides foundational information that informed the plan's goals, strategies, and actions.

1.1: Update BI Climate Change Impact Assessment

1.2: Results from Survey and Community Workshop

1.3: Why do a CAP?

1.4: Vision and Goals for CAP

1.5: Organization of CAP

1.6: City Actions (City Directives, Comprehensive Plan, and Ordinance establishing CCAC)

1.7: Relevant Federal, State, and County climate policy

Tasks 2.1 - 2.4: BI Greenhouse Gas Emissions Inventory (Gary Lagerloef)

This section provides results from the Cascadia GHG emissions inventory and provides the emission reduction targets along with plans for monitoring and tracking progress.

2.1: Overview

2.2: Results

2.3: GHG emissions reduction target(s) with interim milestones.

2.4: Monitor and track progress

Task 3.1 - 3.7: Strategies and Actions

The Strategies and Actions section presents the near- and long-term actions for meeting the CAP's goals, organized by focus area.

3.1: Energy (David McCaughey)

3.2: Transportation (Derik Broekhoff)

3.3: Land-Use (Derik Broekhoff)

3.4: Buildings (Jens Boemer)

3.5: Forests, Shorelines, and Agriculture (Deb Rudnick)

3.6: Waste Reduction and Consumption (Deb Rudnick)

3.7: Community Engagement and Citizen Action (Julie Matthews)

Each focus area would include the following.

- Goals: What are the goals for the focus area?
- Challenges: What are the challenges to meeting those goals?
- Current Actions: What actions is COBI or Community doing to help achieve the goals?
- Strategies: What are the strategies needed to achieve the goals/targets?

- Mitigation and Adaptation Actions What actions are needed to achieve the strategies?
- Prioritize Actions: What are the highest priority actions (the actions would be prioritized through an evaluation of cost, effectiveness, feasibility, and co-benefits). We could list the high priority actions or just identify those high priority actions by an asterisk
- Targets/Benchmarks: What are the targets/ benchmarks for assessing progress?
- Timeline: How long will it take to complete action(s) and what are the interim milestones?
- City lead: Who is the lead City Department and/or Responsible Staff?
- CCAC and others Role: What role will the CCAC play?
- Individual Action: Provide a separate page of ideas and as a handout.

Tasks 4.1 - 4.5: Implementation (Nora Ferm Nickum)

The Implementation section details steps the City and community will take to ensure successful CAP implementation. This will require active participation by the Council and City Staff.

4.1 Kickstarting Implementation

4.2 Leadership

4.3 Expanding Community Capacity

4.4 Accountability and Reporting

4.5 Funding

Implementation Summary and Schedule (Focus Area Writing Teams Complete Example Table below)

| Action | Adaptation or mitigation | Target or Benchmark | Lead department | CCAC role | Timeline | Individual action |
|--------|--------------------------|---------------------|-----------------|-----------|----------|-------------------|
|--------|--------------------------|---------------------|-----------------|-----------|----------|-------------------|

References/Notes

Appendices

A: GHG emissions Inventory methods

Bainbridge Island Climate Action Plan Draft Community Survey

We need your feedback! The City of Bainbridge Island established a Climate Change Advisory Committee (CCAC) in 2017. The purpose of the CCAC is to assist the City to implement the climate related goals and policies of the Comprehensive Plan.

The CCAC is working with the community to create our first-ever Climate Action Plan (CAP). The CAP will help to reduce greenhouse gas emissions and help prepare residents, businesses, and city services for a changing climate. The plan will establish a clear road map of priority actions and projects that make sense for Bainbridge Island.

Here's how you can provide input:

1. Take this survey! This survey helps inform us about Bainbridge Island residents' existing knowledge about local impacts from climate change, their level of concern, and their willingness to support local action by the city and broader community. The survey closes on September 30th.
2. Attend a Community Workshop in late October or early November: The workshop will provide participants a chance to learn about the climate impacts on Bainbridge Island and provide input into the CAP.
3. You can learn more about the climate impacts on Bainbridge Island by visiting the following website (need to identify website).

Your input will be considered in deciding the plan's goals, vision, targets, focus areas, and implementation strategies. Please only complete one survey per person.

Draft Survey Questions

1. How knowledgeable do you feel you are about climate change in general?
 - a. Very knowledgeable
 - b. Somewhat knowledgeable
 - c. Not much
2. How knowledgeable do you feel about the potential climate change impacts to the Bainbridge Island Community?
 - a. Very knowledgeable
 - b. Somewhat knowledgeable
 - c. Not much
3. How important is it for the Bainbridge Island Community to reduce greenhouse gas emissions? [Multiple Choice, only one answer allowed]
 - a. Very important
 - b. Slightly important
 - c. Not important
 - d. Don't know
4. How important is it for the Bainbridge Island Community to prepare for climate change impacts? [Multiple Choice, only one answer allowed]
 - a. Very important
 - b. Slightly important
 - c. Not important
 - d. Don't know
5. How concerned are you about the potential local impacts of climate change?

| | Very Concerned | Concerned | Not Concerned | I Don't Know |
|---|----------------|-----------|---------------|--------------|
| a. Increasing temperatures/extreme heat | | | | |
| b. Sea level rise | | | | |
| c. Altered precipitation leading to heavy rainfall and flooding | | | | |
| d. Drought | | | | |
| e. Changes to water availability | | | | |
| f. Strong winds and storms | | | | |
| g. Changes in vegetation | | | | |
| h. Wildfires (including regional smoke) | | | | |
| i. Ocean acidification | | | | |
| j. Erosion/Slope Instability | | | | |
| k. Others (please specify) | | | | |

6. Do you think the City of Bainbridge Island should be among the cities demonstrating leadership in addressing climate change?
 - a. Yes
 - b. No
7. How willing are you to take personal action to reduce greenhouse gas emissions (text limited to 300 characters?)
8. Are you interested in participating in a workshop to learn more about climate change and help shape the Bainbridge Island CAP?
 - a. Yes
 - b. No
9. If yes, would you prefer
 - Weekend
 - Weekday
 - Weekday evening
10. The following information will help us understand who has responded and where
 - a. Age [integer number]
 - b. Sex [male, female, other, not disclosed]
 - c. Neighborhood [selection list]
11. Is there anything else you would like us to know? [free text field limited to 300 characters]
12. Would you be willing to be resurveyed at the end of the Community Workshop?
 - a. Yes
 - b. No

If yes, what is your email address,

Thank you for answering our survey. We look forward to seeing you at the Community Workshop. Do not hesitate to contact us at michael.cox@cobicommittee.email for further questions or suggestions.

Climate Change Advisory Committee: 2018 Annual Report and Work Plans for 2019 and 2020

We wanted to provide the City Council with a report on the actions taken by the Climate Change Advisory Committee (CCAC) in 2018 and our plans for 2019 and 2020.

1. 2018 Annual Report

Over the past year the CCAC has:

- Developed the scope of work for an Island-wide greenhouse gas (GHG) inventory and worked with the City to find a consultant to complete the work. Following a formal RFP process, a finalist was selected, and we are now awaiting contract creation and commencement of work.
- Created an inventory of past COBI GHG emissions reductions commitment.
- Developing a workplan for 2019 and 2020 that will propose GHG emission reduction targets for the City at a level that is relevant to climate protection and in agreement with past commitments.
- Developing strategies to reduce GHG emissions and meet COBI's existing targets along with strategies to reduce Island wide vulnerability to climate change, and to increase community engagement related to climate change.

2. Outline for 2019 and 2020 Work Plan

The CCAC is developing an operationalized version of the workplan for 2019 and 2020 provided here, and that version will also be available on the CCAC website after approval. We are including 2020 because we believe the actions we are proposing will cover a multi-year timeframe. The workplan will address three main work areas.

- Mitigation;
- Adaptation; and
- Community Engagement.

We believe these three work areas are consistent with the guiding principles in the Comprehensive Plan and in the specific tasks that were included in the Ordinance that established the CCAC (Ordinance 2017-13).

We will propose long-term Island-wide targets for reducing GHG emission and shorter-term targets for adaptation and community engagement along with actions needed to meet those targets.

- Targets: We believe that in order to achieve the comprehensive plans guiding principles for climate change and complete the specific tasks requested by the City Council, the City needs to establish targets that can be measured and tracked over time. The City would use the results from the GHG inventory as the baseline for comparing progress in reducing greenhouse gases over time.
- Actions: We will propose specific actions that can be taken by City, community, businesses, and individuals to meet the targets for each work area and include the following for each action: 1) whether the action is a high, medium, or low priority; 2) description of the action; 3) a timeline to complete; and 4) resources needed to accomplish.

2.1 Mitigation: In our workplan, we will identify eight areas for reducing Island-wide GHG emissions.

- Electrical generation;
- Transportation;
- Buildings;
- Land Use;
- Waste Management;
- Forestry and agriculture; and
- Consumption

In addition, when appropriate, we will break down each of the work areas above into subcategories. For example, for transportation we would break it down into public transportation, electric vehicles, and non-motorized transportation.

2.2 Adaptation: Similar to the mitigation section, we will establish targets and specific actions to help the Island meet the adaptation targets. We will identify two main work areas for adaptation.

- Vulnerability Assessments: We will propose that the City expands the Bainbridge Island Climate Impact Assessment to complete mapped assessments of the threat to the island from sea level rise, altered precipitation and recharge potential, and other impacts.
- City Operations: We will propose that the City adopt policy guidance/asset management strategies that will minimize or ameliorate the impacts of climate change on our community and our Island's ecosystems through climate-informed policies, programs and development regulations.

2.3 Community Engagement: An important work area for the CCAC is to work in collaboration with the City and other Island groups to provide education and outreach on climate change to the community. We will identify three main work areas for community engagement.

- Awareness: We will propose that the CCAC in collaboration with the City and others convene at least quarterly programs on issues relating to climate change and how the City is addressing this in their daily business and to conduct a yearly Climate Change Awareness Week in Conjunction with Earth Month.
- Island Collaboration: We will propose to work with the City to establish formal collaborations with existing Island efforts by island organizations (e.g., non-profits, community groups) and create a multi-governmental task force to create a collaborative approach to implementing actions to achieve all City goals that includes other relevant entities on Bainbridge Island (e.g., BISD, BIFD, and Parks and Rec).
- Regional Collaboration: We will propose to support and advise the City in engaging in regional climate change efforts with benefits such as sharing best practices and lessons learned and improve collaboration across jurisdictions.

If you have questions or would like us to attend a Council meeting to discuss these issues in more depth please contact either James Rufo-Hill or Lara Hansen.

Bainbridge Island Climate Change Advisory Committee: Draft 2019/2020 Workplan (March 14th, 2019)

Section 1: Background

The Bainbridge Island City Council established the Climate Change Advisory Committee (CCAC) in the fall of 2017¹. The CCAC was established to serve as a technical and planning advisory committee to the city council, city manager, and department of planning and community development staff on issues related to climate change as directed by the City Council.

More specifically, the CCAC was tasked with assisting the city in implementing the climate related goals and policies of the comprehensive plan² by undertaking several tasks as expeditiously as committee and city resources allow as outlined in Ordinance 2017-13³.

The plan that follows is for calendar year 2019 and 2020. We believe it is more efficient to provide a workplan for two years as many of the actions will occur over two years or more.

¹ Bainbridge Island City Council. Ordinance 2017-13. May 17, 2017. <https://www.bainbridgewa.gov/DocumentCenter/View/8510/Ordinance-No-2017-13-Climate-Action-Advisory-Committee-Approved-050917?bidId=>

² **Guiding Principle #7 Reduce greenhouse gas emissions and increase the Island's climate resilience.**

Guiding Policy 7.1 Mitigation: Participate with state, regional and local partners to reduce greenhouse gas emissions consistent with the 1990 benchmark and future year targets set forth in state law, educate the public about climate change and incentivize Island activities including land use patterns and building practices that reduce greenhouse gas emissions.

Guiding Policy 7.2 Adaptation: Minimize or ameliorate the impacts of climate change on our community and our Island's ecosystems through climate-informed policies, programs and development regulations.

Guiding Policy 7.3 Evaluate the climate vulnerabilities and implications of City actions and identify policies that alleviate those vulnerabilities. Consider the effects of shifting conditions (sea level rise, changing rainfall patterns, increasing temperatures and more extreme weather events) and the effects they cause (altered vegetation, changing water demands, economic shifts).

³ **Tasks for CCAC**

1. Provide advice and/or recommendations to the city council or city staff, as appropriate, on methods of completing a baseline island-wide greenhouse gas (GHG) inventory for the city.
2. To the degree directed by the city council, assist with or manage the completion of a baseline island-wide GHG inventory.
3. Provide advice and/or recommendations to the city council or city staff, as appropriate, related to city GHG emission reduction targets.
4. Work with city staff, as appropriate, to complete and recommend to the city council a city climate action plan and implementation strategy.
5. Provide advice and /or recommendations to the city council or city staff, as appropriate, on how to measure progress toward meeting the city's GHG emission reduction targets and adaptation actions.
6. As directed by the city council, assist the city with participation in regional climate change efforts.
7. Provide education and outreach to the public regarding climate change and the work of the committee and the city relating to climate change.

Section 2: Proposed Goals

The CCAC believes that in order to achieve the comprehensive plans guiding principles for climate change and complete the specific tasks requested by the City Council, the CCAC needs to establish goals that can be measured and tracked over time. At this time, the CCAC is proposing one goal in each of the three areas: mitigation, adaptation, and community engagement. The mitigation goal has a specific timeframe while the adaptation and community engagement goals are more qualitative in nature. As we progress in the implementation our workplan we may develop more quantitative goals for the adaptation and community engagement areas. The CCAC believes these three areas are consistent with the guiding principles in the Comprehensive Plan. The goal and the basis for the goal are included in Table 1.

Table 1: Proposed Goals for Mitigation, Adaptation, and Community Engagement

| Area | Goal | Basis |
|------------|--|--|
| Mitigation | By 2040 Bainbridge Island will reduce its greenhouse gas emissions by 80% compared to 2013 levels and strive to reduce by 90% with interim goals of reducing greenhouse gases by 25% by 2023 and 60% by 2033 compared to 2013 levels. ⁴ | <p>The urgency to dramatically reduce our greenhouse gas emissions is highlighted in a 2018 report from the Intergovernmental Panel on Climate Change⁵ that indicated in order to keep global temperatures below 1.5 degrees Celsius compared to post-industrial levels will require net zero global carbon emissions by 2050. Net zero global carbon emissions mean some of those emissions can be offset with carbon credits.</p> <p>We selected an 80% greenhouse gas emissions goal, with aspirational goal of 90%, because we did not want to utilize carbon offsets in our goal because we believe carbon offsets can be difficult to evaluate and verify.</p> <p>We selected the year 2040 because we wanted to achieve our goal earlier than 2050.</p> <p>We selected 2013 because this is the baseline year that Cascadia will use in the GHG inventory. We will evaluate after we receive the GHG inventory if it is possible to hindcast to 2005. This is the year used by the USA in the Paris agreement.</p> <p>We selected interim targets of 2023 and 2033 because this provides a 10 year progress report for the Island.</p> |

⁴ We will revisit this goal after the 2019 State Legislative session. There are several bills that may impact meeting this goal.

