



CITY OF
BAINBRIDGE ISLAND

**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, JULY 14, 2020**

ZOOM WEBINAR

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:
[HTTPS://BAINBRIDGEWA.ZOOM.US/J/93475038426?PWD=CJC2MLLSKPI1DDVTLMCVZ5EMTUQT09](https://bainbridgewa.zoom.us/j/93475038426?pwd=CJC2MLLSKPI1DDVTLMCVZ5EMTUQT09)
PASSWORD: 518633

OR IPHONE ONE-TAP :

US: +12532158782,,93475038426# OR +13017158592,,93475038426#

OR TELEPHONE:

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

US: +1 253 215 8782 OR +1 301 715 8592 OR +1 312 626 6799 OR +1 346 248 7799 OR +1 646 558 8656

OR +1 669 900 9128

WEBINAR ID: 934 7503 8426

AGENDA

1. **CALL TO ORDER/ROLL CALL - 6:00 PM**
2. **EXECUTIVE SESSION**
 - 2.A **(6:05 PM) Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, 30 Minutes**
3. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE - 6:35 PM**
4. **PUBLIC COMMENT - 6:40 PM**

In order to streamline the meeting and promote clarity and efficiency, public comment on all topics will only be accepted during this time.

 - 4.A **Instructions for Providing Public Comment in Remote Meetings - City Clerk,**

5. **MAYOR'S REPORT - 6:55 PM**
6. **CITY MANAGER'S REPORT - 7:00 PM**
7. **FUTURE COUNCIL AGENDAS**
 - 7.A **(7:05 PM) Future Council Agendas, 10 Minutes**
[July 28 City Council Regular Business Meeting.pdf](#)
[August 4 City Council Study Session.pdf](#)
8. **UNFINISHED BUSINESS**
 - 8.A **(7:15 PM) Resolution No. 2020-08, Updating the City's Financial and Budget Policies - Finance, 10 Minutes**
[Resolution No. 2020-08, Establishing Financial and Budget Policies - Revised for 7-14-20 CM Resolution No. 2019-24 Updating the City's Procurement Policy Approved 100819.pdf](#)
[RES 2016-20 Adopting a Municipal Securities Disclosure Policy Approved 082316.pdf](#)
[Resolution No. 2016-18 Amending Resolution No. 2009-02 Surplus Property Approved 082316.pdf](#)
[RES 93-52 - Investment Policy.pdf](#)
9. **NEW BUSINESS**
 - 9.A **(7:25 PM) Review of Police Department Use of Force Policy - Police, 30 Minutes**
[Use of Force Briefing CC 14 Jul 2020.pdf](#)
 - 9.B **(7:55 PM) Emergency COVID-19 Cleaning Contract Amendment No. 1 - Public Works, 5 Minutes**
[Janitorial Covid Orig Contract - Exec.pdf](#)
[Janitorial Covid Contract Amendment No. 1 Exec.pdf](#)
[Resolution No. 2020-06 COVID-19 - Affirming Proclamation of Emergency Approved 031020.pdf](#)
 - 9.C **(8:00 PM) Springbrook Creek and Manzanita Creek Watershed Planning – Department of Ecology Puget Sound Natural Estuary Program Grant Acceptance and Budget Amendment - Public Works, 5 Minutes**
[2018 NTA Watershed Planning Email.pdf](#)
 - 9.D **(8:05 PM) Chlorine Generator Upgrades Professional Services Agreement - Public Works, 5 Minutes**
[PSA with RH2 Engineering, Inc.](#)
[Attachment C to PSA with RH@ Engineering, Inc.](#)
 - 9.E **(8:10 PM) Bainbridge Parks Foundation Bench Donations - Public Works, 5 Minutes**
[Bench Donation Agreement.docx](#)
[Attachment A Bench description.pdf](#)
[Attachment B Bench locations.pdf](#)

- 9.F **(8:15 PM) Ordinance 2020-03 "Housekeeping" Changes: Revising Chapters 2.14, 2.16, 18.09, 18.12, 18.15, and 18.36 BIMC - Planning, 30 Minutes**
 July 14 Staff Memo for Housekeeping Ordinance
 Title 2 Changes Summary Table
 Title 18 Changes Summary Table
 Ordinance No. 2020-03
 Exhibit A Title 2 Housekeeping Changes
 Exhibit B BIMC 18.09.020 Use Table Excerpt Temporary Uses
 Exhibit C Title 18 Housekeeping Changes
 PLANNING COMMISSION MINUTES 102419

- 9.G **(8:45 PM) Resolution No. 2020-04 Amending the City's Fee Schedule to add a "Temporary Construction Staging Permit" Fee and a Deposit Fee for Third Party Review of Environmental Reports - Planning, 5 Minutes**
 Resolution No. 2020-04 Amending Fee Schedule.pdf

- 9.H **(8:50 PM) Ordinance No. 2020-02 Relating to Accessory Dwelling Units (ADUs) - Planning, 20 Minutes**
 20200714 Staff Memo on ADUs.docx
 Ordinance No. 2020-02.docx
 October 2018 Legal Memo on ADUs
 031220 Planning Commission Minutes
 Planning Commission Subcommittee Recommendations Regarding ADUs
 ADU Use Specific Standards 18.09.030
 Building Official Memo re Tiny Home Appendix Q Adoption

- 9.I **(9:10 PM) Resolution No. 2020-14, Authorizing Use of Electronic Signatures in City Business - Executive, 5 Minutes**
 Resolution No. 2020-14 Authorizing Use of Electronic Signatures

- 9.J **(9:15 PM) Agreement with the Kitsap Public Health District for Network Improvements, Security Consultation, and Training - Executive, 5 Minutes**
 Bainbridge Island - Kitsap Public Health - Network Security Consultation and Training Agreement

10. COUNCIL DISCUSSION

- 10.A **(9:20 PM) Potential Process for Time Limits for Speaking at Council Meetings - Councilmember Hytopoulos, 15 Minutes**

- 10.B **(9:35 PM) Options for a Council Discussion on Conduct and Process - Councilmember Hytopoulos, 20 Minutes**

11. CONSENT AGENDA

- 11.A **(9:55 PM) Agenda Bill for Consent Agenda, 5 Minutes**

- 11.B Accounts Payable and Payroll**
Payroll.pdf
AP Report to Council of Cash Disbursements 07-15-20.pdf
- 11.C City Council Study Session Minutes, June 16, 2020**
City Council Study Session Minutes June 16, 2020.pdf
- 11.D Special Joint City Council and Planning Commission Meeting Minutes, June 22, 2020**
Special Joint City Council and Planning Commission Meeting Minutes June 22, 2020.pdf
- 11.E City Council Regular Business Meeting Minutes, June 23, 2020**
City Council Regular Business Meeting Minutes June 23, 2020.pdf
- 11.F Special City Council Meeting Minutes, June 30, 2020**
Special City Council Meeting June 30, 2020.pdf
- 11.G Sportsman Club & New Brooklyn Intersection Improvements Supplemental Agreement No. 2 - Public Works, 5 Minutes**
Supplemental Agreement_2.pdf
Supp Agrmt_2 Exhibit A-2.pdf
- 11.H Appointments to the Design Review Board - Mayor Schneider, 5 Minutes**
City Advisory Group Vacancies (Design Review Board).pdf
Marshall - Design Review Board (Redacted).pdf
Russell - Design Review Board (Redacted).pdf
Wilson - Design Review Board (Redacted).pdf
- 11.I Ordinance No. 2020-14 Relating to 2020 1st Quarter Budget and Updated Capital Improvement Plan Amendments - Finance, 5 Minutes**
2020 1st QTR BUA Transmittal Memo_Final.docx
ORD 2020-14 2020 1st QTR Budget and CIP Amendments.docx
Exhibit A to Ord_2020-14 - Q1_Budget_Amendments.pdf
- 11.J Cost Allocation Methodology Overview for Budget Preparation - Finance, 5 Minutes**
Cost Allocation Presentation CC 063020.pptx
Cost allocation Plan 2021 - 2022.pdf
- 11.K Resolution No. 2020-09, Updating the City's Debt Policy - Finance, 5 Minutes**
Resolution No. 2020-09 - Updating the City Debt Policy
RES 2008-14 - Debt Policy.pdf
Exhibit A to Resolution No. 2020-09 - COBI Debt Policy.docx
- 11.L Resolution No. 2020-11, Establishing Equipment Rental and Revolving Fund Policy - Finance, 5 Minutes**
Resolution No 2020-11 Establishing Equipment Rental and Revolving Fund Policy.docx
Exhibit A to Resolution No 2020-11 Equipment Rental and Revolving Policy.docx
Ord_2004-20_Approved.pdf
Ordinance No. 2017-09 Equipment Rental Fund Update Approved 050917.pdf

- 11.M Resolution No. 2020-15, Updating the City's Governance Manual - Executive**, 5 Minutes
Resolution No. 2020-15, Updating the Governance Manual - Clean Copy
Resolution No. 2020-15, Updating the Governance Manual - Redline
6-16-2020 - City Council Policy for Council-directed agenda items
6-16-2020 Council Meeting - Summary of Actions Taken

- 12. COMMITTEE REPORTS - 10:00 PM**
- 13. FOR THE GOOD OF THE ORDER - 10:05 PM**
- 14. ADJOURNMENT - 10:15 PM**

GUIDING PRINCIPLES

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

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

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Guiding Principle #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 Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 30 Minutes

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

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

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION: Hold Executive Session.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME:

AGENDA ITEM: Instructions for Providing Public Comment in Remote Meetings - City Clerk,

SUMMARY: Instructions for providing public comment during remote meetings are attached.

AGENDA CATEGORY: Report

PROPOSED BY: Executive

RECOMMENDED MOTION: Information only.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[Instructions for Providing Public Comment at Remote Meetings.docx](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

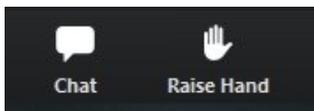
OFFICE OF THE CITY CLERK

April 28, 2020

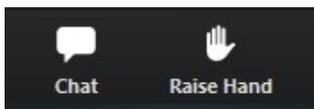
Members of the public are encouraged to submit written public comment to the City Council at any time by emailing Council at council@bainbridgewa.gov or the City Clerk at cityclerk@bainbridgewa.gov. Members of the public who wish to provide public comment during the remote meeting should follow the instructions outlined below.

INSTRUCTIONS FOR PROVIDING PUBLIC COMMENT IN REMOTE MEETINGS

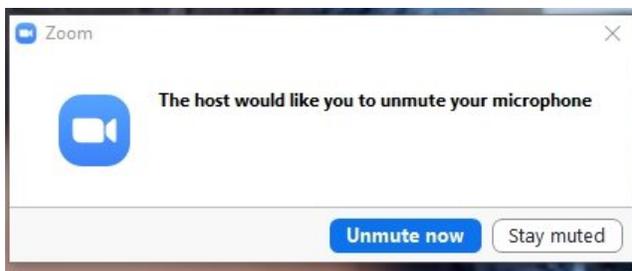
- Attendees who wish to provide public comment sign in to Zoom with their name.
- Attendee opens the Chat screen by clicking on the Chat icon at the bottom of the screen:



- The Chat screen opens on the right-hand side. During public comment, the Clerk will provide notice to speakers through Chat on the amount of time left to speak; attendees will not be able to message Council.
- Meeting Chair will indicate when it is time for public comment.
- Attendee indicates desire to speak by clicking on "Raise Hand" option at the bottom of the screen:



- Attendee clicks button "Unmute now" after they are called to speak by Meeting Chair.



8. Attendee will appear on screen with other panelists, but without video, just name.
9. Attendee provides their comment.
10. Attendee will receive notice in Chat screen ("30 SECONDS") when there are 30 seconds left in the allotted time to speak.
11. Attendee will receive notice in Chat screen ("STOP") when the allotted time is over.
12. Attendee is returned to attendee group, and microphone is muted.
13. As always, public comment is simply received by the Council, with no response.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 10 Minutes

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

SUMMARY: Council will review future Council agendas.