⁵ IPCC, 2018: Summary for Policymakers. In: Global warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty. <https://www.ipcc.ch/sr15/>

| Area | Goal | Basis |
|-----------------------------|---|---|
| Adaptation | Bainbridge Island is climate savvy, and can withstand the impacts of climate change (e.g., sea level rise, warming temperatures, and changing precipitation patterns, changing vegetation). | <p>As an Island community Bainbridge Island is vulnerable to climate change. In fact, we are already experiencing the effects of climate change and are committed to much more change in the coming years. To this end, it is prudent governance to both understand the potential implications of climate change (vulnerabilities) and reduce those vulnerabilities to our community (risk reduction or adaptation). Failing to plan for the impacts of climate change and act to avoid them would result in long-term harm to our Island's people, culture, economy and environment.</p> <p>By 2020, Bainbridge Island will have a formal process to evaluate all permits and expenditures for their climate vulnerability and a standardized approach to reduce that vulnerability.</p> <p>By 2019, Bainbridge Island will have tools to educate the community about climate vulnerability and the need to implement adaptation.</p> |
| Community Engagement | The City of Bainbridge Island inspires action across the community and partners with local and regional organizations to take meaningful climate change mitigation and adaptation actions. | <p>Community engagement is essential to effectively implement actions throughout this workplan and to achieve the overarching mitigation and adaptation goals; as such, community engagement is interwoven in the mitigation and adaptation sections. Given its importance and its cross-cutting nature, we are also calling it out with its own goal.</p> <p>We need to increase public understanding and awareness of the magnitude and consequences of climate change in order to create engagement in and support for mitigation actions.</p> <p>We need to work with extant community groups to disseminate information and achieve adaptation and mitigation goals and improve coordination/collaboration with other City advisory committees and Bainbridge Island taxing entities.</p> <p>We need to foster regional collaboration to support and advise the City in engaging in regional climate change efforts, with benefits such as sharing best practices and lessons learned.</p> |

Over time the CCAC plans to propose additional goals for the different areas. For example, the CCAC envisions proposing goals for moving the Island to 100% clean, renewable energy or dramatically reducing greenhouse gas emissions from transportation or establish green building standards for all Island projects.

Table 2 provides a road map for the different areas the CCAC will be concentrating its efforts over the next two years.

Table 2: Road Map for CCAC 2019/2020 Workplan

| Area | Sub-Work Areas |
|-----------------------------|---|
| Mitigation | Greenhouse Gas Emissions Inventory |
| | Energy Use <ul style="list-style-type: none"> - Energy provider - Energy conservation and energy efficiency - Local renewable energy sources |
| | Transportation <ul style="list-style-type: none"> - Public Transportation - Electric Vehicles - Non-motorized transportation infrastructure |
| | Buildings |
| | Land-Use/Forestry/Agriculture |
| | Waste Management |
| | Consumption |
| | |
| Adaptation | Vulnerability Assessments |
| | Risk Reduction |
| Community Engagement | Community Awareness |
| | Island Collaboration |
| | Regional Collaboration |

Section 3: Mitigation

As highlighted above, the urgency to dramatically reduce our greenhouse gas emissions is highlighted in a 2018 report from the Intergovernmental Panel on Climate Change⁶ that indicated in order to keep global temperatures below 1.5 degrees Celsius compared to post-industrial levels will require net zero global carbon emissions by 2050. This is also supported by the 4th National Climate Assessment⁷ and many other scientific publications that indicated the impacts of climate change on our communities.

Goal: By 2040 Bainbridge Island will reduce its greenhouse gas emissions by 80% compared to 2013 levels and strive to reduce by 90% with interim goals of reducing greenhouse gases by 25% by 2023 and 60% by 2033 compared to 2013 levels.⁸

We are proposing actions in seven areas for mitigation for 2019/2020.

- 1. Greenhouse gas emissions** - Need to complete GHG emissions inventory to establish baseline for measuring progress;
- 2. Energy Use** – Need to move towards 100% clean, renewable electrical energy source for Island, increase energy conservation and energy efficiency in our buildings, and encourage use of renewable energy on the Island.
- 3. Transportation** – Need to increase use of public transportation, encourage electrification of ferry fleet, increase use of electric vehicles; and support development of infrastructure to increase biking and walking on Island.
- 4. Buildings** – Need to develop green building standards for public, residential, and commercial buildings on Island.
- 5. Land Use/Forestry/Agriculture** – Need to develop guidelines and strategies to reduce GHG emissions in development and work with local entities to develop strategies to preserve the existing stock of forest and to promote sustainable agriculture on the Island;
- 6. Waste Management** – Need to develop food waste diversion programs and evaluate our wastewater facility to reduce GHG emissions.
- 7. Consumption** – Need to provide education how individuals and businesses can reduce their carbon footprint by their individual choices.

⁶ IPCC, 2018: Summary for Policymakers. In: Global warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty. <https://www.ipcc.ch/sr15/>

⁷ Fourth National Climate Assessment. Volume 11: Impacts, Risks, and Adaptation in the United States. 2018. <https://nca2018.globalchange.gov/>

⁸ We will revisit this goal after the 2019 State Legislative session. There are several bills that may impact meeting this goal.

For each of the actions areas we include: 1) description of the action; 2) whether the action is a high, medium, or low priority; a timeline to complete; 4) resources needed to accomplish; 5) CCAC Lead; and 6) status for each action. These tables will be updated every 6 months and presented to the City Council.

Section 3.1: Greenhouse Gas Emissions

In order to measure progress in reducing greenhouse gas emissions it is necessary to have a baseline from which to measure progress. Currently, Bainbridge Island does not have a baseline for greenhouse gas emissions. The GHG emissions inventory will provide that baseline. In addition, it will be important to update the GHG emissions inventory periodically to evaluate what programs are successful and which programs need to be modified. Table 3 provides the actions for 2019/2020 for greenhouse gas emissions.

Table 3: Greenhouse Gas Emissions

| Action | Priority | Timeline | Staff Time | CCAC Lead | Status |
|---|----------|----------|------------|----------------|---|
| 3.1: Complete Island-wide GHG Inventory: City will hire consultant to complete and Island-wide GHG emissions inventory | High | 2019 | | Derik and Gary | Draft: May/June Final: June/July |
| 3.2: Work with High School on Annual update to GHG Inventory: CCAC will collaborate with BISD/BHS/Eagle Harbor High to add curriculum module that will include an annual GHG inventory by students | High | 2020 | | Lara | |
| 3.3: Develop COBI internal carbon pricing program: COBI would incorporate a shadow price for carbon in evaluating all new capital and procurement decisions, and/or implement a carbon fee for operations, revenues from which could be invested in energy efficiency and clean energy projects at city facilities. Each department is given a carbon budget (as well as a financial budget) for the year. | Medium | 2020 | | Derik and Lara | CCAC members will meet with City Council and city staff to discuss. |

Section 3.3: Energy Use

Currently the City of Bainbridge Island receives about 5%⁹ of its electricity from clean, renewable energy sources. In Washington State electricity generation contributes about 20% of the States greenhouse gases¹⁰. Bainbridge Island is currently conducting a greenhouse gas inventory for the Island, but it is anticipated that the contribution from electrical generation maybe higher than the State average since a large percentage of electrical generation in the State is from hydroelectricity. Bainbridge gets its electricity from Puget Sound Energy that has a fuel mix of over 60% fossil fuels. It is anticipated that Bainbridge Islands percent of greenhouse gases from electricity generation will be greater than the State average. The values from the inventory will be used as a baseline for evaluating potential reductions in emissions.

The Washington State legislator is considering establishing a goal of achieving 100% clean energy from electricity generators by 2045¹¹. Across the U.S. over 90 cities, more than ten counties and two states, have already adopted ambitious 100% clean energy goals. Six cities in the U.S.-- Aspen, Burlington, Georgetown, Greensburg, Rock port, and Kodiak Island--have already hit their targets¹².

We believe Bainbridge Island should strive to achieve 100% clean, renewable energy in order to do our part to keep global temperatures below 1.5 degrees Celsius compared to post-industrial levels. The CCAC will be working over the next year to determine the correct timeframe and interim goals to achieve 100% clean, renewable energy.

Table 4 provides specific actions for 2019 and 2020 in three areas:

- Energy provider:
- Energy conservation and energy efficiency; and
- Local renewable energy sources

⁹ Greenhouse Gas Emissions Inventory, Prepared for the Puget Sound Clean Air Agency by Cascadia Consulting Group. June 2018. Assume fuel mix for PSE on Page 17 was the same for Bainbridge Island.

¹⁰ Washington State Greenhouse Gas Emissions Inventory: 1990-2015. Report to the Legislature. December 2018. Publication No. 18-02-043. <https://fortress.wa.gov/ecy/publications/documents/1802043.pdf>

¹¹ SB-5116- 2019-20. <https://app.leg.wa.gov/billsummary?BillNumber=5116&Initiative=false&Year=2019>. Accessed February 5th 2019.

¹² 100% Commitments in Cities, Counties, and States. Sierra Club Home Page. Accessed February 5th 2019. <https://www.sierraclub.org/ready-for-100/commitments>.

Table 4: Energy Use

| Action | Priority | Timeline | Staff Time | CCAC Lead | Status |
|--|----------|-----------|------------|-------------------------------|--|
| Energy Provider | | | | | |
| 4.1: Ensure energy delivered to Bainbridge Island is from renewable, lowest GHG emissions sources: Work with the City and UAC to develop an RFP and criteria for the renewal of our island electric utility provider franchise agreement that requires delivery of 100% lowest carbon, renewable energy to all consumers on Bainbridge Island that is additive to the fuel mix of the energy provider (unless they are already 100% renewable carriers with excess product to sell). | High | 2020 | | James, David, Gary, and Derik | CCAC members will meet with Council and members of the UAC. |
| Energy Conservation and Efficiency | | | | | |
| 4.2: Incentivize reduction in propane use: Work with the City and propane providers to develop strategies to reduce GHG emissions and improve air quality from generation, transportation and combustion of propane. | Medium | 2020 | | David | |
| 4.3: Limit GHG emissions from buildings: Work with the City and the design review board to develop regulations that would require that all new and re-development minimizes GHG emissions by 1) maximizing energy efficiency and 2) increasing renewable generation either on site or at a community renewable energy investment site. This will decrease our total grid demand decreasing the need to expand our energy delivery infrastructure (which is costly) and decrease greenhouse gas emissions from a mixed grid. | High | 2019/2020 | | Mike and Lara | Attend Design Review board meetings and provide input when needed. |
| Island Renewable Energy | | | | | |
| 4.4: Create community renewable energy project sites: Work with the City and others to develop renewable energy projects on the Island. Not all sites on Bainbridge Island are suitable for renewable energy generation, but local renewable generation is part of building our resilience while decreasing our GHG | High | 2019/2020 | | David and Mike | Work with Climate Action Bainbridge to complete an analysis of |

| Action | Priority | Timeline | Staff Time | CCAC Lead | Status |
|--|----------|----------|------------|----------------|---|
| emissions. Giving community members the opportunity to invest in and benefit from local generation (including financially through benefit from selling electrons into the grid) can increase local generation for those sited where it is not a functional option, and protect local tree canopy in those locations. | | | | | potential for community solar projects on Island. |
| 4.5: Develop Local Micro-grids: Work with the City to evaluate harnessing local renewable energy production into local micro-grids to increase our resilience including increasing reliability. | Medium | 2020 | | David and Mike | |

Section 3.4: Transportation

In Washington State, transportation is estimated to produce almost 43%¹³ of greenhouse gases. Bainbridge Island is currently conducting a greenhouse gas inventory for the Island, but it is anticipated that the contribution from transportation will be similar to the State wide percent of emissions. The values from the Inventory will be used as a baseline for evaluating potential reductions in emissions from transportation.

Table 5 provides specific actions for 2019 and 2020 in three areas:

- Public transportation;
- Electric vehicles; and
- Non-motorized transportation infrastructure

Table 5: Transportation

| Action | Priority | Timeline | Staff Time | CCAC Lead | Status |
|---|----------|----------|------------|-----------|--------|
| Public Transportation | | | | | |
| 5.1: Develop better understanding of park and rides: CCAC and City staff would meet with Kitsap Transit to improve the park and ride system on the Island to potential | High | 2019 | | Nora | |

¹³ Washington State Greenhouse Gas Emissions Inventory: 1990-2015. Report to the Legislature. December 2018. Publication No. 18-02-043. <https://fortress.wa.gov/ecy/publications/documents/1802043.pdf>

| Action | Priority | Timeline | Staff Time | CCAC Lead | Status |
|--|----------|----------|------------|------------------------------|--------|
| reduce GHG emissions. We would need to better understand the current locations, how are they planned and is there a plan for future park and rides. | | | | | |
| Electric Vehicles | | | | | |
| 5.2: Support and incentivize electrification of transportation on island: CCAC would work with the City to create incentives to move our Island transportation fleet toward electrification in order to reduce GHG emissions and improve local air quality (e.g., reduce local car tabs for electric vehicles and develop electrical charging stations around Island). | High | 2020 | | Deb | |
| 5.3: Encourage School District/COBI/Parks to move towards electric fleets: CCAC would work with the school district, parks, and COBI to move towards electrification of their fleet and battery storage. Some examples can be found at https://driveevfleets.org/ of ideas from other cities. | High | 2019 | | James and Deb | |
| 5.4: Support Washington State Ferries Efforts towards electrification: City would continue to work with Washington State Ferries on the electrification of the ferries and continue to support efforts to use VW funds to make this conversion. Also ask the WSF to consider lower rates for electric cars as it would also provide health benefits for their deck hands. | High | 2019 | | David and Deb | |
| 5.5: Explore Options with Kitsap Transit to move towards electrification of their fleet: City, CCAC, and Multi-Modal committee would meet with Kitsap Transit to learn of their plans for fleet electrification and how they could increase the use of electric buses. | High | 2019 | | James and Nora | |
| 5.6: Develop strategies to encourage use of electric vehicles: City would develop strategies for increasing electric vehicle infrastructure and access for high density housing. CCAC would evaluate how many electric cars on the Island and explore innovative ways to use cars during low | Medium | 2020 | | David, Deb, Derik, and James | |

| Action | Priority | Timeline | Staff Time | CCAC Lead | Status |
|---|----------|----------|------------|--------------|---|
| production time. | | | | | |
| 5.7: Explore the use of electric vehicles with UPS/Fedex/USPS: CCAC would meet with the deliver companies to determine if they have pilot programs with electrification or if we could work with them to develop a pilot program. Also, we could prompt anti-idling programs with them. | Medium | 2020 | | Derik | |
| Non-Motorized Transportation Infrastructure | | | | | |
| 5.8: Work with the Council, Multi-modal Committee (MMC), and Bainbridge Mobility Alliance (BMA) on possible second levy for non-motorized transportation: CCAC would work with all the groups to provide support on efforts to advance non-motorized transportation on the Island and increase island non-autocentric transit paths. | High | 2019 | | Mike | Had meeting with BMA and will meet with City Council. |
| 5.9: Introduce hierarchy of transit concept for adoption by council: CCAC would work with the MMC and BMA to develop strategies that that promote transit equity and community safety by considering the most vulnerable, then design and implement transit to support pedestrians, bicycles, mass transit and individual cars, in that order. | Medium | 2020 | | Deb and Mike | |
| 5.10: Anti-idling ordinance: CCAC would work with MMC and BMA to develop an anti-idling ordinance for the Island especially for the ferries. | Medium | 2020 | | James | |

Section 3.5: Buildings

In Washington State, residential, commercial, and industrial buildings are estimate to provide almost 21% of greenhouse gases¹⁴. Bainbridge Island is currently conducting a greenhouse gas inventory for the Island, but it is anticipated that the contribution from buildings will be similar to

¹⁴ Washington State Greenhouse Gas Emissions Inventory: 1990-2015. Report to the Legislature. December 2018. Publication No. 18-02-043.
<https://fortress.wa.gov/ecy/publications/documents/1802043.pdf>

the State wide percent of emissions. The values from the greenhouse inventory will be used as a baseline for evaluating potential reductions in emissions.

Table 6 provides specific actions for 2019/2020 for buildings.

Table 6: Buildings

| Action | Priority | Timeline | Staff Time | CCAC Lead | Status |
|--|----------|----------|------------|---------------------|--------|
| 6.1: Support development of mandatory Green Building standards for all City-owned buildings over 5000 square feet: Work with Design Review board, city staff, and others to develop a mandatory green building program. | High | 2019 | | Mike, Lara, and Deb | |
| 6.1: Support development of incentive programs for residential and commercial development: Work with the design review board and City to develop incentive programs that could include reducing plan check and building permit fees and expedited permit review for those projects that pursue some minimum green building standards. | High | 2019 | | Mike, Lara, and Deb | |

Section 3.6: Land Use/Forestry/Agriculture

Decisions about land use and land cover can affect, positively and negatively, how much our climate will change and what kind of vulnerabilities humans and natural systems will face as a result. Because humans control land use, and to a large extent, land cover, individuals, businesses, non-profit organizations, and governments can make land decisions to adapt to and/or reduce the effects of climate change. Adaptation options include varying the local mix of vegetation or elevating homes to reduce exposure to sea level rise or flooding. Land use options for mitigating climate change include expanding forests to accelerate removal of carbon from the atmosphere and altering agricultural management practices to increase carbon storage in soil¹⁵.

¹⁵ Fourth National Climate Assessment. Volume 11: Impacts, Risks, and Adaptation in the United States. 2018. Land Use and Land Change Chapter. <https://nca2014.globalchange.gov/report/sectors/land-use-and-land-cover-change>.

Table 7 provides specific actions that we propose to assist to meet the building and land use targets.

Table 7: Land Use/Forestry/Agriculture

| Action | Priority | Timeline | Staff Times | CCAC Lead | Status |
|---|----------|----------|-------------|-------------------------|--------|
| 7.1: Create Island-wide land use plan that reflects mitigation and adaptation goals: City would develop guidelines to encourage siting of projects to reduce greenhouse gas emissions: This could include where to develop to decrease GHG emissions (e.g., decrease miles driven), maintain open space services (e.g., water recharge, water filtration, air filtration, temperature amelioration), increase permeable surfaces (built and natural), manage for change, etc. | High | 2019 | | Michelle, Deb, and Lara | |

Section 3.7: Waste Management

In Washington State, solid waste and wastewater management contribute about 4% of total greenhouse gases¹⁶. Bainbridge Island is currently conducting a greenhouse gas inventory for the Island, but it is anticipated that the contribution from solid waste and wastewater management will be similar to the State-wide percent of emissions. The values from the greenhouse inventory will be used as a baseline for evaluating potential reductions in emissions. Table 8 provides specific actions to reduce GHG emissions for waste management.

Table 8: Waste Management

| Action | Priority | Timeline | Staff Time | CCAC Lead | Status |
|---|----------|----------|------------|-----------|--------|
| 8.1: Increase use of greenwaste bins for | Medium | 2019 | | David and | |

¹⁶ Washington State Greenhouse Gas Emissions Inventory: 1990-2015. Report to the Legislature. December 2018. Publication No. 18-02-043.
<https://fortress.wa.gov/ecy/publications/documents/1802043.pdf>

| Action | Priority | Timeline | Staff Time | CCAC Lead | Status |
|--|----------|----------|------------|-----------|--------|
| household and commercial food waste: City would develop food waste diversion program for households and commercial businesses to greenwaste bins for compost or energy production to eliminate landfilling of food waste which causes methane emissions | | | | Nora | |

Section 3.8: Consumption

The consumption of goods and services by humans contributes significantly to greenhouse gases. The choices we make on the food we eat, the type of vehicle we drive, how often we travel by airplane, the amount of goods we purchase, and the type of housing we select all have a large impact on global greenhouse gas emissions. When developing the actions outlined in this workplan we will strive to include discussion of what we can do as a City, Community, and individually to make different choices on how we use goods and services. Table 9 includes actions for 2019 and 2020.

Table 9: Consumption

| Action | Priority | Timeline | Staff Time | CCAC Lead | Status |
|---|----------|----------|------------|-----------|--------|
| 9.1: Work with City Green Team: CCAC would work with the City Green Team on sustainable purchasing and other activities to reduce the City's greenhouse gas footprint. | Medium | 2019 | | Mike | |
| 9.2: Present findings from greenhouse gas consumption inventory: CCAC will work with City staff to present findings from the greenhouse gas consumption inventory to the public. | Medium | 2019 | | Derik | |

Section 4: Adaptation

As an Island community Bainbridge Island is vulnerable to climate change. In fact, we are already experiencing the effects of climate change and are committed to much more change in the coming years. To this end, it is prudent governance to both understand the potential implications of climate change (vulnerabilities) and reduce those vulnerabilities to our community (risk reduction or adaptation). Failing to plan for the impacts of climate change and act to avoid them would result in long-term harm to our Island's people, culture, economy and environment.

Goal: Bainbridge Island is climate savvy, and can withstand the impacts of climate change (e.g., sea level rise, warming temperatures, changing precipitation patterns, changing vegetation).

We propose actions in two areas.

1. Vulnerability Assessments – We would work with the City to conduct vulnerability assessments around the Island and provide that information in community forums.

2. Risk Reduction – We would work with the City to develop a process for using the information from the vulnerability assessments for evaluating projects on the Island and communicating that process to citizens.

Table 10 provides specific actions for 2019/2020 for adaptation.

Table 10: Adaptation

| Action | Priority | Timeline | Staff Lead | CCAC Lead | Status |
|--|----------|--|------------|-----------|--------|
| Vulnerability Assessments | | | | | |
| 10.1: Map Climate Impacts to COBI assets: CCAC in collaboration with City staff would start with a sea level rise evaluation to evaluate the vulnerability of COBI assets including roads (motorized & non), other infrastructure (sewage treatment, water, buildings), and marine access. This first assessment will also provide a template for subsequent assessments. As needed, City staff will map additional climate impacts (e.g., fire, drought, vegetation change, precipitation changes). | High | 2019 – Sea level rise 2020 – Other Analysis | | James | |

| Action | Priority | Timeline | Staff Lead | CCAC Lead | Status |
|---|----------|----------|------------|---------------------|--------|
| 10.2: Hold community discussions around vulnerable COBI sites: City would host community conversations from the sea-level analysis and other analyses regarding findings and how to adapt to those changes. | High | 2019 | | James and David | |
| 10.3: Create tool for use in the evaluation of vulnerability of COBI and non-COBI assets and activities on Bainbridge Island: CCAC would work with City to identify, and eventually require, the use of a tool (e.g., Climate Change Adaptation Certification) for use in evaluation of climate vulnerability of any activity or investment on Bainbridge Island. This would also include training for City staff, Council, and Committees in the use of the tool. Aforementioned climate impact maps, may be used to inform these vulnerability assessments. | High | 2019 | | Lara | |
| Risk Reduction | | | | | |
| 10.4: Incorporate vulnerability evaluation tool into all COBI (departments, committees and council) workflow in order to identify vulnerability and risk reduction opportunities: City, Council and committees will develop processes by which all decisions, including permits and expenditures, are evaluated for their vulnerability to climate change, and determinations can be made based on this assessment in order to ensure better long-term outcomes in the face of factors such as sea level rise, altered precipitation patterns, increasing temperatures and other climate related hazards. CCAC can advise in this process. | High | 2020 | | Lara, Deb, and Mike | |
| 10.5: Apply the tool in permitting, planning and budgetary decisions: Results from application of the vulnerability assessment tool are used by the | High | 2020 | | Lara, Deb, and Mike | |

| Action | Priority | Timeline | Staff Lead | CCAC Lead | Status |
|---|----------|----------|------------|---------------------|--------|
| City in decision-making to reduce risk and improve long-term benefits. This includes training of City staff, Council and committees in use of necessary tools. | | | | | |
| 10.6: Community training on adopted risk reduction process: City would host community conversations with vulnerable sites and how to adapt to those changes. | High | 2020 | | Lara, Deb, and Mike | |

Section 5: Community Engagement

Community engagement is essential to effectively implement actions throughout this workplan and to achieve the overarching mitigation and adaptation goals; as such, community engagement is interwoven in the mitigation and adaptation sections. Given its importance and its cross-cutting nature, we are also calling it out with its own goal. Areas of the workplan where community engagement is essential for success include:

- Working with community groups is an integral component of the actions in Tables 4, 5, 6, and 8;
- Working with the Council, Multi-modal Committee, and Mobility Alliance on possible second levy for non-motorized transportation is included in Table 5;
- Increasing awareness and helping with community preparation is embedded the actions on vulnerability assessments and integration in City Operations in Table 8 and 9; and
- Holding community discussions around vulnerable sites, in Table 10, is also an example of community engagement.

Goal: The City of Bainbridge Island inspires action across the community and partners with local and regional organizations to take meaningful climate change mitigation and adaptation actions.

We propose actions in three areas for 2019/2020.

- 1. Increase Community Awareness** –Increase public understanding and awareness of the magnitude and consequences of climate change in order to create engagement in and support for mitigation actions.
- 2. Encourage and Support Island Collaboration** – Work with extant community groups to disseminate information and achieve adaptation and mitigation goals and improve coordination/collaboration with other City advisory committees and Bainbridge Island taxing entities.
- 3. Foster Regional Collaboration** – Support and advise the City in engaging in regional climate change efforts, with benefits such as sharing best practices and lessons learned.

Table 11 provides specific actions that we propose for community engagement in 2019-2020.

Table 11: Community Engagement

| Action | Priority | Timeline | Staff Time | CCAC Lead | Status |
|--|----------|---|------------|-------------------------|--|
| Increase Community Awareness | | | | | |
| 11.1: Create Climate Change Week: Council proclamation to designate a week each year (in conjunction with Earth Month) for City and community evaluation of the progress made on meeting our community commitments and goals relating to reducing our contribution and vulnerability to climate change. | Medium | 2020 | | Mike and Lara | Work with Sustainable Bainbridge this year on Earth Month but do not have a separate event. |
| 11.2: Convene semi-annual City events: Collaborate with the City to convene at least semi-annual programs on issues relating to climate change and how the City is addressing this in their daily operations as well as future planning. | High | 2019 | | All | June 22: Share work of BI committees on Climate Change September: GHG Inventory |
| Encourage and Support Island Collaboration | | | | | |
| 11.3: Support community events on climate change: Participate in ongoing information forums such as the Climate and Energy Forum and the Movies that Matter. | High | Ongoing | | All | CCAC members are active in organizing and participating in ongoing events |
| 11.4: Increase cooperation with other City advisory committees: Attend other relevant City Advisory Committees (e.g., Multi-modal, UAC, and ETAC) at least twice a year. | High | Ongoing | | Liaisons TBD at meeting | Possible Committees: - Multi-Modal - Utilities - ETAC - Design Board |
| 11.5: Attend Intergovernmental Working Group (IWG) – COBI, BIFD, BIPD, and BISD: Work with IWG in a collaborative approach to identify and implement mitigation and adaptation actions with buy-in, engagement, and leadership from all of these relevant entities. | High | 2019 – Initial Contact 2020 – Identify actions | | Mike | Need to work with other taxing entities as other parts of workplan indicate need to work with BISD, BIFD, and Parks. |

| Foster Regional Collaboration | | | | | |
|---|--------|------|--|------|---|
| 11.6: Foster regional collaboration: Make a recommendation to the City on regional collaborations that Bainbridge Island should participate in and the form that involvement should take. (For example, Puget Sound Climate Preparedness Collaborative; Kitsap Public Transportation, and WSF) | Medium | 2020 | | Nora | Identify groups and evaluate possible role of CCAC. |



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: August 6, 2019

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (8:20 PM) Update on Moratorium - Planning

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Report

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION:

Moratorium work program and status update. Respond to City Council questions and discussion.

SUMMARY:

City staff have been working to address the issues identified in the development moratorium (Ordinance No. 2018-02, amended by Ordinances Nos. 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2019-10).

On March 26, 2019, after conducting another public hearing regarding the current moratorium on certain development, the City Council adopted Ordinance No. 2019-10 (effective date April 3, 2019) which will extend the moratorium for an additional six months, unless the Council decides to terminate the moratorium earlier based on new information or on completion of remaining tasks on the moratorium work plan. The development moratorium is scheduled to expire on October 3, 2019, unless the Council takes further action before such date.

See attached Work Program Status Report, Ordinance No. 2019-10, and summary.

FISCAL IMPACT:

Amount:

Ongoing Cost:

One-Time Cost:

Included in Current Budget?

BACKGROUND:

ATTACHMENTS:

[20190806 Moratorium Work Program Status Report](#)

[Ordinance No. 2019-10 Extending the Development Moratorium](#)

[Development Moratorium Summary Effective 20190403.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

Moratorium on Accepting Certain Development Applications: Work Program Status Report – July 29, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

| Moratorium Topic | Status | Timeline |
|--------------------------------|---|--|
| Critical Areas Ordinance (CAO) | <p>The development moratorium was amended by the City Council on April 24, 2018 to continue to apply within the City's shoreline jurisdiction areas (Ordinance 2018-14). This effectively applied the aquifer recharge protection area (ARPA) requirement in the shoreline, although the change did not apply other provisions of the CAO update within the shoreline. At its October 16, 2018 study session, the Council made the policy decision to not include the ARPA requirement in the shoreline area. This policy decision means that "Part B" of the moratorium could be removed. On November 13, 2018, the Council adopted Ordinance 2018-43 (effective date November 21) removing "Part B" (i.e., the ARPA requirement) from the moratorium.</p> <p>The City has a Shoreline Master Program (SMP) Amendment in process to integrate the updated critical areas regulations into the SMP.</p> | <p>Staff anticipates a response from the Dept. of Ecology in August.</p> <p>On September 11, 2018, the City Council held a public hearing on the SMP amendment. The Council held study sessions on October 2 and 16, 2018, and is continuing to consider the amendment at subsequent Council meetings (see below). The Public Comment Period expired on November 9, 2018.</p> <p>The joint state/local review process requires that the draft amendment and a summary of response to comments be transmitted to the Department of Ecology within 30 days after the end of the Public Comment Period. City staff has requested an extension for this transmittal until January 31, 2019. In the meantime, comments are still being accepted and considered by staff and the Council as part of the Council's ongoing consideration of the SMP amendment.</p> <p>On November 27, 2018, the Council discussed the SMP amendment relating to integration of critical area regulations and regarding nonconforming structures, uses, and lots. On</p> |

Moratorium on Accepting Certain Development Applications: Work Program Status Report – July 29, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

| Moratorium Topic | Status | Timeline |
|--------------------------|---|---|
| | | <p>December 11, 2018, the Council discussed this matter and instructed staff to prepare a resolution to transmit the SMP amendment to the Department of Ecology for its SMA consistency review.</p> <p>On January 8, 2019, the Council passed Resolution No. 2019-05 approving the draft amendment and authorizing staff to transmit the proposed SMP amendment to the Department of Ecology for initial review. The draft SMP amendment was transmitted to Ecology in April 2019. Ecology then sends back the draft amendment with recommended changes and the Council locally adopts the amendment. It is then sent back to Ecology for final approval. The amendment process is expected to be completed in summer 2019.</p> |
| Status on July 29, 2019: | <p>Complete: CAO update effective outside shoreline jurisdiction.</p> <p>Incomplete: Applicability of CAO update within shoreline jurisdiction.</p> | |