AGENDA CATEGORY: Discussion

PROPOSED BY: City Council

RECOMMENDED MOTION: Discussion

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[July 28 City Council Regular Business Meeting.pdf](#)

[August 4 City Council Study Session.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, JULY 28, 2020**

REMOTE MEETING ON ZOOM

AGENDA

1. **CALL TO ORDER/ROLL CALL - 6:00 PM**
Councilmember Medina will be absent.
2. **EXECUTIVE SESSION**
3. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
4. **PUBLIC COMMENT**
In order to streamline the meeting and promote clarity and efficiency, public comment on all topics will only be accepted during this time.
5. **MAYOR'S REPORT**
6. **CITY MANAGER'S REPORT**
7. **FUTURE COUNCIL AGENDAS**
8. **PRESENTATION(S)**
9. **UNFINISHED BUSINESS**
 - 9.A **Self-Service Storage Moratorium Update** 20 Minutes
 - 9.B **Set the Public Hearing for Shoreline Master Program (SMP) Amendment for Critical Areas Ordinance Integration and Amendments to Nonconforming Uses, Structures, and Lots, Ord 2020-17 - Planning,**
10 Minutes
[20200623_CC_Staff_Memo_SMP_Amendment_Summary_of_ECY_comments](#)
Determination of Initial Concurrence from the WA Department of Ecology
Ecology Recommendations to Resolve Issues Identified as Required and Recommended
Resolution No. 2019-05, Jan 8, 2019
Draft SMP Amendment, Jan 8, 2019
 - 9.C **Update on PSRC Vision 2050, Countywide Planning Policies, and OFM population numbers** 30
Minutes

9.D **(XX PM) Monthly Update on 2020 Revenue and Expenses Forecasts - Executive**, 10 Minutes

9.E **Resolution No. 2020-13, Updating the Code of Conduct and Ethics Program** 10 Minutes

10. NEW BUSINESS

10.A **Q3 Public Safety Briefing - Police**, 30 Minutes

10.B **Lovell Avenue Sewer Beach Mains Project Professional Services Agreement - Public Works**, 10 Minutes
Lovell Ave Sewer Beach Main PSA.docx

10.C **Comcast Franchise Renewal - Overview of Public Process** 15 Minutes

10.D **Letter of Support for Bainbridge Island Land Trust Property Acquisition**, 5 Minutes

10.E **Request for Proposals for 2021 Lodging Tax Projects - Executive**, 15 Minutes

10.F **Proposed Approach for 2021-2022 Human Services Awards - Executive**
20 Minutes

10.G **(x PM) Ordinance No. 2020-18, Providing Flexibility for Remote Meetings of Certain City Advisory Groups - Executive**, 10 Minutes
Ordinance No. 2020-18 - Providing Flexibility for Remote Meetings of Certain City Advisory Groups

11. COUNCIL DISCUSSION

11.A **Recommendation from Ad Hoc Committee on Economic Recovery - Councilmember Deets**, 30 Minutes

12. CONSENT AGENDA

13. COMMITTEE REPORTS

14. FOR THE GOOD OF THE ORDER

15. ADJOURNMENT

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CITY OF
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION
TUESDAY, AUGUST 04, 2020**

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

AGENDA

1. CALL TO ORDER / ROLL CALL - 6:00 PM
2. EXECUTIVE SESSION
3. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE
4. MAYOR'S REPORT
5. PRESENTATIONS
 - 5.A (x PM) COBI Connects Status and Communications Priorities for 2020 and 2021-2022 - Executive 30 Minutes
6. UNFINISHED BUSINESS
 - 6.A Green Building Task Force Update - Planning, 10 Minutes
7. NEW BUSINESS
 - 7.A Bainbridge Island Senior Community Center Improvements Discussion
20 Minutes
 - 7.B Low Float Dock Addition Discussion 20 Minutes
 - 7.C 2021 SMP Periodic Review Update 20 Minutes
8. CITY COUNCIL DISCUSSION
9. FUTURE COUNCIL AGENDAS

10. FOR THE GOOD OF THE ORDER

11. ADJOURNMENT

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CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (7:15 PM) Resolution No. 2020-08, Updating the City's Financial and Budget Policies - Finance,

SUMMARY: On June 30th, Finance presented a summary of suggested finance and budget policy changes. Council expressed a desire to retain the existing general fund reserve policy language that requires the general fund reserve be maintained at 25% of revenues. Exhibit A of the revised resolution changes the language back to current existing policy.

AGENDA CATEGORY: Discussion

PROPOSED BY: Finance & Administrative Services

RECOMMENDED MOTION:

I move to approve Resolution No. 2020-08.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND: Finance presented a summary of suggested finance and budget and policy changes on June 30th. At that time, three resolutions were introduced. Resolution No. 2020-08 suggested policy changes affecting the general fund reserve level, priority based budgeting, and grants. Resolution no. 2020-09 suggested changes to the debt policy and Resolution No. 2020-11 introduced a new equipment, rental and revolving fund policy. Resolutions Nos. 2020-09 and 2020-11 were forwarded to the consent agenda for tonight. Resolution No. 2020-08 is being brought again to Council this evening because Council expressed a desire to leave the existing policy language regarding the general fund in place with no modifications to the language of the reserve policy.

Two minor housekeeping changes have also been made to Section 15 of Exhibit A: The first clarifies that Section 15 controls where it conflicts with any other policy or resolution adopted by the City Council; and the second formally restates the City's current practice of the City Manager having authority to execute all required

agreements and documents with a grant-issuing agency to effectuate any grant approved or accepted by the City Council.

ATTACHMENTS:

[Resolution No. 2020-08, Establishing Financial and Budget Policies - Revised for 7-14-20 CM](#)

[Resolution No. 2019-24 Updating the City's Procurement Policy Approved 100819.pdf](#)

[RES 2016-20 Adopting a Municipal Securities Disclosure Policy Approved 082316.pdf](#)

[Resolution No. 2016-18 Amending Resolution No. 2009-02 Surplus Property Approved 082316.pdf](#)

[RES 93-52 - Investment Policy.pdf](#)

FISCAL DETAILS: N/A

Fund Name(s):

Coding:

RESOLUTION NO. 2020-08

A RESOLUTION of the City of Bainbridge Island, Washington, establishing a consolidated set of updated financial and budget policies, updating policies adopted by the City during 2018.

WHEREAS, the City Council (“Council”) is responsible for setting financial and budget policies for the City of Bainbridge Island (“City”); and

WHEREAS, state law, including Chapter 35A.33 RCW, provides guidance for budgets in code cities; and

WHEREAS, Chapter 35A.34 RCW authorizes cities to establish biennial budgets under which authorization, and the authorization of the Bainbridge Island Municipal Code (“BIMC”), including Chapter 2.82 BIMC, the City prepares a biennial budget with a mid-biennial review; and

WHEREAS, in the past, the Council has approved policies and passed resolutions related to financial and budget policies that continue to guide City financial practices including, but not limited to: Resolution No. 1993-52, which establishes investment policies; Resolution No. 2008-01, which establishes an Emergency Rainy Day Reserve Fund and a Contingency Reserve within the General Fund; Resolution No. 2008-14, which establishes debt management policies; Resolution No. 2010-35, which set targets for General Fund reserves; Resolution No. 2013-13, which provides that funds from the City’s utilities shall not be expended for general governmental services; Resolution No. 2014-17, which sets a minimum fund balance policy for the General Fund; Resolution No. 2016-20 adopting a Municipal Securities Disclosure Policy, which establishes public disclosure rules for City-issued municipal securities; Resolution No. 2016-18, which establishes procedures for the surplus and sale of City real property; Resolution No. 2016-19, updating the consolidated Financial Policies; and Resolution No. 2018-07, updating the consolidated Financial Policies; and

WHEREAS, the City Administration (“Administration”) requested, as part of the 2021-2022 biennial budget process, that the Council update the financial and budgetary policies that were adopted by the City prior to 2020; and

WHEREAS, the Council last updated the financial and budgetary policies as Resolution No. 2018-07; and

WHEREAS, the Council and Administration wish to establish an ongoing consolidated set of financial and budget Policies to be administered by the Administration and to guide Council action on an ongoing basis.

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

Section 1. The updated financial and budget Policies as shown in **Exhibit A**, which is attached hereto and incorporated herein by this reference, are hereby adopted.

PASSED by the City Council this ___ day of _____2020.

APPROVED by the Mayor this __ day of _____2020.

By: _____
Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

By: _____
Christine Brown, City Clerk

FILED WITH THE CITY CLERK: June 26, 2020
PASSED BY THE CITY COUNCIL: _____, 2020
RESOLUTION NO.: 2020-08

Attachment: Exhibit A, Financial and Budget Policies

Exhibit A

FINANCIAL AND BUDGET POLICIES

Section 1. PURPOSE

The primary purpose of financial and budget policies is to provide guidelines for the City Council and staff to use in making financial decisions that ensure core services are maintained and the Council's vision for the community is achieved.

The financial and budget policies guide the City to be able to withstand local and regional economic variations, to adjust to changes in service requirements, and to respond to other changes as they affect the community.

It is the policy of the City to maintain an excellent credit rating and assure taxpayers that the City of Bainbridge Island is maintained in sound financial condition.

SECTION 2. OPERATING BUDGET POLICIES

The biennial budget is the City's comprehensive two-year financial plan, which supports the City's approved programs and services.

Biennial budgets should provide for design, construction, maintenance and replacement of the City's capital assets and equipment consistent with the Capital Facilities Plan including the related cost for operating new assets.

The City will maintain all its assets such that it protects the City's capital investment, preserves public safety, and minimizes future maintenance and replacement costs.

All general government current operating expenditures will be paid from current revenues and cash carried over from prior years.

The City shall adopt a balanced budget. The City defines a balanced budget as one in which current biennium budgeted revenues in addition to fund balances are equal to or greater than current biennium budgeted expenditures. In addition, the City's budget shall maintain recurring expenditures for each fund at a level less than recurring revenues for that fund.

Reports on revenues and expenditures shall be prepared monthly and provided to the Council. Mid-year and annual reports will also be prepared and provided. These reports will also be posted to the City's website or reporting portal.

The City shall consider its financial capacity when making budget decisions. Staff shall deliver to Council a ten-year financial capacity analysis as part of the biennial budget process. For each financial capacity analysis, the financial assumptions shall be reasonable and shall take into account an appropriately chosen set of inflation factors and an appropriate set of economic projections. The Administration's chosen assumptions for revenues, expenditure inflation factors and economic measures shall be disclosed to the Council.

SECTION 3. REVENUES

The City will strive to maintain a diverse and stable revenue stream to protect against short-run volatility of any single revenue source.

Because revenues, especially those of the General Fund and other tax-supported funds, are sensitive to economic changes, the City will use a conservative approach to revenue forecasting.

Departmental revenues of the tax-supported funds shall be considered unrestricted revenue of the City – subject to any applicable legal restriction, and subject to any applicable provision of the financial Policies, that may apply to a particular revenue source.

Revenues from the Commercial Parking Tax shall be treated as revenues of the Street Fund.

Real Estate Excise Tax revenue shall be first applied to current capital debt service and then, to the extent available, to other eligible expenses.

The City shall maintain a structure for all fees and charges where the beneficiary of the service pays the cost of that service except to the extent that the Council has determined that provision of the specific service in question provides a general public benefit.

On a periodic basis, Building and Development Services (B&DS) rates shall be reviewed, with a goal of full cost recovery for the B&DS Fund.

The City will maintain water, sewer and storm water utility rates adequate to ensure that each of these three utility funds is fully self-supporting. Additionally, for analysis and rate modeling purposes, the proposed rates shall take into account debt service coverage commitments, if applicable. The capacity to support identified utility reserves will also be taken into account.

SECTION 4. EXPENDITURES

The City budget will provide for a sustainable level of service to meet the City's identified results.

The City will maintain expenditure categories according to state statute and administrative regulation. Capital expenditures shall meet the requirements of generally accepted accounting principles (GAAP).

The City shall use major one-time revenue to fund capital improvements, debt reductions, or reserves. The use of one-time revenues to fund operating expenditures is strongly discouraged.

The Council shall review the Administration's recommended plan for the allocation of City costs to various funds as part of the biennial budget process.

As a general rule, when an expenditure is incurred for which both restricted and unrestricted fund balance is available, the City will consider the more restricted amounts to have been spent first.

On a periodic basis, the Administration shall compare the cash compensation and the value of benefits for City employee positions to the compensation and benefit levels to a set of comparable employers, to provide data for potential compensation and benefit policies which may be adopted by the Council.

SECTION 5. CAPITAL

The Capital Facilities Goals and Policies that are stated in the City's Comprehensive Plan, as amended from time to time, are hereby included in full in the Financial Policies.

The Capital Improvement Plan and the City operating budget will be reviewed at the same time to ensure that capital and operating needs are balanced with each other and support overall City goals.

The City shall develop a six-year plan for capital improvements and update it at least biennially.

The City will identify the estimated costs and proposed funding sources for each capital project proposal before it is submitted to Council for approval. The City will use intergovernmental assistance and outside resources whenever possible. In the event that a grant, or other type of intergovernmental assistance, is identified as a funding source for a project and the outside funding is not secured, the City will reconsider the financial viability of that project at that time.

Each individual project included in the capital improvement plan (CIP) shall have a budget with identified contributions by fund. Each fund amount shall be distinct and cannot be transferred without amending the CIP. Reporting will be presented at the project and fund level.

When a capital project is complete and has been capitalized in accordance with Generally Accepted Accounting Principles, any remaining project budget appropriation authority shall lapse, and all remaining funds shall return to their original source.

SECTION 6. RESERVES

Reserve funds enable the City to deal with unforeseen emergencies and changes in economic conditions.

General Fund Reserves

Emergency Reserve: The City shall maintain an Emergency Reserve with a budgetary target amount of \$1.0 million. These funds shall be used only to pay for emergencies that cannot reasonably be accommodated by current budget appropriations. These funds may be appropriated only by a vote of not less than five (5) members of the City Council or the unanimous vote of a legal quorum. It is the Council's policy that if funds are spent from the Emergency Reserve, it should be replenished as resources become available.

General Fund Minimum Fund Balance. The City shall maintain a minimum fund balance of 25% of ongoing revenues in the General Fund. The General Fund minimum fund balance shall mean the dollar amount of unencumbered fund balance, excluding any amounts held in reserves or otherwise committed funds. This fund balance is intended to provide stability in the event of unexpected changes to revenues or expenses.

Utility Fund Reserves

Capital Contingency Reserve. Each utility fund shall maintain a separate capital contingency reserve. Each reserve shall have a targeted level of at least one percent (1%) of the utility system's capital assets at net book value. The primary purpose of the reserve is to provide a ready source of cash in case of an emergency, should a major piece of equipment or a portion of the utility's infrastructure fail unexpectedly.

Operating Reserve – Water and Sewer Funds. These reserves shall have a targeted level as of each year-end of at least sixty (60) days' operating expenses. The primary purpose of the reserve is to provide cash for operations in case of seasonal variations in revenue or expenses, or to support operations in a year in which revenues are abnormally low.

Operating Reserve – Storm and Surface Water Management Fund. This reserve shall have a targeted level as of June 30 and December 31 of at least 90 days' operating expenses. The primary purpose of the year-end reserve is to provide cash for operations during the period between the payment of the fees, which occurs in two large payments in April and October.

Restricted Debt Reserve. To the extent that the City issues a form of debt (e.g. Revenue Bonds) that requires the City to maintain a restricted cash reserve during the term of the debt repayment period, the utility shall maintain a restricted reserve for such purpose. This reserve is to safeguard the purchasers of the utility's debt and may be used to fund the final installment or last year's debt service.