Moratorium on Accepting Certain Development Applications: Work Program Status Report – July 29, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

| Moratorium Topic | Status | Timeline |
|------------------|---|---|
| Subdivisions | <p>The subdivision update includes three components:</p> <ul style="list-style-type: none"> • Revisions to review process, decision criteria, and decision-making authority • Creation of new design guidelines • Revisions to subdivision standards <p>The Planning Commission completed its review of all three components.</p> <p>The Council accepted the Planning Commission recommendations related to the role of the Planning Commission and Design Review Board in reviewing and making recommendations on preliminary decisions on subdivisions. However, the Council did not agree to the Planning Commission's recommendation that the Council be the decision-maker for preliminary decisions on subdivisions (i.e., preliminary plat approval).</p> <p>On September 25, 2018, the Council removed two-lot short subdivisions in which there is an existing single-family residence from the moratorium with the adoption of Ordinance 2018-41.</p> | <p>August 27: City Council Public Hearing</p> <p>July 23: City Council discussion</p> <p>May 28: City Council discussion</p> <p>April 2 and 16: City Council discussion</p> <p>March 26: City Council discussion</p> <p>March 19: City Council first reading (staff transmittal of Planning Commission recommendation)</p> <p>On September 27, October 25, and November 8, 2018, the Planning Commission met to discuss subdivision standards and the review process. The Planning Commission continued its discussion in November and December 2018, and in January 2019.</p> <p>On October 23, 2018, the City Council held a public hearing related to Planning Commission/DRB review and recommended roles. The Council deferred taking action until receiving all of the forthcoming Planning Commission recommendations on subdivision</p> |

Moratorium on Accepting Certain Development Applications: Work Program Status Report – July 29, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

| | | |
|--------------------------|--|--|
| | <p>The second two components of the subdivision update – new design guidelines and revised standards – are being discussed by the City Council. It is anticipated the City Council will hold a public hearing related to the subdivision update in late May or early June.</p> | <p>design guidelines, standards, review process, and decision criteria.</p> <p>On December 4, 2018, the Council discussed Ordinance 2018-20, related to revisions to land use review procedures for major projects, including subdivisions, and on December 11, 2018, held a public hearing and approved the ordinance.</p> <p>On January 8, 2019, the Council adopted Resolution No. 2019-02, updating the administrative manual to address development review process code amendments in Chapter 2.16, BIMC.</p> |
| Status on July 29, 2019: | <p>Complete: Ordinance 2018-20 approved by the City Council on December 11, 2018, related to revisions to land use review procedures for major projects, including subdivisions. Planning Commission review of revised subdivision standards.</p> <p>Incomplete: City Council review and approval of subdivision update – new design guidelines and revised standards.</p> | |

Moratorium on Accepting Certain Development Applications: Work Program Status Report – July 29, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

| Moratorium Topic | Status | Timeline |
|---|--|--|
| <p>Design Guidelines Update (related to Site Plan and Design Review and Conditional Use Permits).</p> | <p>A RFQ for professional services was published and closed on August 17, 2018. On October 23, 2018, the City Council authorized a professional services agreement with Framework to produce an updated set of design guidelines (Chapter 18.18 BIMC).</p> | <p>The Planning Commission will discuss the draft design guidelines on August 22 and hold a public hearing on September 5.</p> <p>The DRB discussed draft design guidelines on June 17 and on July 15.</p> <p>A City Council briefing was provided June 4.</p> <p>Draft design guidelines were presented at the second public meeting on May 22.</p> <p>The DRB discussed draft design guidelines on May 6.</p> <p>The consultant met with the Design Review Board (DRB) on March 18 to discuss the existing conditions report and draft design guidelines. The existing conditions report should be available to the public by mid-April.</p> <p>On November 13, 2018, a kick-off meeting with the consultant was held with the DRB. On December 19, 2018, focus groups met to discuss design guideline perceptions, issues, problems, and ideas.</p> |

Moratorium on Accepting Certain Development Applications: Work Program Status Report – July 29, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

| | | |
|--------------------------|---|---|
| | | <p>On January 30, 2019, a Design Guideline Update Open House was held. On February 5, 2019, the Design Guideline Update project consultant briefed the Council.</p> <p>The update to the City's Design Guidelines is expected to be completed before mid-year 2019.</p> |
| Status on July 29, 2019: | <p>Complete: Consultant professional services agreement approved, kick-off meeting held with the DRB, design guideline open house held, City Council briefed.</p> <p>Incomplete: Updated design guidelines.</p> | |

Moratorium on Accepting Certain Development Applications: Work Program Status Report – July 29, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

| Moratorium Topic | Status | Timeline |
|--|--|--|
| Review Process for Land Use Permits (related to Subdivisions, Site Plan and Design Review, and Conditional Use Permits). | <p>The Planning Commission and Design Review Board discussed this topic at their meetings beginning in May and continuing through December 2018.</p> <p>The Planning Commission provided recommendations to the City Council related to roles and responsibilities for the Planning Commission, Design Review Board, and the Council and the legislative review process for amending the BIMC.</p> <p>The Planning Commission will continue its review of site plan and design review and conditional use permit decision criteria as part of a larger housekeeping ordinance for all of BIMC 2.16 and hold a public hearing in May.</p> | <p>On October 23, 2018, the City Council held a public hearing related to the Planning Commission and Design Review Board's land use review roles and responsibilities (Ordinance 2018-20). The Council deferred taking action until receiving all of the forthcoming Planning Commission recommendations on land use review procedures.</p> <p>At its December 4, 2018 meeting, the Council discussed Ordinance No. 2018-20, regarding revisions to BIMC Title 2 related to land use review approval bodies and procedures. On December 11, 2018, the Council held a public hearing and approved the ordinance.</p> <p>On January 8, 2019, the Council adopted Resolution No. 2019-02, updating the administrative manual to address development review process code amendments in Chapter 2.16, BIMC.</p> <p>On March 14, 2019, the Planning Commission reviewed site plan and design review and conditional use permit decision criteria.</p> |

Moratorium on Accepting Certain Development Applications: Work Program Status Report – July 29, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

| | | |
|--------------------------|---|--|
| | | Proposed revisions to decision criteria have been incorporated into a larger housekeeping ordinance for all of BIMC 2.16, which the Planning Commission will discuss and hold a public hearing on in August. |
| Status on July 29, 2019: | Complete: Ordinance 2018-20 approved by the City Council on December 11, 2018, related to new roles and responsibilities for the Planning Commission and Design Review Board, review procedures for subdivisions, site plan and design review, and conditional use permits, and revisions to the legislative review process for amending the BIMC. Incomplete: Revisions to Chapter 2.16 BIMC related to decision criteria for site plan and design review and conditional use permits. The Planning Commission is currently reviewing a Land Use Code “Housekeeping” ordinance that includes review of these chapters. Staff estimates that the “Housekeeping” ordinance may come before the City Council in September. | |

Moratorium on Accepting Certain Development Applications: Work Program Status Report – July 29, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

| Moratorium Topic | Status | Timeline |
|--------------------------|--|---|
| Affordable Housing | <p>The Affordable Housing Task Force completed review of its draft final report to the City Council at its meeting on July 11, 2018.</p> <p>On June 12, 2018, the Council approved a contract with ECONorthwest to conduct an economic market analysis and feasibility study regarding a new inclusionary zoning program and updates to the City's Transfer of Development Rights program.</p> <p>On November 13, 2018, the Council dissolved the Affordable Housing Task Force and created a Council Ad Hoc Committee for Affordable Housing.</p> <p>On January 22, 2019, the City Council Affordable Housing Ad Hoc Committee met. On February 5, 2019, the Committee reviewed a draft of the ECONorthwest final report.</p> | <p>The Affordable Housing Task Force Report with recommendations was presented to the City Council on July 24, 2018 and was discussed further at the August 21, 2018 Council Study Session.</p> <p>Council study sessions were held on October 2 and December 4, 2018, to receive an update on the economic market analysis from ECONorthwest. On February 19, 2019, the City Council reviewed and provided staff direction on the ECONorthwest / Forterra final report, the Affordable Housing Task Force report recommendations, and discussed the status of the City Council Affordable Housing Ad Hoc Committee.</p> <p>On April 23 and May 14, the City Council discussed the affordable housing work plan, and endorsed the City Manager's ideas for staffing and implementation.</p> |
| Status on July 29, 2019: | <p>Complete: City Council discussion and endorsement of Priority and Quick Wins recommendations from the AHTF Report and City Manager's approach for implementation. Incomplete: Implementation/approval of AHTF recommendations, including adoption of inclusionary zoning regulations. The City has secured additional consultant services to assist with this task, and is working to schedule a "deep dive" meeting with the City Council on September 3.</p> | |

Moratorium on Accepting Certain Development Applications: Work Program Status Report – July 29, 2019

Note: Substantive changes to this document since the last version to the City Council are included in [blue text](#).

| Moratorium Topic | Status | Timeline |
|---|--|--|
| Business/Industrial (B/I) zoning district | The Council revisited the inclusion of the B/I zoning district in the moratorium and determined that the results of the moratorium work plan would not have a significant impact on land use applications in that zoning district. On October 23, 2018, the Council made the policy decision to remove from the moratorium certain restrictions related to the B/I zoning district. On November 13, 2018, the Council adopted Ordinance 2018-43 (effective date November 21) exempting from the moratorium B/I zoning district Major Site Plan and Design Review and Major Conditional Use permit proposals. | <p>During their November 13, 2018 discussion of Ordinance 2018-43, and their March 26, 2019 discussion of Ordinance 2019-10, the Council discussed whether commercial subdivisions in the B/I zone should be subject to the moratorium. The Council will discuss at a future meeting whether B/I zoning district commercial subdivisions should also be exempt from the moratorium.*</p> <p>* The City has not held any preapplication conferences for commercial subdivisions in the B/I zone that would indicate a commercial subdivision application is being prepared. Currently, the draft proposed revisions to subdivision standards regarding commercial subdivisions remain the same as the existing municipal code (the noted revisions represent updated code citations).</p> |
| Status on July 29, 2019: | <p>Complete: Ordinance 2018-43 adopted, which exempted B/I zoning district Major Site Plan and Design Review and Major Conditional Use permit proposals from the moratorium.</p> <p>Incomplete: Policy decision regarding whether B/I zoning district subdivisions should be exempt from moratorium. The Council has not directed staff to bring make a revision to the development moratorium to exempt commercial subdivisions in the B/I zone.</p> | |

Moratorium on Accepting Certain Development Applications: Work Program Status Report – July 29, 2019

Note: Substantive changes to this document since the last version to the City Council are included in blue text.

| Moratorium Topic | Status | Timeline |
|--------------------------|--|---|
| Accessory Dwelling Units | On October 23, 2018, the City Council considered whether the City can prohibit, regulate, or otherwise discourage property owners from making condominiums out of accessory dwelling units (ADUs) located on their property. | <p>At the July 23 meeting, the City Council affirmed that:</p> <ul style="list-style-type: none"> • New ADUs could not be sold separately from the primary single-family dwelling. • In Residential zones, the city should create a process for Tiny Homes and Recreational Vehicles (RV) to be considered permanent residences, and that they could be allowed as types of ADUs. A property could also have an tiny home or RV serve as the primary dwelling on a property. • A property could have 2 tiny homes or RVs serving as ADUs, in contrast with allowing only one traditionally sized ADU. • For properties less than 40,000 square feet in size (just under an acre) ADUs won't count towards a properties lot coverage limit. <p>This policy direction will be integrated into an ordinance that will go to the Planning Commission for review.</p> <p>At the June 18, 2019 meeting, the City Council directed staff to bring back a draft ordinance that required common ownership of both the ADU and primary dwelling, unless the units were designated affordable housing.</p> |

Moratorium on Accepting Certain Development Applications: Work Program Status Report – July 29, 2019

Note: Substantive changes to this document since the last version to the City Council are included in blue text.

| | | |
|--------------------------|--|--|
| | | On October 23, 2018, the Council directed staff to prepare for the Council's consideration an ordinance to require common ownership of ADUs. |
| Status on July 29, 2019: | Complete: Began discussions on ADU condominiums. Incomplete: Requiring common ownership for new ADUs. The topic of tiny home communities and recreational vehicles is scheduled to be discussed by the City Council again on August 13, 2019. | |

ORDINANCE NO. 2019-10

AN ORDINANCE of the City of Bainbridge Island, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; amending Ordinance No. 2018-43; providing for severability; leaving the effective date of the moratorium unchanged; and extending the moratorium for six months until October 3, 2019.

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City Council approved Ordinance 2018-14 on April 24, 2018, amending the development moratorium in order to have the provisions of Section 3.B. only apply within the City's shoreline jurisdiction areas (Chapter 16.12 BIMC); and

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

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

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

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

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

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

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

WHEREAS, as part of the Planning Commission’s review and consideration of the City’s subdivision review procedures, design guidelines, and standards, the Commission has been considering a proposed ordinance, Ordinance No. 2019-03; and

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

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

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

WHEREAS, the City Council is in the process of considering the Planning Commission’s recommendations related to proposed updates to the City’s subdivision regulations as included in Ordinance No. 2019-03, including at the Council’s meeting on March 19, 2019, and the Council will consider those subdivision regulations further at subsequent meetings; and

WHEREAS, City staff is working with the Design Review Board and a consultant team related to updating the City’s Design Guidelines (BIMC 18.18.030) more generally (i.e., the design guidelines that aren’t included in the separate effort described above related to design guidelines for subdivisions), and that work is not expected to be completed until the end of July 2019; and

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

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

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

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

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

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

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

WHEREAS, on June 26, 2018, the City Council held a public hearing and approved Ordinance 2018-23, extending the development moratorium for another 90 days until October 9, 2018; and

WHEREAS, on September 25, 2018, the City Council held a public hearing and approved Ordinance 2018-41, and thereby extended the development moratorium for another six (6) months, and in so doing narrowed the moratorium to remove two-lot short subdivisions in which there is an existing single-family residence from the moratorium; and

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

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

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

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

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

WHEREAS, given that the Washington State Legislature is considering in the current legislative session bills that would impact the regulation of ADUs, the City is awaiting possible action by the Legislature because such action could impact the City's efforts on this issue; and

WHEREAS, on November 13, 2018, the City Council approved Ordinance 2018-43, and thereby narrowed the moratorium as requested by the Council and described above related to entirely removing Section 3.B. (which, in effect, applied the Aquifer Recharge Protection Area regulations in the City's shoreline jurisdiction areas) from the moratorium, and broadening an exclusion related to certain Major Site Plan and Design Review and Major Conditional Use Permit proposals to include in that exclusion such proposals for properties located in the Business/Industrial District; and

WHEREAS, although the City has been working to address the land use issues identified in the development moratorium, as described above, the work is ongoing and not yet completed; and

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

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

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

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

Section 2. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council conducted a public hearing on this extension of the moratorium at its meeting on March 26, 2019, and took public testimony and considered further findings of fact.

Section 3. Moratorium Amended. The moratorium is hereby amended, as also stated in Section 6 below, to extend the moratorium until October 3, 2019, which is six (6) months beyond the current duration of the moratorium, based on an effective date of this ordinance of April 3, 2019.

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

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

Section 6. No Change to Basis for Declaration of Emergency; Effective Date; Duration. This ordinance shall take effect and be in force five (5) days from and after its passage and publication as required by law. Provided, that this ordinance is not intended to change the basis of the emergency declarations stated in the moratorium ordinances which preceded this ordinance, Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2018-43, except as described in the "Whereas" clauses of this ordinance. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support the emergency declarations adopted as part of the enactment of this moratorium were included in the "Whereas" clauses of Ordinance No. 2018-02 and Ordinance No. 2018-03, and were restated and supplemented in Ordinance No. 2018-05 and Ordinance No. 2018-09, and Ordinance Nos. 2018-14, 2018-23, 2018-41, and 2019-43, as well as in this ordinance, and those "Whereas" clauses are adopted as findings of fact. This ordinance amending the moratorium shall remain effective for the updated period as established for the moratorium, which is currently scheduled to expire based on this ordinance on October 3, 2019, unless terminated earlier by the City Council. This ordinance does not change the effective date of the moratorium, which is January 9, 2018. The Council may, at its sole discretion, renew the

moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

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

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



Kol Medina, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, CMC, City Clerk

| | |
|----------------------------|----------------|
| FILED WITH THE CITY CLERK | March 15, 2019 |
| PASSED BY THE CITY COUNCIL | March 26, 2019 |
| PUBLISHED: | March 29, 2019 |
| EFFECTIVE DATE: | April 3, 2019 |
| ORDINANCE NO: | 2019-10 |

Attached: Exhibit A (Work Plan)

Exhibit A

Moratorium on Certain Developments Work Plan Schedule, Ordinance No. 2019-10 (April – October 2019)

| Work Program Item | Description |
|---|--|
| Subdivision Standards | Revise the subdivision standards to result in residential development that reflects Comprehensive Plan goals and policies included in the land use, housing, and environmental elements. |
| Design Guidelines | Update and improve the design guidelines and review process to result in higher quality development that reflects the Island's values and character. |
| Conditional Use / Site Plan Decision Criteria | Revise criteria to reduce subjectivity in decision-making and better ensure outcomes consistent with the Comprehensive Plan. |
| Affordable Housing | Develop an affordable housing work program in response to Inclusionary Zoning / Transfer of Development Rights and Affordable Housing Task Force reports. |

April 3, 2019

DEVELOPMENT MORATORIUM SUMMARY: Effective beginning January 9, 2018 until October 3, 2019. (Ordinance No. 2018-02, amended by Ordinance Nos. 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, 2018-43 and 2019-10).

Development Activity PROHIBITED During the Moratorium:

- A. All applications for new short subdivisions (BIMC 2.16.070), except two-lot short subdivisions in which there is an existing single-family residence, new preliminary long subdivisions (BIMC 2.16.125), and new large lot subdivisions (BIMC 2.16.080).
- B. Major Site Plan and Design Review and Major Conditional Use Permit proposals that are not otherwise subject to this moratorium and that did not, before the effective date of the moratorium, have a pre-application conference on the Planning Department's calendar. Provided, that the moratorium does not apply to Major Site Plan and Design Review and Major Conditional Use Permit proposals for properties located in the Mixed Use Town Center/Central Core Overlay District or the Business/Industrial District.

EXCEPTIONS to the Above Development Activities Prohibited During the Moratorium:

- A. Permits and approvals for affordable housing projects that qualify as Housing Design Demonstration Project (HDDP) Tier 3 projects pursuant to BIMC 2.16.020.Q. and Table 2.16.020.Q-1, and
- B. Permits and approvals for government facilities and structures; educational facilities and preschools; wireless communication facilities; and emergency medical and disaster relief facilities.



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: August 6, 2019

ESTIMATED TIME: 60 Minutes

AGENDA ITEM: (8:30 PM) Revisions to the City's Ethics Program

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Council Discussion.

SUMMARY:

Consideration of draft revisions of the City's Ethics Program.

FISCAL IMPACT:

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

BACKGROUND:

The City's Ethics Program articulates Core Values and Ethics Principles (Article I) and a Code of Ethics (Article II) to guide the behavior and actions of Councilmembers and members of City Commissions and Committees.

On July 9, 2019, the Council agreed, in principle, to two general flowcharts outlining the preferred processing and evaluation of: (1) requests from members of the Council or of a City committee for advisory opinions on their own behavior; and (2) Article II complaints.

On July 23, 2019, the Council agreed, in principle, to a preferred process for the receipt and evaluation of Article 151 I complaints.

At these meetings, the Council directed staff to draft revisions to the Ethics Program to implement the processes outlined by the Council.

Attached, for Council consideration, are proposed revisions to the City's Ethics Program. One version appears in track changes while the other is a clean version. Also attached is a memo that briefly outlines several potential discussion points to facilitate Council discussion. These discussion points are also included as comments to the draft revisions.

On July 29, 2019, the Ethics Board held a special meeting to review the draft revisions to the City's Ethics Program. The Ethics Board's comments have been incorporated into the draft revisions and potential discussion points attached to this agenda bill.

If the Council desires to proceed with the draft revisions, the next step would be to direct staff to draft a resolution to formally adopt the revisions to the City's Ethics Program.

ATTACHMENTS:

[Draft Revisions to the City's Ethics Program With Discussion Points - Track Changes](#)

[Draft Revisions to the City's Ethics Program With Discussion Points - Clean](#)

[Memo - Potential Discussion Points for City Council](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND
CODE OF CONDUCT AND ETHICS PROGRAM

Updated 3/27/18
Resolution No. ~~2018-10~~2019-26

Commented [RS1]: Discussion Point #1: Should the City's Ethics Program be renamed?

The Ethics Board recommends changing the name to "Code of Conduct and Ethics Program."

Commented [RS2]: To be filled in once revisions are finalized.

TABLE OF CONTENTS

| | |
|--|------|
| ARTICLE I—INTRODUCTION, PURPOSE, AND ADMINISTRATION OF PROGRAM..... | 43 |
| A. Preamble..... | 43 |
| B. Core Values..... | 43 |
| C. Ethics Principles..... | 54 |
| D. Ethics Program..... | 75 |
| ARTICLE II—CODE OF ETHICS..... | 86 |
| A. Gifts and Compensation..... | 86 |
| B. Use of City Property by Elected Officials..... | 97 |
| C. Confidentiality..... | 97 |
| D. Conflict of Interest—General..... | 97 |
| E. Conflict of Interest—After Leaving Elected City Office..... | 128 |
| F. Conflict of Interest—Family Members of Elected Officials..... | 129 |
| G. Conflict of Interest—Contractors..... | 129 |
| I. Conduct of Public Meetings..... | 139 |
| ARTICLE III—ENFORCEMENT OF THE ETHICS PROGRAM..... | 1440 |
| A. Responsibilities of the Ethics Board..... | 1440 |
| B. Submission of Ethics Complaints..... | 1440 |
| C. Review of Complaints Concerning City Employees..... | 1540 |
| D. Review of Complaints by Ethics Board..... | 1641 |
| F. Advisory Opinions..... | 2013 |
| G. Waivers..... | 2113 |
| H. Effect of Advisory Opinion or Waiver..... | 2113 |
| I. Reporting..... | 2113 |
| ARTICLE IV—FOLLOW UP TO ETHICS COMPLAINTS..... | 2214 |
| A. City Council Review of Complaints..... | 2214 |
| B. Hearing before City Hearing Examiner..... | 2315 |
| C. Action by City Council upon Hearing Examiner’s Findings and Conclusion..... | 2315 |
| ARTICLE V—ETHICS BOARD..... | 2516 |
| A. Purpose of the Ethics Board..... | 2516 |
| B. Training..... | 2717 |
| C. Annual Report..... | 2817 |
| D. Creation, Terms, and Appointments..... | 2817 |
| ARTICLE VI—DEFINITIONS..... | 3019 |

Commented [RS3]: To be completed once revisions are finalized.

CITY OF BAINBRIDGE ISLAND
CODE OF CONDUCT AND ETHICS PROGRAM

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

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

Commented [RS4]:

Discussion Point #2: Who should be able to submit a complaint under the Ethics Program?

The Ethics Board recommends that any individual be allowed to submit a complaint.

**ARTICLE I -
INTRODUCTION, PURPOSE, AND ADMINISTRATION OF PROGRAM CODE OF CONDUCT**

A. Preamble

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

~~All elected and appointed officials, City employees, volunteers, members of Commissions and Committees, and all others who participate in the City's government are expected to adhere to these Core Values and Ethics Principles, apply them to their specific responsibilities, and make them a common aspect of their work.~~

B. Core Values ~~(adopted by Resolution 97-25)~~

1. Service, Helpfulness, Innovation

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

2. Integrity

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

3. Equality, Fairness, Mutual Respect

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

4. Responsibility, Stewardship, Recognition

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

Commented [RS5]:

Discussion Point #3: Should Article 1 be referred to as the "Code of Conduct" rather than as the "Core Values and Ethics Principles"?

The Ethics Board recommends changing the name of Article I to "Code of Conduct," which would consist of the "Core Values and Ethics Principles" outlined in Article I.

C. ~~-~~ Ethics Principles

1. Obligations to the Public

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

a. ~~Public meetings and other proceedings conducted in accordance with the Best Practices articulated and issued by the City's Ethics Board (http://www.ci.bainbridge-island.wa.us/ethics_board.aspx)~~

b. ~~Transparency and honesty in all public statements and written communications.~~

2. Obligations to Others

In order to sustain a culture of ethical integrity, Councilmembers and members of City Committees and Commissions~~all those associated with the government of the City of Bainbridge Island will~~ treat each other and the public with respect and ~~be~~are guided by applicable codes of ethics, ~~labor agreements, and professional codes.~~ ~~In practice, this principle looks like:~~

a. Councilmembers and members of City Committees and Commissions~~Elected and appointed officials, all City employees, and members of citizen Committees and Commissions~~ shall familiarize themselves with the ethical rules governing them (including Washington State statute Chapter RCW 42.23 RCW and this Code of Ethics~~Ethics Program~~) and obtain annual/periodic education regarding such rules.

b. Councilmembers and members of City Committees and Commissions~~All those associated with the government of the City of Bainbridge Island~~ shall, in all their interactions, conduct themselves in a manner that demonstrates civility and respect for others.

3. Obligations Regarding the Use of Public Resources

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

a. Councilmembers and members of City Committees and Commissions~~All those associated with the government of the City of Bainbridge Island~~ shall, to the extent possible, seek advice/guidance regarding the use of public resources from ~~citizens and staff experts~~staff and other experts, including legal advice from the City Attorney as

appropriate, in order to ensure that public resources are used and conserved for the public good.

b. Councilmembers and members of City Committees and Commissions~~All those associated with the government of the City of Bainbridge Island~~ shall ensure that paid experts and consultants who provide advice-guidance regarding the use of public resources shall be impartial and free of conflicts of interest.

D. Ethics Program

1. Purpose of the Ethics Program

All those associated with City government, including elected officials, employees, members of City Committees and Commissions, seek to earn and maintain confidence in the City's services and the public's trust in its decision makers. Our decisions and our work must meet the most rigorous ethical standards and demonstrate the highest levels of achievement in following the Core Values and Ethics Principles. It is therefore the purpose of this program to:

- a. Articulate the Core Values and Ethics Principles that will guide the conduct of City affairs and of all people associated with City government;
- b. Establish standards of ethical conduct in a Code of Ethics for elected officials and members of City Committees and Commissions;
- c. Provide training and clarification concerning the Core Values, Ethics Principles, and the Code of Ethics;
- d. Establish a system that enables all citizens, including members of City government, to seek advice and assistance regarding possible ethical violations;
- e. Provide a process to review possible violations of the Code of Ethics by elected officials and members of City Committees and Commissions;
- f. Maintain an Ethics Board to assist with the administration of the program; and
- g. Provide a comprehensive Ethics Program for the City, ensuring that the ethics standards and the procedures for enforcing them that apply to City employees, including policies and collective bargaining agreements, are consistent with the Core Values and Ethics Principles which apply to all persons associated with City government.

2. Administration of the Ethics Program

The Core Values and Ethics Principles apply to all persons associated with City government. However, there are two sets of rule-based standards, which are separately enforced. The Code of Ethics (Article II of this document) applies to elected and appointed officials, and members of City Committees and Commissions.

The Code of Ethics is enforced by the City Council (as detailed in Article III of this document). A set of guidelines and ethical standards included in the *City of Bainbridge*

~~Island Employee Manual applies to all City employees and is enforced by City administration.~~

ARTICLE II - CODE OF ETHICS

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

A. ~~_~~Gifts and Compensation

1. Limitations on City-Related Gifts and Outside Compensation

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

2. Exceptions to Gift Limitations

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

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

protocol to refuse the gift, provided that any such gifts received shall become property of the City.

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

3. Immediate Family Gift Exception

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

B. Use of City Property by Elected Official ~~Councilmembers~~

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

C. Confidentiality

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

D. Conflict of Interest - General

1. Applications of Conflict of Interest

Except as permitted in subsections (2b) or (3) below, an ~~elected official~~ Councilmember or member of a City Committee or Commission shall not directly, or indirectly through a

subordinate or fellow officer, official, or employee, take any direct official action on a matter on behalf of the City if ~~he or she~~they, or a member of their immediate family:

- a. Has any substantial direct or indirect contractual employment related to the matter;
- b. Has other financial or private interest in that matter (which includes serving on a Board of Directors for any organization); or
- c. Is a party to a contract or the owner of an interest in real or personal property that would be significantly affected by the action.

2. Conflict of Interest Exceptions for ~~Elected Official~~Councilmembers

Subsection (1) above shall not apply when the ~~elected official~~Councilmember:

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

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

Subsection (1) above shall not apply to a member of a City Committee or Commission ~~appointed based on that member's ownership or lease of certain real property or of that member's ownership of a business located in a certain area of the City when that member takes direct official action on a matter concerning or affecting that certain business or that certain owned or leased real property. In addition, subsection (1) above shall not apply to a member of a City Committee or Commission~~ provided that the member fully discloses the financial interest on the public record of the City Committee or Commission and the

Commented [RS6]:

Discussion Point #4: Should there be an exemption for committees where membership is based on ownership over certain real property or a business located in a certain area?

The Ethics Board recommends this addition to address Committees or Commissions where members are appointed based on property or business ownership.

Committee or Commission votes to allow the person to participate in discussion or the vote.

4. Disclosure for ~~Elected-Official~~Councilmembers

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

E. ~~Conflict of Interest~~—After Leaving Elected City Office

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

F. ~~Conflict of Interest~~ – Family Members of ~~Elected Official~~Councilmembers

1. Appointment of Family Members

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

2. Supervision of Family Members

No ~~elected official~~Councilmember shall supervise or be in a direct line of supervision over a member of ~~his or her~~their immediate family. -If an ~~elected official~~Councilmember is placed in a direct line of supervision of a member of ~~his or her~~their immediate family, ~~he or she~~they shall have three (3) months to come into compliance or to obtain a waiver pursuant to section (3) below.

3. Waivers

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

G. Conflict of Interest – Contractors

Every major contractor submitting bids to the City shall include a statement affirming that ~~he or she~~they have read the Code of Ethics and agrees to abide by its guiding principles and rules. -Further, the contractor ~~must~~ affirms that neither the contractor nor any agent of the contractor has made any prohibited gift to a ~~an elected official~~Councilmember who is involved in direct official action on the bid or has a relationship to such an official that would create a conflict of interest for that official.

H. Conflict of Interest - ~~Citizens-Individuals~~ Serving on City Committees and Commissions

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

I. Conduct of Public Meetings

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

ARTICLE III - ENFORCEMENT OF THE ETHICS PROGRAM

A. Responsibilities of the Ethics Board

- ~~1. In considering any matter brought to its attention for action, the Ethics Board shall interpret and apply the Code of Ethics in favor of promoting the City's Core Values and Ethics Principles, protecting the public's interest in full disclosure of conflicts of interest, and promoting ethical behavior.~~
- ~~2. The Ethics Board shall handle the following matters:~~
 - ~~a. Complaints involving alleged violations of the Code of Ethics, Article II, by elected officials, members of City Committees and Commissions, and persons who contract with the City;~~
 - ~~b. Advisory opinions concerning the application of the Core Values and Ethics Principles, City policies and practices, or the applicability of the Code of Ethics to the requestor's own behavior; and~~
 - ~~c. Waivers of certain restrictions, as provided in the Code of Ethics.~~

AB. Submission of Ethics Complaints

- ~~1. Any individual~~ Any person may submit to the City Clerk an ethics complaint alleging violations of one of the following:
 - a. The Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission;
 - b. The Code of Ethics, (Article II) by a Councilmember or a member of a City Committee or Commission; or
 - c. The ethics standards contained in the City of Bainbridge Island Employee Manual by a City employee other than the City Manager.
- ~~2. Each~~ complaint must include the name and address of the complainant, along with a detailed statement of facts, supported by a declaration in compliance with RCW 9A.72.085, on a form supplied by the Ethics Board.
- ~~3. To facilitate timely review under this Ethics Program, each complaint may only allege violations of one of the three standards listed in subsection (A)(1) above. To the extent that an individual believes multiple standards were violated, the individual may submit multiple complaints.~~
- ~~4. The Ethics Board may on its own initiative identify a possible violation of the Code of Conduct (Article I) or the Code of Ethics (Article II) and initiate its own complaint.~~

Commented [RS7]:

Discussion Point #5: Should the title of Article III refer to enforcement?