SECTION 7. ACCOUNTING, AUDITING AND FINANCIAL REPORTING

The City will establish and maintain a high standard of internal controls and accounting practices. The City accounts and budgets for revenue and expenditures on a modified accrual basis for general government and enterprise activities. Year-end financial statements for enterprise activities shall use full accrual accounting.

The accounting system will maintain records on a basis consistent with accepted national standards for local government accounting and the Washington State Auditor's Budgeting, Accounting and Reporting System.

The annual financial statements shall conform to Generally Accepted Accounting Principles (GAAP) and be in the form of a Comprehensive Annual Financial Report as recommended by the Government Finance Officers Association.

A capital asset system will be maintained to identify all City assets and their location.

The City will ensure that City records are audited annually, resulting in a financial opinion. The results of the audit will be available to the public through the City's website.

SECTION 8. DEBT

The City's Debt Policy, as it may be amended from time to time, is hereby included in the Financial and Budget Policies.

SECTION 9. INVESTMENT

The City's Investment Policy, as it may be amended from time to time, is hereby included in the Financial and Budget Policies.

SECTION 10. BANKING AND MONEY MANAGEMENT

Safety

The City shall engage in relationships, and conduct its business, with one or more banks, repositories of public pooled funds, and financial institutions in a manner that avoids concentrating City balances in a way that may expose the City to material losses in the event of an adverse development affecting any bank or financial institution in which City assets are held.

Money Management

The City Administration shall seek to form relationships with banking and financial institutions that offer the City efficient and effective tools and technologies to manage and track transactions and balances.

SECTION 11. MUNICIPAL SECURITIES DISCLOSURE

The City's Municipal Securities Disclosure Policy, as it may be amended from time to time, is hereby included in the Financial and Budget Policies.

SECTION 12. SURPLUS REAL PROPERTY

The City's Surplus Real Property Policy, as it may be amended from time to time, is hereby included in the Financial and Budget Policies.

SECTION 13. PROCUREMENT POLICY

The City's Procurement Policy, as it may be amended from time to time, is hereby included in the Financial and Budget Policies.

SECTION 14. EQUIPMENT RENTAL AND REVOLVING FUND

The Equipment Rental and Revolving (ER&R) Fund, as it may be amended from time to time, is hereby included in the Financial and Budget Policies.

SECTION 15. GRANTS

City Council approval is required to submit an application for grants over \$50,000, unless pre-authorized for acceptance by the City Council through ordinance or resolution. The \$50,000 threshold must include as part of the estimate any City “in-kind” labor used as matching funds, and City staff will describe to the Council the amount that is provided through the grant and the amount that is provided through in-kind matching funds.

For grants that are over \$50,000, or otherwise require Council approval, but for which there is an application deadline that does not allow City staff to obtain prior Council approval to apply for the grant, the Department Director shall obtain the approval of the City Manager or their designee prior to submitting the application and subsequently bring the grant to the Council for approval and ratification. Applications for grants in the amount of \$50,000 or less can be submitted without City Council approval, unless such approval is required by the granting agency.

The City Manager, or designee, is authorized to execute all required agreements and documents with a grant-issuing agency to effectuate any grant approved or accepted by the City Council.

To the extent that this section conflicts with any other policy or resolution adopted by the City Council, this section controls.

RESOLUTION NO. 2019-24

A RESOLUTION of the City Council of Bainbridge Island, Washington, updating the City's Procurement Policy.

WHEREAS, on June 14, 2016, the City Council approved Resolution No. 2016-14, adopting the City's Procurement Policy for the City; and

WHEREAS, on May 22, 2018, the City Council approved Resolution No. 2018-16, updating the City's Procurement Policy; and

WHEREAS, on February 12, 2019, the City Council approved Resolution No. 2019-04, updating the City's Procurement Policy; and

WHEREAS, the City's Procurement Policy serves as a guide for the community and the City's staff and officers; and

WHEREAS, the City Council now desires to update the City's Procurement Policy to reflect recent changes in state law (i.e., Chapter 434, Laws of 2019), clarify certain sections, and adjust certain cost thresholds.

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

Section 1. The procurement policy adopted by Resolution No. 2019-04 is hereby repealed in its entirety and replaced as shown on **Exhibit A**, which is attached hereto and incorporated herein by this reference as if set forth in full.

PASSED by the City Council this 8th day of October, 2019.

APPROVED by the Mayor this this 8th day of October, 2019.

By: 
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

By: 
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	September 20, 2019
PASSED BY THE CITY COUNCIL:	October 8, 2019
RESOLUTION NO.	2019-24

Exhibit A



CITY OF
BAINBRIDGE ISLAND

PROCUREMENT POLICY

Effective Date: October 8, 2019

Resolution No. 2019-24

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I. GENERAL

1.1 PURPOSE

This document is intended to direct the procurement of goods and services at a reasonable cost. An open, fair, documented, and competitive process is to be used whenever reasonable and possible. The integrity, efficiency, and effectiveness of the City's procurement processes are critical elements of sound government.

1.2 OBJECTIVES

The objectives of the City's Procurement Policy are as follows:

- To provide a uniform system to obtain supplies, materials, equipment, and services in an efficient and timely manner;
- To facilitate responsibility and accountability with the use of City resources;
- To ensure equal opportunity and competition among vendors and contractors;
- To promote effective relationships and clear communication between the City and its vendors and contractors;
- To comply with State procurement statutes governing expenditures of public funds;
- To promote use of recycled materials and products and dispose of surplus and scrap materials with regards to cost savings and the environment.

1.3 SCOPE

These guidelines apply to purchases of:

- Supplies, materials, and equipment
- Professional services (including architectural and engineering services)
- Non-professional services (purchased services)
- Public works projects

The guidelines do not apply to the acquisition, sale, or lease of real property, except as described in Section 15.3.

If grant or debt funding is involved in the proposed purchase, applicable requirements should be obtained from the funding agency. Such requirements may be more restrictive than the City's policy.

1.4 CONTROLLING LAWS

All procurements shall comply with appropriate and relevant Federal, State, and City laws and policies. If the appropriate and relevant Federal or State laws, regulations, grants, debt, or requirements are more restrictive than this Procurement Policy, such laws, regulations, grants, debt, or requirements must be followed.

The City Attorney shall be consulted when questions regarding potential conflicts arise. Applicable laws and regulations will be cited throughout this document.

2.0 DETERMINING TOTAL PURCHASE COST

2.1 USE ANTICIPATED COST

The anticipated need for a good or service (when it can reasonably be projected) shall be used to determine the cost of that good or service, and thus which contract approval level, cost threshold, or other related purchasing requirements apply.

2.2 NO "BID SPLITTING"

Procurements of goods or services shall not be divided to come up with a lower total cost to avoid contract approval levels or competition requirements contained in this Procurement Policy or in state or federal law. For example, if one item being purchased requires another item to "make a whole," the total accumulated costs of the two items (when they can reasonably be projected) should be considered together to determine which approval level and cost threshold apply, unless the two items are not available from a single vendor.

2.3 COSTS TO INCLUDE

Include costs such as taxes, freight, and installation charges when determining which cost threshold applies. Do not include the value of a trade-in. Trade-in value should be considered, however, to determine the lowest bid when competitive bidding is used.

2.4 INCLUDE TOTAL QUANTITY NEEDED

Requirements for the total quantity of an item (when they can be reasonably projected) should be considered when determining which cost threshold and related purchasing requirements apply.

2.5 MULTIPHASE PROJECTS

If a project is to be completed in phases, the total accumulated cost for all phases should be considered when determining which cost threshold applies.

3.0 CONTRACT APPROVAL LEVELS

These approval levels are designed for contracts whose costs are covered by budget appropriations previously approved by the City Council. Contracts requiring additional appropriations must be approved by the Council.

3.1 EQUIPMENT, SUPPLIES, & MATERIALS (UNRELATED TO A PUBLIC WORKS PROJECT)

3.1.1 \$15,000 or Less

Purchases in this price range are to be approved by the Department Director.

3.1.2 \$15,001 to \$50,000

Purchases in this price range are to be approved by the City Manager.

3.1.3 \$50,001 or More

Purchases in this price range are to be approved by the City Council.

3.2 PROFESSIONAL SERVICES

3.2.1 \$50,000 or Less

Contracts in this price range are to be approved by the City Manager.

3.2.2 \$50,001 or More

Contracts in this price range are to be approved by the City Council.

3.3 NON-PROFESSIONAL SERVICES (PURCHASED SERVICES)

3.3.1 \$15,000 or Less

Contracts in this price range are to be approved by the Director.

3.3.2 \$15,001 to \$50,000

Contracts in this price range are to be approved by the City Manager.

3.3.3 \$50,001 or More

Contracts in this price range are to be approved by the City Council.

3.4 PUBLIC WORKS PROJECTS (INCLUDING RELATED MATERIALS, SUPPLIES, AND EQUIPMENT)

3.4.1 \$20,000 or Less

Contracts in this price range are to be approved by the Public Works Director.

3.4.2 \$ 20,001 to \$50,000

Contracts in this price range are to be approved by the City Manager.

3.4.3 \$50,001 or More

Contracts in this price range are to be approved by the City Council.

4.0 EQUIPMENT, SUPPLIES, & MATERIALS (UNRELATED TO A PUBLIC WORKS PROJECT) AND NON-PROFESSIONAL SERVICES (PURCHASED SERVICES)

The following cost thresholds apply for procurements of non-professional services and purchases of supplies, materials, and equipment unrelated to a public works project. .

Refer to Section 10.0 in situations involving *competitive bidding exemptions* or *emergency purchases* of equipment, supplies, & materials.

Non-professional services, referred to as "purchased services" by the Municipal Research and Services Center (MRSC), are for routine and continuing functions, mostly related to physical activities that:

- Follow established or standardized procedures
- Contribute to the day-to-day business operations
- Completion of assigned and specific tasks
- Require only routine decisions
- May require payment of prevailing wages

Examples include delivery services, landscaping and janitorial services, vehicle inspection and repair services, HVAC system maintenance, and office furnishings installation and repair service. Consult with the City Attorney prior to contracting for these services for advice on bidding and prevailing wage requirements.

4.1 \$15,000 OR LESS – DIRECT NEGOTIATION

Procurements or purchases in this price range may be entered through direct negotiation. Competition is not required, though departments should still make every effort to receive the best price possible. Award of a contract will be based on qualifications and price. Documentation (e.g., date, time, vendor contract name, phone #, email of applicant) on all quotes must be retained to the extent required under state law.

4.2 \$15,001 TO \$50,000 – 3 MINIMUM QUOTES

For procurements or purchases in this price range, it is recommended that at least three quotes be obtained when possible. Quotes may be obtained by telephone or in writing (electronic submittals are ok). Documentation (e.g., date, time, vendor contract name, phone #, email of applicant) on all quotes must be retained to the extent required under state law.

4.3 \$50,001 OR MORE- COMPETITIVE QUOTES

For purchases in this price range, competitive quotes should be solicited from at least 3 vendors. Quotes submitted by each vendor do not need to be sealed but shall be in writing only (electronic submittals are ok). A bid security may be required in an amount and type approved by the Public Works Director. Award of a contract will be based on qualifications and price. Documentation (e.g., date, time, vendor contract name, phone #, email of applicant) on all quotes must be retained to the extent required under state law.

4.4 ALTERNATIVE METHODS OF PROCUREMENT AND PURCHASING

If applicable, the City may utilize any one of the following methods as an alternative to the requirements of sections 4.1, 4.2, and 4.3 above.

4.4.1 Auctions

RCW 39.30.045 allows for the purchase of any supplies or equipment at auctions rather than through competitive bidding, if the items can be obtained at a competitive price. This authority allows the City to make a purchase on an internet-based auction service, such as eBay, as well as through in-person auctions. The City may also use federal, state, or local governmental auctions.

4.4.2 Purchasing Surplus Property from Other Governmental Agencies

RCW 39.33.010 allows for the purchase of surplus property from other governmental agencies without regard to bid laws.

4.4.3 Contracting for Services with Other Governmental Agencies

RCW 39.04.080 authorizes one public agency to contract with another public agency to perform any function which each agency is authorized by law to perform itself.

4.5 ENVIRONMENTALLY-FRIENDLY PURCHASING

4.5.1 Where appropriate environmentally-friendly products are available and reasonably priced compared to competing products, such environmentally-friendly products are to be purchased by the City. Environmentally-friendly products may include, but are not limited to, products that are: less toxic or hazardous, energy and water efficient, recyclable or made from recycled content or renewable resources, bio-based, sustainably certified, or shipped or made with reduced packaging.

4.5.2 Pursuant to Resolution No. 2016-11, the City will not purchase landscaping materials, including plants and seeds, that have been treated with neonicotinoids, except for use in: (a) a well-defined research study; or (b) when the life or health of a valuable or significant tree is threatened and neonicotinoid application is the least environmentally impactful option.

4.5.3 Pursuant to Chapter 16.30 BIMC, the City will not purchase any pesticide, except for those included on the Least Toxic Products List established by Resolution 2003-23 or subsequent resolutions of the City Council.

5.0 PUBLIC WORKS PROJECTS

As defined in RCW 39.04.010, *public works* include all work, construction, alteration, repair, or improvement (other than *ordinary maintenance* and professional services associated with the public works project) executed at the City's cost, or which is by law a lien or charge on any property therein.

5.1 DEFINING PROJECT COST

The cost of a public works project includes the costs of materials, supplies, equipment, and labor on the construction of that project. Section 2.0 of this manual provides additional guidance on determining project cost.