The Ethics Board expressed some discomfort with the use of the word "enforcement" in the title of Article III.

Commented [RS8]:

Discussion Point #6: What process should apply where the Ethics Board initiates its own complaint involving Article I or Article II?

Complaints concerning an elected official, a member of a City Committee or Commission, or a major contractor will be referred to the Ethics Board. Complaints concerning the conduct of City staff will be referred to the City Manager. The Ethics Board may on its own initiative identify a possible violation and initiate its own complaint.

Complaints must include the name and address of the complainant, along with a detailed statement of facts, supported by a declaration in compliance with RCW 9A.72.085, on a form supplied by the Ethics Board (available through the City Clerk's office or on the City website: -).

C. Review of Complaints Concerning City Employees

1. The City Manager will review any ethics complaint forwarded by the City Clerk and authorize such investigations as may be necessary to determine whether a violation has occurred, consistent with relevant policies and procedures.
2. The City Manager may request advice from the Ethics Board.
3. If the City Manager determines that no violation has occurred, a written response will be made to the complainant.
4. If a violation of ethics rules has occurred, the City Manager or other appropriate City officer will take action as guided by state law, and relevant policies and procedures.
5. In the event of a violation, the City Manager will provide a response to the complainant and to the Ethics Board outlining the substance of the violation and the action taken, subject to governing rules regarding confidentiality articulated in state law, City policy, and collective bargaining agreements.
6. Apparent violations of law will be reported to the appropriate authorities.

B. Review of Article I Complaints

1. The City Clerk shall refer to a trained mediator for reconciliation complaints alleging one or more violations of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission.
2. As soon as practicable following receipt of a complaint, the City Clerk, or designee, shall schedule the time and place for reconciliation of the complaint. However, if the complainant refuses to participate in reconciliation, then no reconciliation shall be scheduled and no further action shall be taken on the complaint. If the respondent refuses to participate in reconciliation, then no reconciliation shall be scheduled and the City Clerk shall instead refer the complaint to the Ethics Board for review and issuance of an advisory opinion in accordance with Article III, subsections (B)(4)(b)(i)-(v).
3. To facilitate timely reconciliation, the City Manager is authorized to, as needed, negotiate, execute, or amend a contract with the Dispute Resolution Center of Kitsap County, or other

Commented [RS9]:

Discussion Point #7: What should happen if the complainant or the respondent refuses to participate in reconciliation to resolve an Article I complaint?

Under state law, mediation generally must be voluntary. Therefore, while the City can make mediation the first step in the process, it cannot mandate that both parties participate.

However, the City is not required to provide a process for receiving and reviewing complaints concerning Article I. To the extent that a process is provided, the City can say that no process will occur if one or both of the parties refuse to participate in mediation.

As drafted, if the complainant refuses to participate in reconciliation, then no further action will be taken on the complaint. If the respondent refuses to participate in reconciliation, then the matter is referred to the Ethics Board for an advisory opinion.

The Ethics Board expressed concern with making reconciliation mandatory.

similar firm or organization, for the provision of trained mediators suitable for facilitating reconciliation to resolve complaints.

4. Reconciliation shall occur at the time and place scheduled. Within 10 business days following reconciliation, either the complainant or the respondent may request that the complaint be referred to the Ethics Board for review and issuance of an advisory opinion on the matter. Such requests must be submitted to the City Clerk, who shall then forward the request to the Ethics Board and provide notice of the request to the other party.

a. If no request is received within 10 business, no further action shall be taken on the complaint.

b. If a request is received within 10 business days, the following subsections apply:

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

ii. The Ethics Board shall then review the complaint and response, if submitted. The Ethics Board's review shall be limited to the complaint and the response, if submitted. In the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent. However, the Ethics Board shall not engage in other fact-finding.

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

Commented [RS10]: See new definition of "question of fact."

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

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

CD. ___-Review of Article II Complaints ~~by Ethics Board~~

1. The City Clerk shall refer to the Ethics Board complaints alleging one or more violations of the Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission. The Ethics Board will review any complaint forwarded to it by the City Clerk.

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

3. The Ethics Board shall review any complaint forwarded to it by the City Clerk and a response submitted by the respondent. The Ethics Board shall not engage in other fact-finding. However, in the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent.

2. In the course of reviewing a complaint, the Ethics Board may request clarification of the complaint or other additional information from the complainant.

3. After reviewing a complaint, the Ethics Board may take any of the following actions and inform the complainant, the respondent, and the City Clerk:

a. Determine that the complaint lacks reasonable credibility;

b. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics;

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

d. Issue an advisory opinion if the subject of the complaint is more appropriate for such action;

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

— f. Make a preliminary determination that the facts stated in the complaint, if true, could potentially constitute a violation of the Code of Ethics such that further proceedings are warranted.

4. If the Ethics Board makes a preliminary determination that the facts stated in the complaint, if true, could potentially constitute a violation of the Code of Ethics such that further proceedings are warranted, the Board will inform the respondent of its preliminary determination and provide the respondent with a reasonable period of time to submit a written response in which the respondent may provide a statement of facts, supported by a declaration in compliance with RCW 9A.72.085, in opposition to the complaint and any further explanation of the respondent's position on the complaint.

45. After receiving the written response from the respondent reviewing the complaint and the response, if one was submitted, the Ethics Board may shall take any one or more of the following actions and inform the complainant, the respondent, and the City Clerk accordingly:

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

b. Determine that the complaint lacks reasonable credibility;

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

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

~~e.~~ Issue an advisory opinion if the subject of the complaint is more appropriate for such action;

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

~~g.~~ Determine that the existence of a violation of the Code of Ethics would depend on whether the facts are as stated by the complaint or as stated by the respondent.

~~g.~~ Determine that, based on the submissions of the complainant and the respondent, a material violation of the Code of Ethics has likely occurred; review by the Hearing Examiner is warranted.

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

~~6. If the Ethics Board determines either: (1) that the existence of a violation of the Code of Ethics would depend on whether the facts are as stated by the complaint or as stated by the respondent, or (2) that a material violation of the Code of Ethics has likely occurred that, based on the submissions of the complainant and the respondent, review by the Hearing Examiner is warranted, the Board will shall forward its determination, along with the complaint and response and relevant supporting materials, to the complainant, and respondent, and the City Clerk. The City Clerk will then forward the Board's determination and associated materials to the Hearing Examiner for review and further proceedings in accordance with Article IV. The Board may also, on its own initiative, forward such a determination to the City Council for its review.~~

~~7. Regardless of whether a particular violation of the Code of Ethics has occurred, the Ethics Board may find that City processes or policies could better reflect ethical shared values and principles, and may publish an advisory opinion to this effect.~~

78. The Ethics Board shall report apparent violations of law to the appropriate authorities. ~~In the course of reviewing any complaint, the Board shall report any apparent violation of law to the appropriate authorities.~~

D. Review of Complaints Concerning City Employees

1. The City Clerk shall refer complaints concerning City employees to the City Manager.
2. The City Manager shall review any ethics complaint forwarded by the City Clerk and determine the appropriate course of action to address the complaint including, as applicable, authorizing such investigations as may be necessary to determine whether a violation has occurred, consistent with state law as well as relevant policies, procedures, and collective bargaining agreements.
3. Upon making a determination that no violation of ethics rules has occurred, the City Manager shall provide a written response regarding the determination to the complainant.
4. Upon making a determination that a violation of ethics rules has occurred, the City Manager or other appropriate City officer shall take action as guided by state law and relevant policies, procedures, and collective bargaining agreements.
5. In the event of a violation, the City Manager shall provide a response to the complainant outlining the substance of the violation and the action taken, subject to governing rules regarding confidentiality articulated in state law, City policy, and collective bargaining agreements.
6. Apparent violations of law shall be reported to the appropriate authorities, as applicable.

E. ~~Requests for~~ Advisory Opinions

1. To the extent outlined below, the following individuals or bodies may submit to the City Clerk a request for an advisory opinion from the Ethics Board:
 - a. ~~Any person~~ Councilmember or member of a City Committee or Commission may request an advisory opinion from the Ethics Board as to whether their own behavior has violated or might in the future violate the Code of Conduct (Article I) or the Code of Ethics (Article II) ~~the Code of Ethics or shared values and principles.~~
 - b. ~~2.~~ The ~~City Manager or~~ City Council ~~or any citizen~~ may request an advisory opinion from the Ethics Board regarding City policies or practices in relation to ~~the the~~ Code of Conduct (Article I) or the Code of Ethics (Article II) ~~Code of Ethics.~~
 - c. ~~3.~~ ~~Citizen~~ City Committees and Commissions may request an advisory opinion from the Ethics Board regarding operating rules or practices in relation to ~~the the~~ Code of Conduct (Article I) or the Code of Ethics (Article II) ~~the Code of Ethics.~~

2. Requests for advisory opinions must be submitted to the City Clerk on a form supplied by the Ethics Board.

4. Any person may request an advisory opinion from the Ethics Board regarding operating policies of the City Council or Citizen Committees and Commissions in relation to the Code of Ethics.

35. The Ethics Board, on its own initiative, may prepare and publish its own advisory opinions concerning the Code of Conduct (Article I) or the Code of Ethics (Article II). If the advisory opinion concerns the behavior of one or more specific individuals, then, prior to issuance of the advisory opinion, the Ethics Board shall provide each individual with a reasonable amount of time to submit a written response to the concerns raised by the Ethics Board. The Ethics Board shall submit finalized advisory opinions to the City Clerk for publication along with any responses submitted. If such advisory opinions concerns the behavior of a specific individual, the Ethics Board shall inform the City Clerk, who shall then forward a copy of the advisory opinion to that individual.

Commented [RS11]: Discussion Point #8: What process should the Ethics Board follow when issuing, on its own initiatives, its own advisory opinions?

4. The grant of authority in this section is supplemental to, and does not change, the authority granted to the Ethics Board in sections B and C above.

6. The Ethics Board will inform the requestor and publish its advisory opinions.

F. Waivers

Elected official Councilmembers and members of City Committees and Commissions may apply may request a waiver from to the Ethics Board for a waiver of the conflict of interest restrictions related to the hiring of and supervision over family members, as provided by Article II, Section F from provisions of the Code of Ethics. The Board shall will publish both the request and its response.

G. Effect of Advisory Opinion or Waiver

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

H. Reporting

1. The City Manager will meet with the Ethics Board annually to discuss the function of the Ethics Program as it applies to City employees.

2. The Ethics Board will report annually on the function of the Ethics Program.

ARTICLE IV -
HEARING EXAMINER REVIEW
AND POSSIBLE SANCTIONS/FOLLOW-UP TO ETHICS COMPLAINTS

A. City Council Review of Complaints

1. If, after reviewing a complaint, the Ethics Board has determined: (1) that the existence of a violation of the Code of Ethics would depend on whether the facts are as stated by the complainant or as stated by the respondent, or (2) that a material violation of the Code of Ethics has likely occurred, either the complainant or the Board may submit the determination to the City Council so that the Council may decide whether further action is warranted. The City Clerk shall provide written notification to the complainant and the respondent of the time, date, and place of any City Council meeting at which the complaint will be discussed.

2. The Council shall initially review the complaint, response, and relevant supporting materials in executive session to determine whether there appears to be a sufficient factual basis to prove one or more Code of Ethics violations by clear and convincing evidence; provided, however, and consistent with RCW 42.30.110(1)(f), upon request of the respondent, the review shall be open to the public. The respondent shall have an opportunity to respond to the complaint. If Council determines that the complaint and attachments do not provide a sufficient factual basis to prove one or more Code of Ethics violations by clear and convincing evidence, the Council shall dismiss the complaint, and the complainant and the respondent shall be so informed. The action to dismiss the complaint shall be done by a majority vote of the Council in open public session; provided, that the respondent shall not participate in such a vote.

3. If the Council finds that the complaint and attachments appear to provide a sufficient factual basis to prove one or more Code of Ethics violations by clear and convincing evidence, the respondent shall be so informed. Such a finding shall be done by a majority vote of the Council present in open public session; provided, that the respondent shall not participate in such a vote. At that point, the respondent may:

- a. Admit the one or more of the Code of Ethics violations alleged in the complaint.
- b. Not admit the alleged Code of Ethics violations but expressly forego and waive any right to a hearing to contest the violations and any resulting sanction(s) imposed by City Council.
- c. Request a hearing before the City Hearing Examiner to present evidence to dispute, rebut, mitigate, explain or otherwise defend against any or all of the Code of Ethics violations alleged in the complaint.
- d. Remain silent.

4. If the respondent admits the Code of Ethics violations or remains silent, the City Council shall schedule and hold an executive session to hear from the respondent, and deliberate

~~upon the appropriate level of civil sanctions to be imposed, except to the extent that the respondent requests that he or she be heard in open public session. The written findings, conclusions, and sanctions shall be approved by a majority vote of the Council in open public session; provided, that the respondent shall not participate in such a vote. A copy of the findings, conclusions and sanctions shall be forwarded by registered mail to the complainant and to the respondent at addresses as given by both persons to the City Clerk.~~

AB. ~~___~~ -Hearing before City Hearing Examiner Review of Article II Complaints

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

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

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

~~42. Within 30-20 business days after the conclusion of the hearing, the Hearing Examiner shall, based upon a standard of proof of clear and convincing evidence, make findings of fact and conclusions of law. If the Hearing Examiner determines that the alleged Code of Ethics violation(s) have not been proven, the Hearing Examiner shall dismiss the complaint. If the Hearing Examiner determines that one or more Code of Ethics violation are proven, the Hearing Examiner shall forward the matter to the City Council for a determination regarding the appropriate level of sanctions to be imposed for the Code of Ethics (Article II) violations. In either event, a copy of the findings and conclusions shall be forwarded to the City Council, by registered mail to the person who made the complaint, and to the respondent at addresses as given by both-such persons to the Hearing Examiner.~~

BC. ~~___~~ -Action by City Council upon Hearing Examiner's Findings and Conclusion

1. ~~Upon~~ Within 45 business days of receipt of the Hearing Examiner's findings and conclusions that sustain a Code of Ethics violation, the City Council shall schedule an executive session to consider the findings and conclusions, hear from the respondent, and deliberate upon the appropriate level of civil sanction(s) to be imposed, except to the extent that the respondent requests that ~~he or she~~ they be heard in open public session. ~~The written findings, conclusions, and sanctions shall be approved by a majority vote of the Council in open public session; provided, that the respondent shall not participate in said vote. A copy of the findings, conclusions and sanctions shall be forwarded by registered mail to the person who made the complaint and to the respondent at addresses as given by both persons to the City Clerk.~~

2. ~~In the event that the City Council concludes that a Code of Ethics violation(s) has occurred, the~~ Council may impose any of the following sanctions in response to a sustained violation of the Code of Ethics:

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

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

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

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

3. The written findings, conclusions, and sanctions shall be approved by a majority vote of the Council in open public session; provided, that the respondent, if a Councilmember, shall not participate in said vote. A copy of the findings, conclusions, and sanctions shall be forwarded by registered mail to the complainant and to the respondent at addresses as given by both persons to the City Clerk.

**ARTICLE V -
ETHICS BOARD**

A. Creation, Terms, and Appointments

1. Membership of Ethics Board

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

2. Qualifications of Board Members

a. Members of the Board shall represent a diverse set of backgrounds and interests.

b. At least one member of the Ethics Board shall be a former judicial officer or have expertise in ethics acquired through education or experience.

c. Members appointed or reappointed after the effective date of Resolution No. 2019-26, updating the Ethics Program, shall not be employees or officers of the city or individuals appointed to another city committee or commission.

3. Method of Appointment

a. Members of the Ethics Board shall be nominated by the Mayor and confirmed by the City Council.

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

4. Terms of Appointment

a. Board members shall be appointed to terms of three years; however, the first two members nominated by the Mayor and confirmed by the City Council shall initially serve one-year terms to achieve staggered ending dates.

b. If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.

c. Each member shall continue to serve until a successor has been appointed, unless the member is removed or resigns.

5. Removal of Board Members

a. The absence of any member of the Board from three (3) official consecutive meetings, unless the Board has excused the absence for good and sufficient reasons as determined by the Board, shall constitute a resignation from the Board.

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

6. Compensation

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

7. Rules

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

8. Consultation with City Attorney

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

A. Purpose of the Ethics Board

Maintaining an Ethics Board will help to ensure that City government adheres to the highest standards of public service. The Board is responsible for:

1. Training all elected officials, and members of City Committees and Commissions covered by the Code of Ethics.
2. Working with City Administration so that major contractors and employees (even though they are not covered by this document) read and are familiar with the Code of Ethics in this document and other applicable City documents regarding ethical behavior.
3. Providing responses to complaints, advisory opinions and requests for waivers regarding the Code of Ethics.

The Ethics Board shall promote an understanding of ethical standards for City officials, officers, and contractors working with the City, and the general public. Respect for all citizens, including elected officials, will be one of the highest priorities of the Ethics Board. The Board's

~~responsibilities are described below, along with a description of the membership of the Ethics Board.~~

B. Training Provided by the Ethics Board

The Ethics Board shall perform the following training related duties:

1. At least ~~biannually~~every two years, the Ethics Board shall prepare and distribute a pamphlet describing ~~this the Code of Conduct (Article I) and~~ Code of Ethics ~~(Article II)~~ to all ~~covered persons~~Councilmembers and members of City Committees and Commissions, after ~~obtaining the review of the pamphlet by the~~ City Attorney's ~~review~~Office. The Ethics Board shall ensure that all new Councilmembers and members of City Committees and Commissions receive a pamphlet on this Code of Ethics.
2. The Ethics Board shall disseminate any change in policy that results from a finding of the Board, after review by the City Attorney's Office.
- ~~3. The Ethics Board shall ensure that all new elected officials and members of City Committees and Commissions receive a pamphlet on this Code of Ethics.~~
- ~~34.~~ The Ethics Board shall develop and present a training course on the Code of Ethics to be presented to all ~~elected official~~Councilmembers and members of City Committees and Commissions ~~on a biannual basis~~at least once every two years.

C. Training Provided to the Ethics Board

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

DE. — Annual Report

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

D. Creation, Terms, and Appointments

1. Membership of Ethics Board

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

2. Qualifications of Board Members

- ~~a. Members of the Board shall represent a diverse set of backgrounds and interests.~~
- ~~b. No more than one officer or official of the City may serve on the Board.~~
- ~~c. At least one member of the Ethics Board shall be a former judicial officer or have expertise in ethics acquired through education or experience.~~

3. Method of Appointment

- ~~a. The Mayor shall nominate Board members for confirmation by the City Council. Members shall be nominated individually, not in groups of two or more persons. Confirmation of each member shall require a unanimous vote of the City Council.~~
- ~~b. The Mayor and City Council shall work cooperatively to ensure that any person who is nominated enjoys the required support of the City Council. Nominations shall be presented at meetings of the City Council where all seven Councilmembers are present.~~

4. Terms of Appointment

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

Commented [RS12]:

Discussion Point #9: Should the Ethics Board be allowed to request training for its members? If so, should such requests be submitted to the City Council along with the Ethics Board's annual report?

The Ethics Board has indicated a desire to receive additional training in the future. As drafted, the revised Ethics Programs would direct such requests for training to be included in the annual report to the City Council.

e. ~~Each member shall continue to serve until a successor has been appointed, unless the member is removed or resigns.~~

5. ~~Removal of Board Members~~

a. ~~The absence of any member of the Board from three (3) official consecutive meetings, unless the Board has excused the absence for good and sufficient reasons as determined by the Board, shall constitute a resignation from the Board.~~

b. ~~The appointing authority may remove a member for inappropriate conduct before the expiration of the member's term. Before removing a member, the appointing authority shall specify the cause for removal and shall give the member the opportunity to make a personal explanation. Before removing the member who is jointly appointed, either the Mayor or the Council shall specify the cause for removal and shall give the member the opportunity to make a personal explanation.~~

6. ~~Compensation~~

~~Members of the Ethics Board shall serve without compensation. A member who is an officer or employee of the City shall not receive any additional compensation for serving on the Ethics Board. Members may be reimbursed for reasonable expenses pursuant to the rules of the City.~~

7. ~~Rules~~

~~The City Council shall approve all rules, which have been adopted by the Ethics Board, by resolution.~~

8. ~~Consultation with City Attorney~~

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

ARTICLE VI - DEFINITIONS

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

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

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

"Direct official action" means any action which involves any of the following:

1. Negotiating, approving, disapproving, administering, enforcing, or recommending for or against a contract, purchase order, lease, concession, franchise, grant, or other similar instrument in which the City is a party. -With regard to "recommending," direct official action occurs only if the person making the recommendation is in the formal line of decision-making.
2. Enforcing laws or regulations or issuing, enforcing, or regulating permits.
3. Selecting or recommending vendors, concessionaires, or other types of entities to do business with the city.
4. Appointing and terminating employees, temporary workers, and independent contractors.
5. Doing research for, representing, or scheduling appointments for an officer, official, or employee, provided that these activities are provided in connection with that officer's, official's, or employee's performance of 1 through 4 above.

Direct official action does not include acts that are purely ministerial (that is, acts which do not affect the disposition or decision with respect to the matter). -With regard to the approval of contracts, direct official action does not include the signing by the Mayor, City Manager, or other official as required by law, unless the official initiated the contract or is involved in selecting the contractor or negotiating or administering the contract. A person who abstains from a vote is not exercising direct official action.

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

~~**"Elected Official"** means a member of the City Council.~~

"Gift" means any favor, reward, or gratuity and any money, good, service, travel, event ticket, lodging, dispensation, or other thing of value that is given, sold, rented, or loaned to a person without reasonable compensation and that is not available to the general public on the same

terms and conditions. Any honoraria or payment for participation in an event will be considered a gift.

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

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

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

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

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

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

Updated
Resolution No. 2019-26

Commented [RS1]: Discussion Point #1: Should the City's Ethics Program be renamed?

The Ethics Board recommends changing the name to "Code of Conduct and Ethics Program."

Commented [RS2]: To be filled in once revisions are finalized.

TABLE OF CONTENTS

Commented [RS3]: To be completed once revisions are finalized.

DRAFT

CITY OF BAINBRIDGE ISLAND CODE OF CONDUCT AND ETHICS PROGRAM

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

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

Commented [RS4]:
Discussion Point #2: Who should be able to submit a complaint under the Ethics Program?

The Ethics Board recommends that any individual be allowed to submit a complaint.

ARTICLE I - CODE OF CONDUCT

A. Preamble

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

B. Core Values

1. Service, Helpfulness, Innovation

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

2. Integrity

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

3. Equality, Fairness, Mutual Respect

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

4. Responsibility, Stewardship, Recognition

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

C. Ethics Principles

1. Obligations to the Public

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

Commented [RS5]:

Discussion Point #3: Should Article I be referred to as the "Code of Conduct" rather than as the "Core Values and Ethics Principles"?

The Ethics Board recommends changing the name of Article I to "Code of Conduct," which would consist of the "Core Values and Ethics Principles" outlined in Article I.

2. Obligations to Others

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

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

3. Obligations Regarding the Use of Public Resources

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

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

ARTICLE II - CODE OF ETHICS

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

A. Gifts and Compensation

1. Limitations on City-Related Gifts and Outside Compensation

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

2. Exceptions to Gift Limitations

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

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

the City or doing or seeking to do business with City must be approved in advance by the Mayor or, if the Mayor is the recipient, by the Deputy Mayor or the Mayor Pro Tem.

3. Immediate Family Gift Exception

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

B. Use of City Property by Councilmembers

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

C. Confidentiality

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

D. Conflict of Interest - General

1. Applications of Conflict of Interest

Except as permitted in subsections (2) or (3) below, a Councilmember or member of a City Committee or Commission shall not directly, or indirectly through a subordinate or fellow officer, official, or employee, take any direct official action on a matter on behalf of the City if they, or a member of their immediate family:

- a. Has any substantial direct or indirect contractual employment related to the matter;
- b. Has other financial or private interest in that matter (which includes serving on a Board of Directors for any organization); or

- c. Is a party to a contract or the owner of an interest in real or personal property that would be significantly affected by the action.

2. Conflict of Interest Exceptions for Councilmembers

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

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

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

Subsection (1) above shall not apply to a member of a City Committee or Commission appointed based on that member's ownership or lease of certain real property or of that member's ownership of a business located in a certain area of the City when that member takes direct official action on a matter concerning or affecting that certain business or that certain owned or leased real property. In addition, subsection (1) above shall not apply to a member of a City Committee or Commission provided that the member fully discloses the financial interest on the public record of the City Committee or Commission and the Committee or Commission votes to allow the person to participate in discussion or the vote.

4. Disclosure for Councilmembers

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

Commented [RS6]:

Discussion Point #4: Should there be an exemption for committees where membership is based on ownership over certain real property or a business located in a certain area?

The Ethics Board recommends this addition to address Committees or Commissions where members are appointed based on property or business ownership.

E. Conflict of Interest-After Leaving Elected City Office

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

F. Conflict of Interest - Family Members of Councilmembers

1. Appointment of Family Members

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

2. Supervision of Family Members

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

3. Waivers

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

G. Conflict of Interest - Contractors

Every major contractor submitting bids to the City shall include a statement affirming that they have read the Code of Ethics and agree to abide by its guiding principles and rules. Further, the contractor must affirm that neither the contractor nor any agent of the contractor has made any prohibited gift to a Councilmember who is involved in direct official action on the bid or has a relationship to such an official that would create a conflict of interest for that official.

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

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

I. Conduct of Public Meetings

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

ARTICLE III - ENFORCEMENT OF THE ETHICS PROGRAM

A. Submission of Ethics Complaints

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

B. Review of Article I Complaints

1. The City Clerk shall refer to a trained mediator for reconciliation complaints alleging one or more violations of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission.
2. As soon as practicable following receipt of a complaint, the City Clerk, or designee, shall schedule the time and place for reconciliation of the complaint. However, if the complainant refuses to participate in reconciliation, then no reconciliation shall be scheduled and no further action shall be taken on the complaint. If the respondent refuses to participate in reconciliation, then no reconciliation shall be scheduled and the City Clerk shall instead refer the complaint to the Ethics Board for review and issuance of an advisory opinion in accordance with Article III, subsections (B)(4)(b)(i)-(v).
3. To facilitate timely reconciliation, the City Manager is authorized to, as needed, negotiate, execute, or amend a contract with the Dispute Resolution Center of Kitsap County, or other similar firm or organization, for the provision of trained mediators suitable for facilitating reconciliation to resolve complaints.

Commented [RS7]:

Discussion Point #5: Should the title of Article III refer to enforcement?

The Ethics Board expressed some discomfort with the use of the word "enforcement" in the title of Article III.

Commented [RS8]:

Discussion Point #6: What process should apply where the Ethics Board initiates its own complaint involving Article I or Article II?

Commented [RS9]:

Discussion Point #7: What should happen if the complainant or the respondent refuses to participate in reconciliation to resolve an Article I complaint?

Under state law, mediation generally must be voluntary. Therefore, while the City can make mediation the first step in the process, it cannot mandate that both parties participate.

However, the City is not required to provide a process for receiving and reviewing complaints concerning Article I. To the extent that a process is provided, the City can say that no process will occur if one or both of the parties refuse to participate in mediation.

As drafted, if the complainant refuses to participate in reconciliation, then no further action will be taken on the complaint. If the respondent refuses to participate in reconciliation, then the matter is referred to the Ethics Board for an advisory opinion.

The Ethics Board expressed concern with making reconciliation mandatory.

4. Reconciliation shall occur at the time and place scheduled. Within 10 business days following reconciliation, either the complainant or the respondent may request that the complaint be referred to the Ethics Board for review and issuance of an advisory opinion on the matter. Such requests must be submitted to the City Clerk, who shall then forward the request to the Ethics Board and provide notice of the request to the other party.

- a. If no request is received within 10 business, no further action shall be taken on the complaint.
- b. If a request is received within 10 business days, the following subsections apply:
 - i. The Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.
 - ii. The Ethics Board shall then review the complaint and response, if submitted. The Ethics Board's review shall be limited to the complaint and the response, if submitted. In the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent. However, the Ethics Board shall not engage in other fact-finding.
 - iii. If, in reviewing the complaint and response, a question of fact exists, the Ethics Board shall identify the existence of the question of fact in its advisory opinion.
 - iv. After reviewing the matter, the Ethics Board shall issue an advisory opinion, which shall be forwarded to the City Clerk for publication along with the complaint and response, if submitted. The City Clerk shall provide notice to both the complainant and respondent of the issuance of the advisory opinion.
 - v. The Ethics Board shall strive to complete its review and issue an advisory opinion within 45 business days from the date that the City Clerk forwarded the request to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its advisory opinion shall specify the reasons for why additional time was needed.

Commented [RS10]: See new definition of "question of fact."

C. Review of Article II Complaints

1. The City Clerk shall refer to the Ethics Board complaints alleging one or more violations of the Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission.
2. Upon receipt of a complaint, the Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.

3. The Ethics Board shall review any complaint forwarded to it by the City Clerk and a response submitted by the respondent. The Ethics Board shall not engage in other fact-finding. However, in the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent.
4. After reviewing the complaint and the response, if one was submitted, the Ethics Board shall take one or more of the following actions and inform the complainant, the respondent, and the City Clerk accordingly:
 - a. Refer the complaint back to the City Clerk if the complaint alleges violations of the Code of Conduct (Article I) rather than alleged violations of the Code of Ethics (Article II);
 - b. Determine that the complaint lacks reasonable credibility;
 - c. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics;
 - d. Determine that facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any possible violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics (Article II);
 - e. Issue an advisory opinion if the subject of the complaint is more appropriate for such action;
 - f. Hold the complaint for action at a future time if the matter is the subject of litigation; or
 - g. Determine that, based on the submissions of the complainant and the respondent, review by the Hearing Examiner is warranted.
5. The Ethics Board shall strive to complete its review within 45 business days from the date that the City Clerk forwarded the complaint to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its determination shall specify the reasons why additional time was needed.
6. If the Ethics Board determines that, based on the submissions of the complainant and the respondent, review by the Hearing Examiner is warranted, the Board shall forward its determination, along with the complaint and response to the complainant, respondent, and the City Clerk. The City Clerk will then forward the Board's determination and associated materials to the Hearing Examiner for review and further proceedings in accordance with Article IV.
7. The Ethics Board shall report apparent violations of law to the appropriate authorities.

D. Review of Complaints Concerning City Employees

1. The City Clerk shall refer complaints concerning City employees to the City Manager.
2. The City Manager shall review any ethics complaint forwarded by the City Clerk and determine the appropriate course of action to address the complaint including, as applicable, authorizing such investigations as may be necessary to determine whether a violation has occurred, consistent with state law as well as relevant policies, procedures, and collective bargaining agreements.
3. Upon making a determination that no violation of ethics rules has occurred, the City Manager shall provide a written response regarding the determination to the complainant.
4. Upon making a determination that a violation of ethics rules has occurred, the City Manager or other appropriate City officer shall take action as guided by state law and relevant policies, procedures, and collective bargaining agreements.
5. In the event of a violation, the City Manager shall provide a response to the complainant outlining the substance of the violation and the action taken, subject to governing rules regarding confidentiality articulated in state law, City policy, and collective bargaining agreements.
6. Apparent violations of law shall be reported to the appropriate authorities, as applicable.