5.2 BID REQUIREMENTS

Pursuant to RCW 35A.40.210, procedures for any public work undertaken by the City is governed by RCW 35.23.352, which requires the City to call for bids whenever the cost of a public work will exceed \$116,155, if more than one craft or trade is involved. If only a single craft or trade is involved, or if the project is for street signalization or street lighting, bids must be called for if the cost is greater than \$75,500. RCW 35.23.352 also authorizes the City to utilize, at the City's discretion, the small works roster process outlined in RCW 39.04.155, described in more detail in Section 5.6 below.

In accordance with these provisions of state law, the following cost thresholds and bidding procedures apply when the City is soliciting bids for a public works project:

5.3 \$0 TO \$50,000 – LIMITED PUBLIC WORKS PROCESS

If the estimated cost of the public works project is \$0 to \$50,000 and the City determines that the work should be performed by contract, the City shall utilize the limited public works process outlined in RCW 39.04.155(3) and described in Section 5.7.

5.4 \$50,001 TO \$350,000 – FIVE BIDS FROM THE SMALL WORKS ROSTER

If the estimated cost of the public works project is \$50,001 to \$350,000, then the City shall solicit five written bids from the small works roster in accordance with the procedure set forth in RCW 39.04.155(2), which procedure is described in more detail in Section 5.6.

If the estimated cost of the public works project is \$250,000 to \$350,000, then, in accordance with RCW 39.04.155(2)(c), the City must provide notice to the remaining contractors on the small works roster that bids are being sought. The notice can be made by:

- Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; or
- Mailing a notice to these contractors; or
- Sending a notice to these contractors by electronic means such as email or fax.

If the estimated cost of the public works project is \$250,000 or greater and funded in whole or in part by Federal funds, then the formal competitive bidding process outlined in Section 6.0 is required. This threshold is set by the federal government at 2 CFR § 200.88 and 48 CFR § 2.101 ("Simplified acquisition threshold") and is subject to periodic adjustment for inflation pursuant to 41 U.S.C. § 1908.

5.5 \$350,001 OR GREATER – FORMAL COMPETITIVE BIDS REQUIRED

If the estimated cost of the public works project is \$350,001 or greater, then the formal competitive bidding process outlined in Section 6.0 is required.

5.6 SMALL WORKS ROSTER PROCESS

Under RCW 35.23.352 and RCW 39.04.155, the City is authorized to use the small works roster process to award public works contracts estimated to cost less than \$350,000. As described in Section 5.4 above, the City will use the small works roster process outlined in RCW 39.04.155(2) to award contracts for public works projects estimated to cost between \$50,001 and \$350,000, except as otherwise stated in Section 5.4.

Under RCW 39.04.155, a small works roster consists of all responsible contractors who have requested to be listed and are properly licensed or registered to perform such work in the State of Washington. As an alternative to creating and maintaining the City's own small works roster for construction of public works projects, the City Manager is authorized to enter into agreements with the Municipal Research and Services Center (MRSC) or any other agency for use of their small works roster, as long as such small works rosters are in compliance with the latest State of Washington rules, regulations, requirements, and laws regarding the establishment, maintenance, and use of small works rosters for public works projects.

A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed, as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.

The Public Works Director shall post a list of the contracts awarded using the small works roster at least once a year. The list shall contain the names of the contractors awarded the contracts, the amount of the contracts, a brief description of the type of work performed under the contracts,

and the date the contracts were awarded. The list shall also state the location where the bid proposals for the contracts are available for public inspection.

5.7 LIMITED PUBLIC WORKS PROCESS

As stated in Section 5.3, the City shall use the limited public works process to award contracts for public works projects with an estimated cost of \$0 to \$50,000.

The limited public works process is a type of small works roster process that applies only to public works projects estimated to cost less than \$50,000. To use this process, the City must solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster. The City may waive the payment and performance bond requirements of Chapter 39.08 RCW and the retainage requirements of Chapter 60.28 RCW. Staff shall consult the City Attorney's Office prior to waiving either of these requirements. The City must also comply with all requirements specified under RCW 39.04.155(3) regarding the limited public works process.

5.8 UNIT PRICE CONTRACTS

Under RCW 35.23.352(13), the City is authorized to procure public works with a unit priced contract, also known as an "On-Call" public works contract. Unit priced contracts allow the City to contract for anticipated types of public works projects on a recurring basis, where the contractor agrees to supply an indefinite quantity of work at a defined unit price over a fixed period of time.

Unit price contracts are executed for an initial contract term not to exceed three years. However, there is an option of extending the contract for one additional year.

Unit priced contracts must be awarded to the lowest responsible bidder, and unit price contractors must pay prevailing wages in accordance with RCW 35.23.352(13)(e). The City shall comply with all of the requirements of RCW 35.23.352(13) when soliciting bids for and awarding unit price contracts.

5.9 PUBLIC WORKS PERFORMED BY CITY EMPLOYEES

RCW 35.23.352(1) allows City employees to perform public works projects as long as the project's estimated cost is lower than the bidding limits (\$75,500 single craft/trade or \$116,155 multiple craft/trade).

Work performed within the City by other public employees under an interlocal agreement shall also be included in these limits.

The City is required to provide a report to the state auditor of the costs of all public works in excess of \$5,000 that are not let by contract (RCW 35A.40.200 and 35.23.352(4)). For any project using City employees in excess of \$25,000, the City must publish a description of the project and its estimated cost in the official newspaper at least fifteen days before beginning the work (RCW 39.04.020), except that in circumstances where an emergency is declared, publication of the description and estimate may be made within seven days after the commencement of the work.

5.10 PREVAILING WAGES

The City is required by RCW 39.12.040 to require contractors to pay prevailing wages on all public works contracts.

A "Statement of Intent to Pay Prevailing Wages" must be received from a contractor before any payment is made, and an "Affidavit of Wages Paid" must be received following final acceptance of the work. As for RCW 60.28.011, all projects funded with Federal transportation funds (whole or in part), must have an "Affidavit of Wages Paid" submitted to the City prior to final acceptance of the project.

5.11 PERFORMANCE AND PAYMENT BONDS

Under RCW 39.08.010, payment and performance bonds are required for every public works contract, except as described below. This ensures that the job will be completed and that all workers, vendors, and subcontractors will be paid.

The bonds shall be executed by a surety company authorized to do business in Washington State, in an amount equal to 100% of the price specified in the contract. The bonds shall be issued on a form approved by the City Attorney's Office.

Payment and Performance bonds are required on small works roster projects. However, for small works roster projects estimated to cost \$150,000 or less, the City is allowed, at the option of the contractor, to forego requiring payment and performance bonds and instead retain 10% of the contract for 30 days after final acceptance, or until receipt of all necessary releases from the Department of Revenue, Department of Labor & Industries, and Employment Security Department, and settlement of any liens filed under Chapter 60.28 RCW, whichever is later (RCW

39.08.010(3). The intent of this exception is to assist small contractors who may have difficulty securing bonds.

The City may waive the payment and performance bond requirements of Chapter 39.08 RCW and the retainage requirements of RCW 60.28.011(1)(a) for contracts awarded through the limited public works process, described in Section 5.7. The City may waive the retainage requirements of RCW 60.28.011(1)(a) for contracts awarded through the small works roster process, described in Section 5.6.

RCW 39.08.015 subjects the City to claims of laborers, materialmen, subcontractors, and mechanics if the required payment and performance bonds are not obtained.

Under RCW 60.28.011(1)(b), the City is prohibited from withholding retainage on public works projects funded in whole or in part by federal transportation funds. Instead, agencies must rely on the contractor's payment and performance bonds.

5.12 PUBLIC WORKS OVER \$1 MILLION

Under RCW 39.30.060, for all public works projects expected to cost one million dollars or more, the City must require each prime contract bidder to submit as part of the bid, or within one hour after the published bid submittal time, the names of the subcontractors with whom the bidder, if awarded the contract, will subcontract for performance of the work of: HVAC (heating, ventilation, and air conditioning); plumbing as described in chapter 18.106 RCW; and electrical as described in chapter 19.28 RCW, or to name itself for the work. Failure of the prime contract bidder to submit as part of the bid the names of such subcontractors or to name itself to perform such work or the naming of two or more subcontractors to perform the same work shall render the primare contract bidder's bid nonresponsive and, therefore, void.

5.13 CONSTRUCTION CHANGE ORDERS

Change orders are to be approved in accordance with the cost thresholds outlined in this section, provided that the changes do not increase the project's cost in excess of previously approved budget appropriations.

The City Council must approve any change order that increases a project's cost beyond previously approved budget appropriations.

5.13.1: Public Work Contract total remains below \$350,000 – Change orders are to be approved by the City Manager.

5.13.2: Public Work Contract total moves to \$350,000 or more, but the total cumulative amount of change orders is 10% or less – Change orders are to be approved by the City Manager.

5.13.3: Public Work Contract total moves to \$350,000 or more and the total cumulative amount of change orders is more than 10% – Council must authorize the City Manager to approve the revised contract.

In the event unforeseen conditions necessitate an immediate change to avoid a contractor's claim against the City for delays, the City Manager may authorize and direct work irrespective of the limits above, provided any work change directive issued in excess of the City Manager's authority shall be incorporated into a change order and presented to the City Council as soon as practicable.

5.14 PROJECT ACCEPTANCE

At the completion of a public works project, as confirmed by the Director of Public Works or designee, the City Manager is authorized to accept the work.

The Director of Public Works, Director of Planning and Community Development, and the Director of Finance, or their designees, are further authorized to sign exoneration and release forms for bonds and other security devices submitted with respect to project completion.

6.0 FORMAL COMPETITIVE BIDDING PROCEDURES

6.1 PUBLIC NOTICE

Whenever the cost of the public work or improvement, including materials, supplies, and equipment, will exceed the amounts outlined in RCW 35.23.352(1), the same shall be done by contract. All such contracts shall be let at public bidding. For contracts that require a formal competitive bidding process, a notice shall be published in the official newspaper at least 13 days prior to the due date for bids. For all Federal Aid projects as per the LAG Manual Chapter 46.24, an advertisement must run for a three-week period prior to opening of the bids. They must run at least twice, 20 calendar days prior to the last date upon which the bids will be received.

Advertisements for bids should include the following items:

- Title of the project
- Nature and scope of the work
- Materials and equipment to be furnished
- Where contract documents (plans, *specifications*) may be obtained
- Cost to obtain a set of contract documents
- Place, date, and time that bids are due
- Statement that a *bid bond* must accompany the bid
- Statements that the City retains the right to reject any or all bids, and to waive minor irregularities in the bidding process
- Title VI requirements and reference

6.2 BID SPECIFICATIONS

Bid specifications should incorporate a clear and accurate description of the technical requirements for the material, product, or service to be provided. Such descriptions should not contain features that unduly restrict competition.

When it is impractical or uneconomical to make clear and accurate description requirements, a "brand name or equal" description may be used. The responsibility of demonstrating to the City's satisfaction that a product is "equal" to that specified shall be on the vendor proposing the substitution.

Requests for approval of substitutions must be made with sufficient time to allow the City to adequately review the proposal, including time for vendors to respond to questions and requests for additional information or clarification. The City has no obligation to accept proposed substitutions.

Acceptance of a substitute product proposed as an “equal” to that specified will be made in writing. If this acceptance occurs prior to the bid, other bidders will be notified to the extent practical.

6.3 AWARD

The contract will be awarded to the lowest responsive and responsible bidder whose bid meets the requirements and criteria included in the invitation for bids, or all bids will be rejected. However, in accordance with RCW 35.23.352(2), if the City issues a written finding that the lowest responsive and responsible bidder has delivered a project to the City within the last three years which was late, over budget, or did not meet specifications, and the City does not find in writing that such bidder has shown how they would improve performance to be likely to meet project specifications, then the City may award the contract to the second lowest responsive and responsible bidder whose bid is within five percent of the lowest bid. If in any year a contract is awarded to the second lowest responsive and responsible bidder in this manner, the City will prepare an annual report as required under RCW 35.23.352(14).

RCW 39.04.350 establishes bidder responsibility criteria. Before the City may accept a Contractor's bid, the contractor must:

- Be a registered contractor at the time of bid submittal (RCW 18.27.020)
- Have a current Unified Business Identifier (UBI) number
- Have industrial insurance coverage
- Have an employment security department number
- Have a state excise tax registration number
- Have never been disqualified from bidding under RCW 39.06.010 or 39.12.065(3)

The City also requires that the contractor must:

- Have or agree to obtain a current City business license
- Be current with all applicable licenses, taxes, and fees owed to the City of Bainbridge Island

In addition, the City adopts the following supplemental criteria which may be used in connection with specified projects:

- The ability, capacity, and skill of the bidder to perform the contract or provide the service required

- The character, integrity, reputation, judgment, experience, and efficiency of the bidder
- Whether the bidder can perform the contract within the time specified
- The quality of performance of previous contracts or services
- The previous and existing compliance by the bidder with laws relating to the contract or services
- Such other information as may be secured having a bearing on the decision to award the contract

When using the supplemental criteria described above, the City will include the supplemental criteria in the bidding documents, together with a basis for evaluation, deadline for bidder to submit responsibility documentation, and deadline for bidder to appeal a "not responsible" determination.

When a trade-in option exists and is in the City's best interest, the price offered on the trade will be considered when determining the lowest responsive and responsible bid.

RCW 39.30.040 allows any local sales tax revenue generated by the purchase to be considered in determining the lowest responsive and responsible bid. Other preferences favoring local businesses are not permitted.

6.4 CANCELLATION

An invitation for bids may be cancelled. Additionally, the City (at its sole discretion) may choose to reject any or all bids, in whole or in part, except as otherwise provided under state or federal law or as conditions of receiving state or federal funding.

6.5 SUBMITTAL OF BIDS

Bids will be submitted as specified in the invitation for bid by the appointed date and time listed in the invitation. Each bid will be dated, and time stamped as it is received. Late bids will not be accepted. If the bid is a sealed bid, all qualified bids will be opened and read aloud publicly at the appointed time.