E. Requests for Advisory Opinions

1. To the extent outlined below, the following individuals or bodies may submit to the City Clerk a request for an advisory opinion from the Ethics Board:
 - a. A Councilmember or member of a City Committee or Commission may request an advisory opinion from the Ethics Board as to whether their own behavior has violated or might in the future violate the Code of Conduct (Article I) or the Code of Ethics (Article II).
 - b. The City Council may request an advisory opinion from the Ethics Board regarding City policies or practices in relation to the Code of Conduct (Article I) or the Code of Ethics (Article II).
 - c. City Committees and Commissions may request an advisory opinion from the Ethics Board regarding operating rules or practices in relation to the Code of Conduct (Article I) or the Code of Ethics (Article II).
2. Requests for advisory opinions must be submitted to the City Clerk on a form supplied by the Ethics Board.

3. The Ethics Board, on its own initiative, may prepare its own advisory opinions concerning the Code of Conduct (Article I) or the Code of Ethics (Article II). If the advisory opinion concerns the behavior of one or more specific individuals, then, prior to issuance of the advisory opinion, the Ethics Board shall provide each individual with a reasonable amount of time to submit a written response to the concerns raised by the Ethics Board. The Ethics Board shall submit finalized advisory opinions to the City Clerk for publication along with any responses submitted. If such advisory opinions concerns the behavior of a specific individual, the Ethics Board shall inform the City Clerk, who shall then forward a copy of the advisory opinion to that individual.

4. The grant of authority in this section is supplemental to, and does not change, the authority granted to the Ethics Board in sections B and C above.

F. Waivers

Councilmembers may request a waiver from the Ethics Board of the conflict of interest restrictions related to the hiring of and supervision over family members, as provided by Article II, Section F. The Board shall publish both the request and its response.

G. Effect of Advisory Opinion or Waiver

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

Commented [RS11]: Discussion Point #8: What process should the Ethics Board follow when issuing, on its own initiatives, its own advisory opinions?

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

A. Hearing Examiner Review of Article II Complaints

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

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

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

2. The Council may impose any of the following sanctions in response to a sustained violation of the Code of Ethics:

- a. Admonition: An admonition shall be a verbal non-public statement made by the Mayor, Deputy Mayor, or Mayor Pro Tem to the Councilmember or member of a City Committee or Commission who has violated the Code.
- b. Reprimand: A reprimand shall be a letter prepared by the City Council, signed by the Mayor, Deputy Mayor, or Mayor Pro Tem, and directed to the Councilmember or member of a City Committee or Commission who has violated the Code.
- c. Censure: A censure shall be a written statement administered personally by the Mayor, Deputy Mayor, or Mayor Pro Tem to the Councilmember or member of a City Committee or Commission who has violated the Code violation. The Councilmember or member of a City Committee or Commission shall appear at a time and place directed by the City Council to receive the censure. The censure shall be given publicly and the official who has violated the Code shall not make any statement in support or opposition thereto or in mitigation. A censure shall be deemed administered at the time it is scheduled whether or not the Councilmember or member of a City Committee or Commission appears as required.
- d. Other sanctions: Any sanction imposed under this Ethics Program is in addition to and not in lieu of any other penalty, sanction, or remedy which may be imposed or sought according to law or equity.

3. The written findings, conclusions, and sanctions shall be approved by a majority vote of the Council in open public session; provided, that the respondent, if a Councilmember, shall not participate in said vote. A copy of the findings, conclusions, and sanctions shall be forwarded by registered mail to the complainant and to the respondent at addresses as given by both persons to the City Clerk.

ARTICLE V - ETHICS BOARD

A. Creation, Terms, and Appointments

1. Membership of Ethics Board

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

2. Qualifications of Board Members

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

3. Method of Appointment

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

4. Terms of Appointment

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

5. Removal of Board Members

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

6. Compensation

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

7. Rules

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

8. Consultation with City Attorney

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

B. Training Provided by the Ethics Board

The Ethics Board shall perform the following training related duties:

1. At least every two years, the Ethics Board shall prepare and distribute a pamphlet describing the Code of Conduct (Article I) and Code of Ethics (Article II) to all Councilmembers and members of City Committees and Commissions, after review of the pamphlet by the City Attorney's Office. The Ethics Board shall ensure that all new Councilmembers and members of City Committees and Commissions receive a pamphlet on this Code of Ethics.
2. The Ethics Board shall disseminate any change in policy that results from a finding of the Board, after review by the City Attorney's Office.
3. The Ethics Board shall develop and present a training course on the Code of Ethics to be presented to all Councilmembers and members of City Committees and Commissions at least once every two years.

C. Training Provided to the Ethics Board

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

D. Annual Report

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

Commented [RS12]:

Discussion Point #9: Should the Ethics Board be allowed to request training for its members? If so, should such requests be submitted to the City Council along with the Ethics Board's annual report?

The Ethics Board has indicated a desire to receive additional training in the future. As drafted, the revised Ethics Programs would direct such requests for training to be included in the annual report to the City Council.

ARTICLE VI - DEFINITIONS

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

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

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

“Direct official action” means any action which involves any of the following:

1. Negotiating, approving, disapproving, administering, enforcing, or recommending for or against a contract, purchase order, lease, concession, franchise, grant, or other similar instrument in which the City is a party. With regard to "recommending," direct official action occurs only if the person making the recommendation is in the formal line of decision-making.
2. Enforcing laws or regulations or issuing, enforcing, or regulating permits.
3. Selecting or recommending vendors, concessionaires, or other types of entities to do business with the city.
4. Appointing and terminating employees, temporary workers, and independent contractors.
5. Doing research for, representing, or scheduling appointments for an officer, official, or employee, provided that these activities are provided in connection with that officer's, official's, or employee's performance of 1 through 4 above.

Direct official action does not include acts that are purely ministerial (that is, acts which do not affect the disposition or decision with respect to the matter). With regard to the approval of contracts, direct official action does not include the signing by the Mayor, City Manager, or other official as required by law, unless the official initiated the contract or is involved in selecting the contractor or negotiating or administering the contract. A person who abstains from a vote is not exercising direct official action.

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

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

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

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

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

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

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



CITY OF
BAINBRIDGE ISLAND

Office of the City Attorney
Memorandum

Date: August 2, 2019

To: City Council

From: Robbie Sepler, Deputy City Attorney

Re: Revisions to the City's Ethics Program;
Potential Discussion Points for the City Council

To facilitate Council consideration of the proposed revisions to the City's Ethics Program, the Council may wish to consider the following discussion points, which stem from the review of the draft revisions by staff and by the Ethics Board. These discussion points are included as comments to both the clean and redlined versions of the proposed revisions, which are included in the agenda packet.

1. Should the City's Ethics Program be renamed? (The Ethics Board recommends "Code of Conduct and Ethics Program.")
2. Who should be able to submit a complaint under the Ethics Program? (The Ethics Board recommends that any individual be allowed to submit a complaint.)
3. Should Article 1 be referred to as the "Code of Conduct" rather than as the "Core Values and Ethics Principles"? (The Ethics Board prefers "Code of Conduct.")
4. Should there be an exemption from the City's conflict of interest rules for committees (e.g., subarea planning steering committees) where membership is based on ownership of certain real property or a business located in a certain area? (The Ethics Board believes there should be.)
5. Should the title of Article III refer to enforcement? (The Ethics Board expressed discomfort with the use of the word enforcement.)

6. What process should apply where the Ethics Board initiates its own complaint involving Article I or Article II? (No Ethics Board recommendation. In the absence of Council direction, the Ethics Board could adopt operating rules outlining a process to be followed.)
7. What should happen if the complainant or the respondent refuses to participate in reconciliation to resolve an Article I complaint? (The Ethics Board expressed concern with making reconciliation mandatory.)
8. What process should the Ethics Board follow when issuing, on its own initiative, its own advisory opinions? (No Ethics Board recommendation. Draft revisions include that notice and an opportunity to submit a written response be provided to individuals named in such advisory opinions. In the absence of Council direction, the Ethics Board could adopt operating rules outlining a process to be followed.)
9. Should the Ethics Board be allowed to request training for its members? If so, should such requests be submitted to the City Council along with the Ethics Board's annual report? (The Ethics Board expressed interest in receiving training but did not recommend a specific process for making a request for such training.)



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: August 6, 2019

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (9:30 PM) Future Council Agendas

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Council will review future Council agendas.

SUMMARY:

Council will review future Council agendas.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[City Council Regular Business Meeting 081319](#)

[City Council Study Session 082019](#)

[City Council Regular Business Meeting 082719](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, AUGUST 13, 2019**

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

AGENDA

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE - 6:00 PM**
- 2. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
- 3. PUBLIC COMMENT**
- 4. MAYOR'S REPORT**
- 5. CITY MANAGER'S REPORT**
- 6. CLOSED RECORD PROCEEDING**
 - 6.A Resolution No. 2019-21 - Wallace Way Cottages Final Subdivision - Planning,**
Resolution No. 2019-21 Wallace Way Cottages Final Subdivision.docx
Exhibit_A_Compliance_Notation_Report .docx
Exhibit B Performance Bond.pdf
Exhibit C Final plat drawings 25JUL2019.pdf
Exhibit D Hearing Examiner Decision 25JUL2018 Wallace Cottages Design Demo PP.pdf
Exhibit E City Development Engineer Recommendation.pdf
Exhibit F Public Benefit, Development and Permit Processing Agreement.pdf
- 7. UNFINISHED BUSINESS**
 - 7.A Dave Ullin Open Water Marina (DUOWM) Buoy Removal and Install Contract Award - Public Works,**
BID_FORM_100818.docx
Norwest Marine LLC Contract AC.docx
DUOWM_PLANS_.pdf
MAC Rec Memo_012819.docx
 - 7.B Resolution No. 2019-25, Opposing Initiative 976 Concerning Motor Vehicle Taxes and Fees,**
Bainbridge_Island_Initiative_976_FAQ (1).docx
Vehicles_subject_to_fees.docx

7.C Review Letter Relating to Federal Regulation of Small Wireless Facilities - Deputy Mayor Tirman and Councilmember Nassar,

7.D Small Wireless Facility Design Standards,

7.E (XX) Emergency Rental Assistance Professional Service Agreement with Helpline House Use of Housing Trust Fund - Finance,

Memo to COBI Council re Housing Trust fund 2019

Summary statement of expenses.docx

8. NEW BUSINESS

8.A Ordinance No. 2019-20 Relating to 2019 2nd Quarter Budget and Updated Capital Improvement Plan Amendments - Finance,

Ord_2019-XX_Attachment_A_-_Q2_Budget_Amendments.pdf

ORD_2019-XX_2019_2ND_QTR_Budget_Amendments.pdf

8.B Interlocal Agreement with Bainbridge Island School District for a Stop Paddle Camera Test Program - Police,

8.C 2019 Annual Drainage Projects - Public Works,
2019 Location Map.pdf

8.D Resolution No. 2019-24 Updating the City's Procurement Policy - Public Works,

Resol No. 2019-24 - Procurement Manual Update.docx

ESSB 5418 Bill Analysis.pdf

FINALProcurementPolicyUpdates_KGRedlinesREADABLE COPY.docx

8.E Sidewalk Cutting and Replacement Contract - Public Works,

BID_FORM_07122019.docx

Sidewalk Repair Contract_AC.docx

Attachment C Road List.xlsx

9. CONSENT AGENDA

9.A Agenda Bill for Consent Agenda

9.B Accounts Payable and Payroll

9.C City Council Study Session Minutes, July 16, 2019

9.D City Council Regular Business Meeting Minutes, July 23, 2019

**9.E Memorandum of Understanding with the Suquamish Tribe for Impact Mitigation Grant Funding - Police,
2019 Impact Mitigation Grant MOU**

**9.F Ordinance No. 2019-19, Prohibiting the Stopping, Standing, or Parking of Vehicles in Bicycle Facilities - Public Works,
Ordinance No. 2019-19, Prohibiting the Stopping, Standing, or Parking of Vehicles in Bicycle Facilities**

**9.G Request for Proposals for 2020-2021 Cultural Funding Award Cycle - Executive,
2020-2021 Cultural Funding RFP for CC 07232019
2020-21_Cultural_Funding_RFP-Slides_for_CC_07232019.pptx**

10. COMMITTEE REPORTS

10.A Committee Reports,

11. FOR THE GOOD OF THE ORDER

12. ADJOURNMENT

GUIDING PRINCIPLES

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

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

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

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

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

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

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

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



City Council meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the City Clerk's Office at 206-780-8604 or cityclerk@bainbridgewa.gov by noon on the day preceding the meeting.



**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL STUDY SESSION
TUESDAY, AUGUST 20, 2019**

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

AGENDA

- 1. CALL TO ORDER / ROLL CALL - 6:00 PM**
- 2. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**
- 3. MAYOR'S REPORT**
- 4. PRESENTATIONS**
 - 4.A Staff Briefing on Population Allocation - Puget Sound Regional Council (PSRC) Vision 2050 Plan - Planning**
- 5. UNFINISHED BUSINESS**
- 6. NEW BUSINESS**
 - 6.A Transportation Concurrency Review - Public Works, Traffic Impact Analysis August 2019.pptx**
- 7. CITY COUNCIL DISCUSSION**
- 8. FUTURE COUNCIL AGENDAS**
 - 8.A Future Council Agendas**
- 9. FOR THE GOOD OF THE ORDER**
- 10. ADJOURNMENT**

GUIDING PRINCIPLES

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

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

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

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

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

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

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

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



City Council meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the City Clerk's Office at 206-780-8604 or cityclerk@bainbridgewa.gov by noon on the day preceding the meeting.



**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, AUGUST 27, 2019**

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

AGENDA

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE - 6:00 PM**
- 2. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
- 3. PUBLIC COMMENT**
- 4. MAYOR'S REPORT**
- 5. CITY MANAGER'S REPORT**
- 6. PRESENTATION(S)**
- 7. PUBLIC HEARING(S)**
 - 7.A (X PM) Ordinance No. 2019-03, Relating to Subdivision Update - Planning (PLACEHOLDER),**
- 8. UNFINISHED BUSINESS**
 - 8.A 2019 Annual Drainage Projects Award PLACEHOLDER**
 - 8.B Ordinance No. 2019-09 Relating to Accessory Dwelling Units (ADUs) - Planning,**
City Zoning Map
Staff Memo re tiny home Appendix Q adoption
Appendix Q
BIFD memo - RVs - CC 23 Jul 2019.pdf
- 9. NEW BUSINESS**
 - 9.A Re-establishment of Salary Commission**

9.B Noxious Weed Control Interlocal Agreement Amendment No. 1- Public Works,
DRAFT AMENDMENT NO. 1 TO ILA_src.docx

9.C 2019 Midyear Report - Finance

9.D Memorandum of Understanding between Kitsap County Sheriffs Office and Bainbridge Island Police Department Regarding Registered Sex Offender Address/Residency Verification Program Grant - Police,
2019-20 MOU WASPC RSO Bainbridge Island PD.pdf

10. CITY COUNCIL DISCUSSION

11. CONSENT AGENDA

11.A Agenda Bill for Consent Agenda

11.B Accounts Payable and Payroll

12. COMMITTEE REPORTS

12.A Committee Reports

13. FOR THE GOOD OF THE ORDER

14. ADJOURNMENT

GUIDING PRINCIPLES

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

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

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

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

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

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

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

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



City Council meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the City Clerk's Office at 206-780-8604 or cityclerk@bainbridgewa.gov by noon on the day preceding the meeting.