No City representative shall inform a contractor of the terms or amount of any other contractor's bid for the same project prior to the bid opening date and time. Once bids have been submitted (and opened, if the bids are sealed), the City may not negotiate with bidders. The contract must be awarded to the lowest responsive and responsible bidder, or else all bids must be rejected.

A written record shall be made of each contractor's bid on a project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations shall be recorded, open to public inspection, and available by electronic request.

Original specifications and the original bid responses will be retained for review and audit as required.

6.6 BID SECURITY

In accordance with RCW 35.23.352(1), each bid submitted through a formal competitive bidding process shall be accompanied by a bid security for a sum of not less than five percent of the amount of the bid. The bid security may be in the form of a cashier's check, postal money order, or surety bond provided by a surety company that is authorized to do business in Washington State in a form approved by the City Attorney's Office. No bid solicited through a formal competitive bidding process shall be considered unless accompanied by such a bid security.

A bid security is only required for bids solicited through a formal competitive bidding process. A bid security is not required for bids solicited through the small works roster process, limited public works process, or through the procedures described in Sections 5.3, 5.4, and 5.5.

However, if a public works project is estimated to be \$250,000 or greater and will be funded in whole or in part with federal funds, a formal competitive bidding process, that which requires a bid security, is required.

If a bidder is permitted to withdraw a bid before award, its bid security shall be returned.

6.7 NON-COLLUSION AFFIDAVIT

Each bidder shall be required to warrant that their bid is genuine, and that they have not entered into collusion with other bidders, by submitting with their bid an executed and notarized affidavit on a form approved by the City Attorney.

7.0 PROFESSIONAL SERVICES

Professional services are services which provide professional or technical expertise to accomplish a specific study, project, task, or other work statement.

Professional services include, but are not limited to:

- Architectural, engineering, or surveying services
- Accounting and auditing
- Bond or insurance brokerage
- Consulting services
- Legal services
- Real estate appraisal or title abstracts
- Relocation assistance
- Design
- Soils analysis or core testing

7.1 COMPETITIVE PROCESS

Under Chapter 39.80 RCW, a competitive process is required for all architectural, engineering, or surveying services. This competitive process is further outlined in Section 8.0. It is recommended, but not required, to follow the same process for all other professional services.

7.2 CONSULTANT SOLICITATION

Except as required under Chapter 39.80 RCW, the City may use, as the first step in the evaluation and hiring of a consultant to provide professional services, the Municipal Research and Services Center's (MRSC) annual roster or advertise a Request for Qualifications (RFQ). By first reviewing qualifications of consultants on MRSC's consultant roster, or reviewing qualifications from solicited consultants via an advertised RFQ, to the City can narrow down and choose a consultant that is best qualified to do provide the needed professional services. After firms are narrowed down, a Request for Proposal (RFP) is then requested. Each proposal should outline the firms scope of services that includes information on their recommended schedule and deliverables, .

An RFP should include:

- a detailed scope of work describing the project tasks
- an estimated budget
- an estimated schedule
- evaluation criteria
- instructions regarding the submittal information (page limitations, number of copies, etc.)
- proposal deadline
- copy of agreement for professional services

A department director may evaluate proposals for smaller projects, but a review panel of at least three employees is recommended for more complex projects. City staff should review all submittals received prior to the deadline to ensure they comply with the requirements of the RFP. The director or review panel should then use evaluation criteria to score each firm's proposal.

Agency guidelines for RFPs and RFQs are as follows:

Estimated Cost for Services: \$0 to \$25,000

Process: Minimal Solicitation

Major Activities:

- RFQ: Select 1-3 qualified firms based on established criteria from MRSC roster or from the consultants who responded to a RFQ, if advertised.
RFP: Ask for proposals from the selected firm(s).
- Select most qualified firm.
- Negotiate a contract with the firm deemed the most highly qualified.
- Document the process.

Estimated Cost for Services: \$25,001 to \$100,000

Process: Informal Solicitation

Major Activities:

- RFQ: Select 3-5 qualified firms based on established criteria from MRSC roster or from consultants who responded to an RFQ, if advertised.
- RFP: Prepare an RFP, including, at a minimum: description of services required, project schedule, estimated budget, instructions on submittal information, and due date for the responses. Send RFP to the 3-5 qualified firms previously identified.
- Evaluate responses and select most qualified firm
- Negotiate a contract with most qualified firm
- Document the process for file, including selection criteria, names of firms considered, all responses to RFP, basis for award decision, and copy of contract

Estimated Cost for Services: Over \$100,001

Process: Formal Solicitation

Major Activities:

- RFQ: Prepare a formal RFQ, and advertise the RFQ by, at a minimum, publishing legal notice in the City's newspaper of record and by posting the RFQ on the City's website.
- RFQ: Develop score sheets for use by evaluators and evaluate responses to RFQ.
- RFP: Issue RFP to a minimum of six firms.
- Conduct pre-proposal conference, if required in RFP.
- Provide answers to consultant questions via addenda and post on website.
- Date and time stamp proposals received by the due date.
- Evaluate proposals strictly against criteria set forth in the RFP and score. Use 3 evaluators for scoring and score proposals using score sheets. Tabulate scores and determine ranking of consultants.
- Schedule and conduct oral interviews of top finalists, if desired.
- Determine final scoring and select most qualified firm.
- Notify successful and unsuccessful firms.
- Negotiate a contract with most qualified firm.
- Conduct debriefing conferences with unsuccessful proposers, if requested.

8.0 ARCHITECTURAL, ENGINEERING, AND SURVEYING SERVICES

Services for professional architectural (including landscape architectural), engineering, or surveying services are procured using the qualifications-based selection requirements in Chapter 39.80 RCW. Examples include architectural blueprints, road design, and sewer and water system design. The requirements outlined in that chapter, as stated in these guidelines, or as may be amended by the State Legislature, must be carefully followed.

8.1 ANNUAL ROSTER

As an alternative to creating and maintaining the City's own annual roster for the procurement of architectural, surveying, and engineering services, the City Manager is authorized to enter into agreements with the Municipal Research and Services Center (MRSC) and/or any other agencies for use of their annual rosters as long as such rosters are in compliance with the latest state of Washington rules, regulations, requirements, and laws regarding the procurement of architectural, surveying, and engineering services.

The City encourages architectural, engineering, and surveying firms to submit to MRSC a statement of qualifications and performance data annually. When services are needed, the City will evaluate current statements of qualifications and performance data on file. The City continues to have the option to formally advertise for consultant qualifications aside from using the MRSC roster.

8.2 CONTRACT NEGOTIATIONS

Discussions will be conducted with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services. Using criteria established by the City for the project, category, or type of services needed, a professional services contractor will be selected that is deemed to be the most highly qualified to provide the services required for the proposed project. See Section 7.2 for the RFQ and RFP process. RFPs for architectural, engineering, and surveying services may not request a price. The City must select the most qualified firm and then negotiate a price for the project.

The City will negotiate a contract with the most qualified firm at a price that the City determines is fair and reasonable. In making its determination, the City will consider the estimated value of the services to be rendered as well as the scope, complexity, and professional nature of the service to be provided. If the City is unable to negotiate a satisfactory contract with the firm selected at a price that is determined fair and reasonable, negotiations with that firm will be formally terminated. Another firm will then be selected, and the process continued until an agreement is reached or the process terminated.

9.0 CONTRACT AMENDMENTS

The City Manager may execute an amendment to a contract without City Council approval, provided that the amendment:

- Simply extends the time of completion for a project;
- Provides for a cost increase that does not exceed 10% of the original contract cost (or \$50,000, whichever is greater), and is within the approved budget; or
- Is solely for "On-Call" services to ensure compliance with City Codes and regulations by development applications and studies associated with development applications, when the cost of the work performed is recovered from applicant reimbursements or application fees. Examples include agreements for geotechnical studies and traffic impact analysis.

All changes to the scope of work must be done by contract amendment. Substantial changes to the scope of work must be submitted to the City Attorney for a determination as to whether the work should be a new contract.

This section does not apply to contracts for public works projects. Amendments to contracts for public works projects shall be in the form of a change order approved in accordance with Section 5.13.

10.0 COMPETITIVE BIDDING EXEMPTIONS AND EMERGENCIES

Under RCW 39.04.280, competitive bidding requirements may be waived for:

- a. Purchases that are clearly and legitimately limited to a single source of supply;
- b. Purchases involving special facilities or market conditions;
- c. Purchases in the event of an emergency;
- d. Purchases of insurance or bonds; and
- e. Public works in the event of an emergency.

Purchases may be made from a *sole source* vendor without soliciting other quotes or bids. In non-emergency situations, written documentation demonstrating the appropriateness of a sole source purchase shall be submitted to the Finance Department in advance of the purchase. Finance (and the City Attorney, when needed) will evaluate whether a vendor can legitimately be defined as a sole source.

Purchases involving special facilities or market conditions may be made without soliciting quotes or bids. In non-emergency situations, written documentation demonstrating the appropriateness of a purchase involving special facilities or market conditions shall be submitted to the Finance Department in advance of the purchase. Finance (and the City Attorney, when needed) will evaluate whether special facilities or market conditions legitimately exist.

In accordance with RCW 39.04.280 and Chapter 2.44 BIMC, if an *emergency* exists, the City Council, the City Manager, the Finance Director, or the person(s) designated by the City Manager to act in the event of an emergency may:

- Declare that an emergency situation exists.
- Waive competitive requirements.
- Award, on behalf of the City, contracts necessary to address the emergency (including, but not limited to, contracts for architectural and engineering services).

Chapter 2.44 BIMC contains additional provisions relating to emergency management. RCW 39.04.280 requires that a written finding of the existence of an emergency be made and entered into the public record no later than two weeks following the award of the contract. In accordance with BIMC 2.44.110, such written findings authorizing the emergency procurement shall be presented to the City Council for ratification and confirmation, modification or rejection. However, all emergency procurements under this section shall be considered to be in full force and effect until the City Council acts otherwise.

See the Emergency Operations Center (**EOC**) Manual for additional information on the resource request process used in the EOC during emergencies

11.0 INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENTS

RCW 39.34.030 allows the City to join with other governmental agencies for the purchase of supplies, equipment, or services. This is done by entering into a written Intergovernmental Cooperative Purchasing Agreement (also known as an "Interlocal Agreement").

Prior to making a purchase under such an agreement, the City must ensure that the procedure used by the agency that originally awarded the bid, proposal, or contract is allowable with the City's purchasing policy. The originating agency must also have fulfilled one of two additional public notice requirements:

- Posted the bid or solicitation notice on a web site established and maintained by a public agency, purchasing cooperative, or similar service provider, for purposes of posting public notice of bid or proposal solicitations.
- Provided an access link on the state's web portal to the notice.

The City may also make a bid call with another government entity as a joint purchase that complies with the procurement requirements of both jurisdictions.

When practical, the City should include language in its solicitations that allows other public agencies to purchase from City of Bainbridge Island's contracts or purchase orders, provided that other agencies provide similar rights and reciprocal privileges to the City of Bainbridge Island.

Pursuant to RCW 39.34.030, the City may make purchases through state contracts. The City has signed a Master Contracts Usage Agreement with the Department of Enterprise Services ("DES"). The DES' webpage provides information and instructions for making purchases with the state contract.

The City Council shall approve all Intergovernmental Cooperative Purchasing Agreements.

12.0 VENDOR RELATIONS

12.1 CODE OF ETHICS

Employees will follow applicable personnel policies in this subject area.

12.2 QUOTE OR BID REVISIONS

If a vendor is permitted to submit a revised quote or bid, other competitors will be given the same opportunity. Bidders are expected to offer their best bid first and offering an opportunity to re-quote should be done only when necessary.

12.3 SAMPLES

When vendors offer samples for evaluation, they will be accepted only under the following conditions:

- The sample is accepted as property of the City.
- The product is of a type presently in use by the City or is of potential use. Samples of goods not likely to be purchased are not to be accepted.
- The quantity or size of the sample is relatively small and of minimal value.
- Any chemicals offered as vendor samples shall not be accepted unless accompanied by an OSHA product safety data sheet or material safety data sheet (MSDS).
- If vendor samples are accepted, they must be sent to the appropriate location or department for testing.
- Samples that are requested for evaluation must be purchased.

12.4 LOCAL BUSINESS PARTICIPATION

The City will take affirmative steps not only to encourage local businesses to apply to participate in the procurement process, but to the extent legally possible, the City will consider the use of those local businesses.

13. BID PROTESTS

A bidder wishing to protest the City's award of a contract for a public works project that was the subject of competitive bidding must strictly follow the procedures described below. To the extent that these procedures are not followed, the City will not review a bid protest submitted by a bidder.

13.1 REQUESTS FOR COPIES OF BIDS RECEIVED BY CITY

In accordance with RCW 39.04.105, within two business days of the bid opening on a public works project that is the subject of competitive bids, the City will provide, if requested by a bidder, copies of the bids the City received for the public works project. The City will not execute a contract for the public works project for two full business days from the date that copies of the received bids were provided. Intermediate Saturdays, Sundays, and legal holidays are not counted as "business days."

13.2 PROCEDURE FOR SUBMISSION OF A BID PROTEST

All bid protests must be filed in writing with the City Clerk and must be submitted no later than: two full business days following bid opening, if no bidder requested copies of the bids received for the project; or two full business days following the date on which the City provided copies of the bids to requesting bidders. Intermediate Saturdays, Sundays, and legal holidays are not counted as "business days."

All bid protests must:

- Be submitted in writing;
- Explicitly identify itself as a bid protest;
- Explicitly identify the bid/project/request for which the protest is made;
- Explicitly state all reasons and bases in law and fact supporting the protest; and
- Include any and all supporting documents.

13.3 CONSIDERATION OF A BID PROTEST

Submitted bid protests complying with the requirements outlined above will be reviewed by the City Manager, the City Attorney, and the Public Works Director, or their designees.

The bid protest will be decided based upon the written materials, supporting documents, and other information submitted with the bid protest as well as other records or information known to the City relating to the public works project in question. In the event that a meeting or conference with the protesting bidder would materially assist the City in making its decision, a meeting may be scheduled at the discretion of the City Manager or their designee.

Only those issues identified by the bidder in the written protest filed with the City Clerk will be considered. The City Attorney or their designee will issue a written decision no later than 10 business days after the filing of the bid protest with the City Clerk, which shall be the final decision of the City on the bid protest.

14.0 SALE OR DISPOSAL OF CITY PERSONAL PROPERTY

14.1 AUTHORIZATION

The City Manager may authorize the sale or disposal of personal property owned by the City, provided that the property is no longer needed and that notice of intention to sell is given as provided in this section. The personal property will be deemed as surplus or scrap.

Permission must be obtained from the grantor before selling or disposing of any personal property which was purchased with grant funding. Failure to obtain permission could obligate the City to repay grant funding used to purchase the personal property.

Section 14 does not address the sale or disposal of real property owned by the City.

14.2 SALE VERSUS DISPOSAL

Sales of surplus items to other governmental agencies may occur via private sale. Other sales of surplus items shall be sold via public auction. It is the City's policy to utilize third-party auction services rather than conduct the auction itself.

Scrap may be sold via public auction, via private sale at prices established by current market conditions or may be disposed of if there is not a viable market. The City Manager may donate items with a nominal value to a charitable organization which is tax exempt pursuant to Internal Revenue Code Section 501(c)(3).

14.3 TRADE-INS

Trade-in of old equipment to upgrade similar or reasonably related equipment is permitted when it is in the best interest of the City. The requesting Department Director shall be responsible for the sale, trade, or other disposition of surplus property and scrap belonging to the City of Bainbridge Island when used for a trade-in.

14.4 PUBLIC NOTICE OF SALE

If the City opts not to use a third-party auction service and instead chooses to conduct an auction itself, the notice of intent to sell surplus or scrap at a public sale shall be published once a week for two consecutive weeks in the City's official newspaper immediately prior to the sale. The notice shall state the time and place at which the property will be sold. Any other reasonable means to attract potential buyers to the sale may be used in conjunction with the notice posted in the official newspaper.

14.5 CONFLICT OF INTEREST

Because City employees have more information than the general public about City property to be auctioned and an appearance of fairness is necessary to maintain the public trust, employees, their spouses, and their agents are not permitted to bid on or buy personal property auctioned or sold directly by the City.

14.6 INVENTORIED ITEMS

Surplus, scrap, or trade-in of any inventoried item will be confirmed by the employee responsible and approved by the Department Director. A Property Disposition form will be completed and submitted to the Finance Department.

Each Department will be responsible for storing and retaining an inventory of such property until issued disposition instructions.

15.0 ADDITIONAL SIGNING AUTHORITY

15.1 GRANTS

If a grant would require the City to contribute more than \$50,000 in material matching dollars, then the City Manager will seek City Council approval prior to applying. The City Manager will bring grant opportunities the City Manager becomes aware of to the full City Council. The City Council may also initiate the process of pursuing a grant. If other entities, such as non-profit organizations or community interest groups, wish to apply for a grant on behalf of the City, the group must first obtain the approval of City Council.

The City Manager, or designee, is authorized to execute all required agreements and documents with a grant-issuing agency to effectuate any grant approved or accepted by the City Council.

Amendments to grants that simply extend the term of the grant may be approved by the City Manager.

15.2 INTERLOCAL AGREEMENTS

All interlocal and interagency agreements must be approved by City Council. Amendments to interlocal agreements that simply extend the term of the agreement may be approved by the City Manager.

15.3 REAL PROPERTY

Contracts and agreements that relate to real property (other than as described below) must be approved by the City Council.

The City Manager is authorized to enter into leases of real property where the rent does not exceed \$50,000 total over the term of the lease; Provided, that the City Council's approval is required for all leases of real property that are for a term of more than five (5) years.

The City Manager is authorized to enter into licenses, permits, or other agreements in order to manage the use of the City's right-of-way. Any such license, permit, or other agreement shall contain the provisions set forth in Resolution No. 2013-09.

The City Manager, Director of Public Works and Director of Planning and Community Development are authorized to accept dedications, easements, rights-of-way, fee estates, or other interests in real property for use by or on behalf of the city. Pursuant to this authority, the City Manager, the Director of Public Works, or the Director of Planning and Community Development are each authorized to sign and accept delivery of real property acquisition documents on behalf of the City.

The Director of Planning and Community Development is further authorized to sign and accept documents relating to any notice to title recorded with Kitsap County in connection with the Critical Areas ordinance.

15.4 SETTLEMENT AUTHORITY

The City Manager is authorized to sign settlement agreements requiring the City to pay less than \$50,000 to resolve and settle any damage claims or suits against the City and to execute all necessary documents pursuant to the resolution of such claims. The City Manager shall have the further authority to approve the issuance of checks pursuant to the resolution of such claims. Claims settled by the City Manager under this authority will be reported to the City Council at the next City Council meeting following the settlement.

16.0 COMPLIANCE WITH POLICY

A violation of any of the provisions of this policy may result in discipline to the individual involved where, in the opinion of the City Manager (in the case of employees) or the City Council (in the case of the City Manager), such discipline is in the interest of the public and good government.

Officers and employees should be aware of possible personal penalties, termination, and financial liability for intentional or willful violation of competitive bidding laws. RCW 39.30.020 states (emphasis added):

In addition to any other remedies or penalties contained in any law, municipal charter, ordinance, resolution, or other enactment, any municipal officer by or through whom or under whose supervision, in whole or in part, any contract is made in willful and intentional violation of any law, municipal charter, ordinance, resolution, or other enactment requiring competitive bidding upon such contract shall be held liable to civil penalty of not less than three hundred dollars and may be liable, jointly and severally, with any other such municipal officer for all consequential damages to the municipal corporation. If, as a result of a criminal action, the violation is found to have been intentional, the municipal officer shall immediately forfeit their office. For purposes of this section "municipal officer" shall mean an "officer" or "municipal officer" as those terms are defined in RCW 42.23.020(2).

17.0 SUMMARY OF PROCUREMENT GUIDELINES

PUBLIC WORKS PROJECTS

Estimated Cost	Signing Authority	Purchase/Bidding Process	Contract Mechanism	
\$0 - \$20,000	Public Works Director	Limited Public Works Process	Limited Public Works Contract – 20k	Unit Price Contract (Follow the same threshold amounts and signing authority requirements)
\$20,001 - \$50,000	City Manager	Limited Public Works Process	Limited Public Works Contract – 50k	
\$50,001 - \$350,000		Solicit 5 bids from small works roster. Must provide notice to other appropriate contractors on the roster for projects estimated to cost \$250,000 - \$350,000.	Small Works Contract	
\$250,000 or greater (funded by whole or in part by Federal Funds)		Formal competitive bidding process with advertisement	Formal Bid Contract	
\$350,001- Greater				

- All equipment, supplies, and materials purchased separately but as part of the Public Work project, will be part of the aggregate cost of all phases of the project when determining the applicable bid process to be used. Municipalities may not break public works projects into separate phases or parts to avoid compliance with bidding statutes (RCW35.23.352(1))

Exception: If the public works project is \$250,000 or greater and is funded in whole or in part with federal funds, a formal bid process is required. This threshold is set by the federal government at 2 CFR § 200.88 and 48 CFR § 2.101 ("Simplified acquisition threshold") and is subject to periodic adjustment for inflation pursuant to 41 U.S.C. § 1908.

PURCHASING

This matrix is to be used for purchasing charges that includes, goods, equipment, materials, and supplies that are **not** part of a public works project (telecommunications is not included and is governed by RCW 39.04.270). For items that are defined as a purchased service, please see "Non-professional Services" matrix. For purchases relative to a public works project, please see "Public Works Projects."

Purchasing Procedure	Signing Authority	Purchase \$15,000 Or Less	Purchase \$15,001 - \$50,000	Purchases \$50,001 and over
Direct Negotiations	Directors	X		
Quotes (recommend obtaining 3 quotes when possible.) Telephone, fax, or email	City Manager		X	
Quotes (3 vendors should be solicited) Must be in writing	City Council			X

NON-PROFESSIONAL SERVICES

(PURCHASED SERVICES)

Non-Professional Services shall be described as services provided by a vendor for routine, necessary and continuing functions of a local agency, relative to a physical activity. Examples include courier, janitorial, disposal, vehicle inspection repair or up-fitting, office furnishing install.

Non-Professional Services is not public works, therefore can be let by using a solicitation, evaluation, and award process based on qualifications and price.

Note that prevailing wages may need to be paid in connection with the contract. To verify if Labor and Industries will require prevailed wages for the service being provided, please contact L & I directly for assistance.

Purchased Service Procedure	Signing Authority	Services \$15,000 or Less	Services \$15,001 - \$50,000	Services \$50,001-greater
Qualifications/ Price Direct Negotiations	Directors	X		
Qualification /Price (recommend obtaining 3 quotes when possible) Telephone, fax or email	City Manager		X	
Qualification /Price (3 vendors should be solicited) must be in writing.	City Council			X

PROFESSIONAL SERVICES

**(ARCHITECTURE, ENGINEERING AND SURVEYING SERVICES AND
OTHER SERVICES THAT ARE PERFORMED)**

Chapter 39.80 RCW must be followed for architectural, engineering, and surveying services (see Section 8.0) and price may not be considered in the initial selection process.

Estimated Agreement Amount	Signing Authority	Recommended Solicitation Process
\$25,000 or Less	City Manager	Minimal competition. Contact 1-3 qualified firms.
\$25,001 to \$50,000		Informal competition. Prepare RFQ/RFP and contact 3-5 qualified firms.
\$50,001 to \$100,000	City Council	Formal competition. Prepare RFP/RFQ and advertise.
Over \$100,000		

RESOLUTION NO. 2016-20

A RESOLUTION of the City Council of Bainbridge Island, Washington, adopting a municipal securities disclosure policy.

WHEREAS, since 1994, the City has been required pursuant to United States Securities and Exchange Commission ("SEC") regulations to provide certain financial and related disclosures to the securities market as it relates to the City's outstanding bonded indebtedness; and

WHEREAS, in accordance with SEC regulations all of the City's currently outstanding bonds, and any future bonds, require these disclosures; and

WHEREAS, at the June 7, 2016 City Council meeting, Council approved a settlement offer from the SEC including the requirement that the City adopt a disclosure policy; and

WHEREAS, a disclosure policy is a recommended best practice by the Governmental Finance Officers Association; and

WHEREAS, the disclosure policy will serve as a guide for City personnel and the community; now, therefore

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES RESOLVE AS FOLLOWS:

The Municipal Securities Disclosure Policy attached as Exhibit A to this resolution is hereby adopted in its entirety.

PASSED by the City Council this 23rd day of August, 2016.

APPROVED by the Mayor this 23rd day of August, 2016.

By: _____


Val Collefson, Mayor

ATTEST/AUTHENTICATE:

By: 
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO. :

August 3, 2016
August 23, 2016
2016-20

Exhibit A: Disclosure Policy

EXHIBIT A



MUNICIPAL SECURITIES DISCLOSURE POLICY

As an issuer of municipal securities, the City of Bainbridge Island (City) is subject to the antifraud provisions of the Securities Act of 1933, as amended, and the Securities and Exchange Act of 1934, as amended, and the Securities Act of Washington (chapter 21.70 RCW). These acts impose various obligations on the City, including requiring disclosure of material information regarding its publicly-offered bonds to allow investors to make informed decisions. All documents and statements prepared or made in connection with the purchase or sale of the City's securities cannot contain any untrue statement of a material fact or omit a material fact necessary in order to make the statements not misleading.

This policy is designed to assist the City in its compliance with securities laws and to promote best practices regarding disclosure.

The City has three major disclosure obligations: (1) to prepare an official statement for all public offerings of its securities that is delivered to the underwriter(s) for distribution to potential and actual purchasers and that sets forth the terms of the securities and information regarding the City, (2) to provide ongoing disclosure in compliance with paragraph (b)(5) of the Securities and Exchange Commission Rule 15c2-12 ("Rule 15c2-12"), and (3) if and when the City provides information that can reasonably be expected to be relied on by the market, to ensure that the information is not inaccurate or misleading.

1. Official Statements and Other Disclosure Documents

The City prepares an official statement for each publicly offered security offering. The Finance Director and the City's bond counsel, disclosure counsel and financial advisor are responsible for preparing the official statement. If the City requests a rating, a rating presentation is prepared.

A. Procedure and Timeline for Preparing Official Statements

In advance of each financing, the Finance Director determines the financing team, including financial advisor, bond counsel and underwriters (for negotiated offerings only). Currently, the City's bond counsel compiles official statements. The Finance Director and the Accounting Manager are responsible for providing drafts of the official statement or sections of the official statement, as appropriate, drafts of the rating presentation and investor presentation, if applicable, to the financing team and other City officials in a timely manner to provide adequate time for such individuals to perform a thorough review. The financial advisor or underwriter prepares a schedule for each financing, including dates for distributing drafts of the official statement and financing team calls and meetings to discuss the official statement.

The Finance Director shall provide certain sections of the disclosure documents to individuals with subject matter knowledge of that section for their review and comments. The City Manager shall review the disclosure documents to provide a broader perspective. The City Council shall be informed of the availability of the official statement in advance of its publication and be given the opportunity to comment and ask questions.

B. Training

The Finance Director shall arrange periodic training opportunities to finance staff who participate in the City's debt offerings regarding disclosure obligations and best practices. Training sessions shall include education on the City's disclosure obligations under applicable securities laws and responsibilities and potential liabilities regarding such obligations. The Finance Director shall be responsible for maintaining a record (including attendance) of such training.

C. Document Retention

The Finance Director shall cause to be retained, for a period of at least five years, printed or electronic copies of each preliminary and final official statement and any written certifications or opinions relating to disclosure matters. Drafts of official statements and other disclosure materials are not required to be retained.

D. Certifications and Opinions

In connection with the closing of bonds, the transcript will include a disclosure counsel opinion, if applicable, City attorney's certificate or opinion regarding litigation, and a certificate of the City regarding the official statement.

2. Ongoing Disclosure

Each time the City issues publicly-offered securities it enters into a written undertaking to provide continuing disclosure for the benefit of the holders and beneficial owners of the securities as required by Rule 15c2-12. The undertakings require the City, not later than nine months after the end of each fiscal year, to provide to the Municipal Securities Rulemaking Board the City's annual financial statements, which need not be audited, and certain specified historical financial and operating data. Audited annual financial statements will be provided when available. In each undertaking, the City also agrees to provide or cause to be provided, in not more than 10 business days after the occurrence of the event, notice of the occurrence of certain "Listed Events," as defined in the undertaking.

The City is responsible for complying with each undertaking, including the filing of annual financial reports within the specified time and the providing of timely notice of any Listed Event(s). In addition, City Finance Department employees are registered with EMMA and familiar with the filing requirements and procedures. The duty to comply with the undertaking is included in the Finance Director's job description. The City shall keep a record of each undertaking and a copy of each filing pursuant to the undertakings. Any failure to comply with an undertaking shall be disclosed in future City official statements for five years.

3. Speaking to the Market

The SEC has stated that when a municipal issuer of outstanding securities provides “information to the public that is reasonably expected to reach investors and the trading market, those disclosures are subject to the antifraud provisions”; the information cannot be misleading or contain incorrect information. In order to violate the antifraud rules, the misrepresentation must be made publicly, must be material, must involve a security traded on an efficient market and must be such as would induce a reasonable, relying investor to misjudge the value of the security. Examples of information that could be relied on by investors in the City’s outstanding securities include ongoing disclosure filings, audited financial statements, investor presentations, and financial information posted on the City’s website.

4. Compliance with MCDC Order

On June 10, 2016, the City entered into an Offer of Settlement with the U.S. Securities and Exchange Commission in connection with the Municipalities Continuing Disclosure Cooperation Initiative. As part of that Order, the City agreed to: (1) adopt written policies and procedures, (2) periodic training regarding continuing disclosure obligations, (3) within 180 days, comply with existing continuing disclosure undertakings, including updating any past delinquent filings, (4) disclose the terms of the Order in any of the City’s official statements for 5 years after the institution of the proceedings, and (5) certify in writing compliance with these requirements no later than one year after the institution of the proceedings. This policy is designed to comply with (1) above. The Finance Director has confirmed that the City is in compliance with its ongoing disclosure undertakings during the past five years. The Finance Director is directed to provide the certification required in (5) within one year.

RESOLUTION NO. 2016-18

A RESOLUTION amending Resolution No. 2009-02 establishing procedures for the surplus and sale process for real property owned by the City of Bainbridge Island.

WHEREAS, on March 11, 2009, the City Council passed Resolution No. 2009-02 establishing procedures for the surplus and sale process for real property owned by the City; and

WHEREAS, on August 11, 2015, the City Council passed Resolution No. 2015-15 amending Resolution No. 2009-02; and

WHEREAS, the City of Bainbridge Island desires to further revise these procedures;

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

1. Amendment

Resolution No. 2009-02 is revised to read as follows:

A. City Real Property Inventory. ~~The Director of Public Works~~ City manager or designee shall establish and maintain an inventory and map of City-owned property. References in this Resolution to “City-owned property” are meant to include any real property owned by the City or any of its utilities or other special-purpose funds. The inventory will include the following information:

1. Property name;
2. Street address (if available);
3. Kitsap Assessor’s Office Property Tax Parcel Number;
4. Use of property;

5. Listing of restrictions, covenants or other limiting attributes;
6. Status of property (active or inactive);
7. Any planned future use;
8. City fund that currently owns the property;
9. Estimated land and improvement value; and
10. Restrictions on property use or sale (if applicable).

~~B. — Establishment of Real Property Review Committee. A real property review committee (the “Committee”) is hereby established which shall advise the City Council with respect to the disposal of real property owned by the City. The Committee shall be composed of the City Manager, the Finance Director, the Public Works Director and the City Attorney.~~

B.C. Annual Review of City Real Property Holdings. The Committee City manager or designee shall annually review all of the City’s current real property holdings with regard to the following:

1. If the current use is appropriate and necessary;
2. If the property could be used for another City purpose consistent with its original purchasing fund responsibility restrictions, if any;
3. If the property could be used for another City purpose outside of the responsibility of original purchasing fund restrictions, if any;
4. If the property appears to be surplus to the City’s needs;
5. Whether there is evidence of potential interest by anyone in purchasing the property; and

6. Whether there is an interest by the Board of the Metropolitan Parks & Recreation District, or by any other Bainbridge Island taxing district, in acquiring ~~having the property transferred to that District.~~

~~C.D. Annual written report. Following its review, not less than once per calendar year the Committee~~ City manager or designee shall prepare an annual written report containing an update on previously surplussed property and recommendations as to whether any additional City real property should be declared surplus by the City Council. The report shall contain the following information with regard to any property ~~that the Committee is recommending to be declared~~ recommended for surplus:

1. Description of the location and size of the property;
2. Description of the circumstances under which the property was obtained;
3. Description of the funds used to acquire the property and any restrictions on the property's use or disposal;
4. ~~Recommendation as to which fund the proceeds from its sale should be credited;~~
- ~~5~~4. Description of what municipal use the property has been put to in the past, if any, and what use, if any, for which it might be held;
- ~~6~~. ~~The date of any and each prior appraisal of the property, and the value determined by each such appraisal;~~
- ~~7~~5. Estimation of value (pre-appraisal) of the property;
- ~~8~~6. Whether an appraisal is recommended and the type of appraisal;

97. Whether the property is only usable by abutting owners or is of general marketability;
108. Whether special consideration ought to be given to some other public agency that has a use for the property;
119. Whether the property should be sold at auction, by sealed bid, by request for proposal (RFP), or by negotiation;
1210. Recommendation as to whether any special covenants or restrictions; should be imposed in conjunction with sale of the property; and
1311. If owned by a City utility, recommendation as to whether the property should be sold or transferred to the City's General Fund prior to being conveyed or sold to a third party.

The written report shall be submitted to the City Council in connection with the City's Mid-Year Financial Report no later than April 30 of each calendar year.

D.E. Surplus Real Property Declaration. City real property may be declared surplus by the City Council after the following procedures have been completed:

1. The City Council shall hold a public hearing as part of its process to consider whether to declare any real property surplus to the needs of the City. In accordance with RCW Chapter 39.33, notice of said hearing shall be published in the City's official website (or, if legally necessary, in the City's newspaper of record) not less than ten (10) days nor more than twenty-five (25) days prior to the hearing. In

addition, a news release pertaining to the public hearing shall be posted on the city website.

2. Following conclusion of the public hearing, the City Council shall determine whether the property shall be declared surplus. If such determination is made, City Council shall pass a resolution declaring the property surplus and shall also make the following determinations:

- (a) Whether the property should be transferred to another Bainbridge Island taxing district;
- (b) Whether the property should be sold by sealed bid, at auction, by request for proposal (RFP), or through negotiated sale; (including listing with a real estate broker); and
- (c) Whether special covenants or restrictions should be imposed as a condition of the sale.

E.F. Sale Procedures for Surplus Real Property. The following procedures and requirements shall apply to real property sold as surplus by the City:

1. Determination of Market Value. After a property has been declared surplus and prior to its sale or transfer, the city shall order one of the following three types of appraisals based on the ~~Committee's~~ estimate of the property value.

Estimated Property Value	Recommended Report Format	Review Suggested
Up to \$100,000	Limited/Restricted	No
\$100,001 to \$500,000	Limited/Summary	No
\$500,001 to \$3,000,000	Complete/Summary	Yes
\$3,000,001 and above	Complete/Self-Contained	Yes

~~Any~~The appraiser or reviewer hired by the City must be licensed by the State of Washington as a “state certified general appraiser.”

2. SEPA Review. The sale and/or transfer of any surplus real property that is subject to an authorized public use shall be contingent upon completion of a SEPA review process and the expiration of the SEPA appeal period.

3. Processes for sale of real property.

(a) Disposition by Sealed Bid. Where a property is sold by sealed bids, the prevailing bidder must enter into a purchase and sale agreement and make a deposit in the amount agreed by the parties within the time specified by the City. ~~any and all bids submitted must be accompanied by a bid deposit in the form of a cashier check payable to the City of Bainbridge Island in an amount equal to ten percent (10%) of the bid amount.~~ Such deposit accompanying the successful bid shall be deposited into escrow until closing on the purchase of the property, and payment of the remaining amount of the purchase price shall be made within thirty (30) days, unless

otherwise agreed by the parties. In the event the purchaser is unable to pay the remaining amount within the required time, the earnest money deposit shall become non-refundable and may be retained by the City as liquidated damages.

(b) Disposition by Auction. Where property is sold at auction, the prevailing bidder must immediately tender a cash deposit or certified check for deposit into escrow as earnest money to the City of Bainbridge Island in an amount agreed by the parties equal to ten percent (10%) of the bid amount.

Payment of the remaining amount of the purchase price shall be made within thirty (30) days, unless otherwise agreed by the parties. In the event the purchaser is unable to pay the remaining amount within the required time, the earnest money deposit shall become non-refundable and may be retained by the City as liquidated damages.

(c) Disposition by Request for Proposal. ~~(including listing with a licensed real estate broker.)~~ Where property is sold through a process that includes a request for proposals (RFP), a specification document (including criteria for evaluation of applicant proposals) shall be made available to any person or entity which the City determines would be a qualified applicant. Acceptance or rejection of responses to a Request for Proposal shall be in the sole discretion of the City

Council. If a responsive proposal is accepted by the Council, the development process will proceed as follows:

(i) ENA Stage. Once the City selects a Developer, it and the Developer will then execute an Exclusive Negotiating Agreement (ENA).

(ii) DDA Stage. Once the ENA has been negotiated and approved by the Council, a Disposition and Development Agreement (DDA) will be negotiated between the parties and presented to the Council for approval. All legal rights and obligations between the selected Developer(s), if any, and the City will come into existence only when a DDA is fully executed by the parties and then approved by the Council. The legal rights and obligations of each party shall be only those rights and obligations which are set forth in the DDA and any other documents specifically referred to in that DDA and executed by the parties.

(iii) Construction Stage. Once all the DDA conditions precedent to property transfer have been met, the City will transfer the site to the Developer, and construction will ~~being~~ begin within a short time thereafter, as mutually agreed upon by the City and the Developer.

(d) Disposition by Negotiated Sale or Sale through a Real Estate Broker. Where property is sold by negotiated sale or through a real estate broker, the purchaser shall deposit earnest money into escrow in an amount agreed by the

~~parties equal to ten percent (10%) of the purchase price~~
within three (3) business days of execution of a purchase and
sale agreement for the purchase of the Subject Property.
Payment of the remaining balance of the purchase price shall
be made within thirty (30) days, unless otherwise specified
in the purchase and sale agreement. In the event the
purchaser is unable to pay the remaining amount within the
required time, the earnest money deposit shall become non-
refundable and may be retained by the City as liquidated
damages.

4. Notification of Sale of Surplus Real Property. Notice of sale of surplus property shall be given in accordance with RCW 39.33.020.
- ~~5. All requests to purchase City property shall be directed to the Finance Director with a copy to the City Attorney.~~
- ~~5.6.~~ Form of Conveyance. All conveyances shall be made by quit claim deed.
- ~~6.7.~~ Closing Costs. Closing including, but not limited to, title insurance, recordation costs, and escrow fees shall be allocated as agreed by the parties. Each party shall bear its own brokerage costs, if any.

~~F.G.~~ Intergovernmental Transfers. Intergovernmental transfers of real property shall be made in accordance with RCW Chapter 39.33, RCW Section 43.09.210 and/or any other applicable statutes.

PASSED by the City Council this 23rd day of August, 2016.

APPROVED by the Mayor this 23rd day of August, 2016.

By: 
Val Tollefson, Mayor

ATTEST/AUTHENTICATE:

By: 
Rosalind D. Lassoff, CMC
City Clerk

FILED WITH THE CITY CLERK:	July 31, 2016
PASSED BY THE CITY COUNCIL:	August 23, 2016
RESOLUTION NO.	2016-18

RESOLUTION No. 93 - 52

A RESOLUTION OF THE CITY OF BAINBRIDGE ISLAND,
WASHINGTON ADOPTING AN INVESTMENT POLICY.

WHEREAS, the city council has determined that section 3.12 of the Bainbridge Island Municipal Code longer serves the needs of the city; and

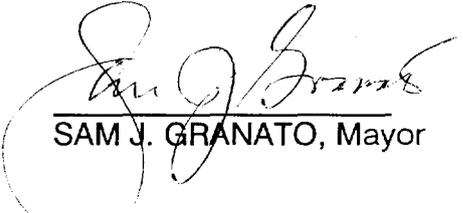
WHEREAS, on December 2, 1993, the city council passed Ordinance 93-16 which calls for the city council to adopt an investment policy by resolution; now; therefore,

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

The attached document labeled "Investment Policy for the City of Bainbridge Island " is adopted by this resolution as the investment policy of the city.

PASSED by the City Council this 16th day of December, 1993.

APPROVED by the Mayor this 17th day of December, 1993.


SAM J. GRANATO, Mayor

ATTEST/AUTHENTICATE:


SUSAN P. KASPER, City Clerk

FILED WITH THE CITY CLERK :	December 8, 1993
PASSED BY THE CITY COUNCIL :	December 16, 1993
PUBLISHED :	December 22, 1993
POSTED :	December 22, 1993
EFFECTIVE DATE :	
RESOLUTION 93 - 52	

**INVESTMENT POLICY
for the
CITY OF BAINBRIDGE ISLAND**

1. POLICY

It is the policy of the City of Bainbridge Island to invest public funds in a manner which will provide security adequate to ensure the protection of the investment together with the highest return consistent with such security while meeting the daily cash flow needs of the City and conforming to all state and local statutes governing the investment public funds.

2. SCOPE

This investment policy applies to all financial assets of the City of Bainbridge Island. These funds are accounted for in the City's Comprehensive Annual Financial Report and include all the funds of the City.

3. PRUDENCE

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with state law, written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4. OBJECTIVE

The primary objectives, in priority order, of the the City of Bainbridge Island's investment activities shall be :

SAFETY : Safety of the principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To obtain this objective, when investing in securities other than obligations of the United States Treasury or in the Local

**INVESTMENT POLICY
for the
CITY OF BAINBRIDGE ISLAND**

Government Investment Pools of the State of Washington and/or Kitsap County, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

LIQUIDITY : The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.

YIELD : The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio.

5. DELEGATION OF AUTHORITY

Authority to manage the City's investment program is derived from : the Bainbridge Island Municipal Code, policies adopted by the Mayor, and this policy as adopted and amended by the City Council. Management responsibility for the investment program is hereby delegated to the Director of Finance and Administrative Services ("the Director"), who shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include reference to: safekeeping, master repurchase agreements, wire transfer agreements, custody agreements and investment related banking services contracts. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Director. The Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

6. ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall

**INVESTMENT POLICY
for the
CITY OF BAINBRIDGE ISLAND**

disclose to the Mayor any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any personal financial/investment positions that could be related to the performance of the City's portfolio. Employees and officers shall subordinate their personal investment transactions to those of the City, particularly with regard to the timing of purchases and sales.

7. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The Director will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness. These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule). No public deposits shall be made except in qualified public depositories as provided in Chapter 39.38 RCW.

8. AUTHORIZED AND SUITABLE INVESTMENTS

The City of Bainbridge Island is empowered to invest in all types of securities which are designated by the Treasurer of the State of Washington as "Eligible Investments for Public Funds" in the State of Washington.

9. COLLATERALIZATION

Collateralization is required on all repurchase agreements. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 105 % of market value of principal and accrued interest.

10. SAFEKEEPING & CUSTODY

All security transactions, including collateral for repurchase agreements, entered into by the City shall be conducted on a delivery-versus-payment (DVP) basis. Securities purchased by

**INVESTMENT POLICY
for the
CITY OF BAINBRIDGE ISLAND**

the City will be delivered against payment and held in a custodial safekeeping account with the trust department of a bank. The trust department of a bank, a third party custodian, will be designated by the Director and all transactions will be evidenced by safekeeping receipts.

11. DIVERSIFICATION

The City will diversify its direct investments by security type and institution. With the exception of U.S. Treasury securities and authorized pools, no more than ten (10) percent of the City's total investment portfolio (including such exempted securities) will be invested in a single security type or with a single financial institution.

12. MAXIMUM MATURITIES & DURATION

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest Operating Fund balances totaling four months' expenditures in securities maturing more than two (2) years from the date of purchase. Operating Fund balances in excess of four months' expenditures and all other fund balances may be invested in securities with a duration of not more than four (4) years from the date of purchase. However, the City may collateralize repurchase agreements using longer-dated investments not to exceed ten (10) years to maturity.

13. INTERNAL CONTROLS

The Director shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

14. PERFORMANCE STANDARDS

The investment portfolio will be designed to obtain an average rate of return during budgetary and economic cycles which meets or exceeds the average yield of the Local Government Investment Pool of the State of Washington. This performance standard shall take into account the City's investment risk constraints and cash flow needs. The City's investment

INVESTMENT POLICY
for the
CITY OF BAINBRIDGE ISLAND

strategy is active.

15. REPORTING

The Director is charged with the responsibility for including a market report on the investment activity and returns in the City's Financial Report.

16. INVESTMENT POLICY ADOPTION

The Investment Policy of the City of Bainbridge Island shall be adopted by resolution of the City Council. The policy shall be reviewed on an annual basis by the Finance Committee of the City Council and any recommended modifications shall be forwarded to the City Council for consideration and approval prior to implementation.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (7:25 PM) Review of Police Department Use of Force Policy - Police,

SUMMARY: Chief Clark will provide a briefing to the City Council regarding police department use of force policies, recommendations and next steps.

AGENDA CATEGORY: Discussion

PROPOSED BY: Police

RECOMMENDED MOTION: Discussion.

STRATEGIC PRIORITY: Safe City

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[Use of Force Briefing CC 14 Jul 2020.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



REPORT ON USE OF FORCE

Council Briefing
July 2020

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- ❖ Policy Review
- ❖ Use of Force Policies
- ❖ Use of Force Reporting
- ❖ 5-year Use of Force Analysis
- ❖ Resources – Model Policies
- ❖ Campaign Zero
- ❖ Additional Considerations
- ❖ Next Steps

Policy Review

- Comply with federal, state and local laws
- Meet accepted best practices
 - Washington State training standards
 - Evidence based practices
- Consistent with court rulings
- Consistent with community expectations

Policy Review

BIPD Policy Manual

- First adopted in January 2015
- Most current update in October 2019
- Organized in 10 chapters by function
- Contains 144 separate policies

Use of Force Policies

- 300 Use of Force
- 301 Use of Force Reviews
- 302 Handcuffing and Restraints
- 303 Control Devices and Techniques
- 304 Conducted Energy Device
- 305 Officer Involved Shootings and Deaths
- 306 Firearms

Use of Force Reporting

The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

Use of Force Reporting

All incidents of force are documented by the officer involved to include the factors leading to the decision to use force and why that level of force was reasonable under the circumstances.

Supervisors are required to investigate and review every use of force and ensure proper documentation.

All uses of force incidents are reviewed by the Chief of Police for compliance with department policies.

5-Year Use of Force Analysis

Type of Force	2015	2016	2017	2018	2019
Physical		1 Black Male			1 White Male
Verbal, Physical	3 White Males	3 White Males	1 White Male 1 Asian Male 1 White Female	5 White Males 1 Asian Male	6 White Males 1 White Female 1 Black Female
Verbal, Physical, LVR		1 Asian Male			
Verbal, Physical, Taser Pointed					
Verbal, Physical, Taser Deployed				1 White Male	
Verbal, Physical, Firearm Pointed		1 Black Male		1 White Male	
Verbal, Physical, Firearm Deployed			1 White Male (OIS Eagle Harbor)	1 White Male (OIS Winslow Green)	
Total Uses of Force	3	6	4	9	9
Total Calls for Service	15,001	16,978	17,478	21,752	14,943
Percent of Calls for Service Resulting in Use of Force	0.020%	0.035%	0.023%	0.041%	0.060%

Resources – Model Policies

- Police Executive Research Forum
 - Guiding Principles on Use of Force
- International Association of Chiefs of Police
 - National Consensus Policy on Use of Force
- Campaign Zero
 - 8CantWait
- Peer agencies

Campaign Zero

Require officers to de-escalate situations, when possible, before using force.

- *Crisis Intervention Incidents* – de-escalation in context of behavioral health incidents.
- Several policies refer to de-escalation techniques and training.
- Recommendation: **Adopt separate de-escalation policy.**

Campaign Zero

Prohibit officers from shooting at people in moving vehicles unless the person poses a deadly threat by means other than the vehicle.

- *Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle or occupants, or if deadly force other than the vehicle is directed at the officer or others.*
- Recommendation: **Retain current policy.**

Campaign Zero

Restrict chokeholds and strangleholds (including carotid restraints) to situations where deadly force is authorized.

- Vascular Neck Restraints previously permitted by policy for use in restraining violent individuals.
- Issued Department Directive restricting use to deadly force situations only.
- Recommendation: **Incorporate directive into final policy.**

Campaign Zero

Require officers to give a verbal warning, when possible, before using deadly force.

- In context of fleeing felony suspect – *a verbal warning should precede the use of deadly force, where feasible.*
- Recommendation: **Restate within policy so that it applies to all circumstances of deadly force.**

Campaign Zero

Use of force continuum or matrix that define/limit the types of force and/or weapons that can be used to respond to specific types of resistance.

- **Recommendation: Develop policy section consistent with state training standards.**

Campaign Zero

Require officers to exhaust all other reasonable alternatives before resorting to using deadly force.

- *Officers shall use only that amount of force that reasonably appears necessary.*
- *Necessary - That no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended (RCW 9A.16.010(1)).*
- Recommendation: **Retain current policy.**

Campaign Zero

Require comprehensive reporting that includes both uses of force and threats of force.

- Current practice of the department but not clearly defined in policy.
- Recommendation: **Update policy to require reporting incidents where firearm or Taser is intentionally pointed at a person.**

Campaign Zero

Require officers to intervene to stop another officer from using excessive force.

- *Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.*
- Recommendation: **Retain current policy.**

Additional Considerations

Body worn cameras – mandatory use

Use of force statistics published annually

Implicit bias training

De-escalation

- Crisis Intervention Training
- Knowledge of the community
- Flagged addresses in 911 system
- Patrol staffing levels

Next Steps

Complete review and updates to policies

Post Department Policy Manual to webpage

Participate in FBI Use of Force Data Collection

Q3 Public Safety Brief



QUESTIONS?



DISCUSSION



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (7:55 PM) Emergency COVID-19 Cleaning Contract Amendment No. 1 - Public Works,

SUMMARY: In response to the COVID-19 public health emergency, on March 11, 2020, Island Hands LLC started additional cleaning and disinfection services for city facilities. A formal PSA for emergency COVID-19 cleaning was executed on April 30, 2020, in the amount of \$30,000. Due to the continued public health emergency, on June 11, 2020, Amendment No. 1 to the PSA was executed by the City Manager in the amount of \$55,000 and extended the term of the PSA through December 31, 2020. Pursuant to BIMC 2.44.110, emergency contracts approved by the City Manager must be presented to the City Council for ratification, modification, or rejection.

AGENDA CATEGORY: Contract

PROPOSED BY: Public Works

RECOMMENDED MOTION:

I move to forward ratification of Amendment No. 1 to the PSA with Island Hands LLC, in the amount of \$55,000, for approval with the July 28, 2020 Consent Agenda.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	\$55,000
Ongoing Cost:	
One-Time Cost:	\$55,000
Included in Current Budget?	Yes

BACKGROUND: On March 9, 2020, the City Manager issued a Proclamation of Emergency in response to COVID-19 public health emergency. On March 10, 2020, the City Council adopted Resolution No. 2020-06, affirming the existence of an emergency and ratifying the City Manager's Proclamation of Emergency.

In response to the COVID-19 public health emergency, the City executed a PSA (attached) with Island Hands, LLC, to provide deep cleaning and disinfection services to seven City facilities, three days per week starting March 11, 2020 through June 11, 2020 in an amount not to exceed \$30,000.

On June 11, 2020, the City Manager executed Amendment No. 1 to the PSA with Island Hands LLC (attached) in the amount of \$55,000, creating a new total not to exceed cost of \$85,000 and extending the services through December 31, 2020.

In non-emergency situations, contracts costing more than \$50,000 require City Council approval. However, under the Proclamation of Emergency, as ratified by Resolution No. 2020-06, public advertising, competitive bidding, and procurement requirements of state law and the City's Procurement Policy, exception mandatory constitutional requirements, have been waived with respect to all contracts necessary to address or respond to the COVID-19 public health emergency. Therefore, the City Manager is authorized to execute all contracts needed to respond to the COVID-19 public health emergency regardless of the dollar amount.

Under BIMC 2.44.110, any emergency contracts executed by the City Manager shall, following execution, be presented to the city council for ratification, modification, or rejection.

ATTACHMENTS:

[Janitorial Covid Orig Contract - Exec.pdf](#)

[Janitorial Covid Contract Amendment No. 1 Exec.pdf](#)

[Resolution No. 2020-06 COVID-19 - Affirming Proclamation of Emergency Approved 031020.pdf](#)

FISCAL DETAILS: The overall impact from the two contract modifications is \$85,000. The additional cost is currently an unbudgeted CARES eligible expense. The cost will be added to the second quarter budget amendment with a split of \$82,500 to the general fund and the remaining \$2,500 affecting the sewer fund. The cost will be reimbursed through the CARES grant.

Fund Name(s): Other

Coding:



Routing Cover Sheet

General Information

Originating Department: Public Works Division: Operations & Maintenance

Document/Project Name: Emergency Janitorial Contract (Covid-19)

A Department Contact: Aaron Claiborne Ext.3585

Document Type

ILA/MOU Contract/Agreement Amendment Change Order Other

Notes:

Emergency contract with Island Hands for extra cleaning and sanitizing during the Covid-19 Crisis

DEPARTMENT INITIAL REVIEW AND ROUTING (For City Manager-Approved Contracts)

Dept. Manager/Supervisor: _____ Date: 4/24/2020
PW Admin: Kathrine Gorkmanous Date: 04/28/2020
Dept. Director: _____ Date: 4/28/20

EXECUTIVE

Executive Admin: RDL Date: 4/28/2020
City Attorney: Robbie Sepler Date: 4-30-2020

CITY CLERK (For City Council – Approved Contracts)

Meeting Date: _____
City Clerk: _____
Contract Inventory: _____

DEPARTMENT BUDGET INFO:
Current Budget: \$
Contract/Expenditure Amount: \$ 30,000.00
Amount Remaining: \$
PW GRANT INFO:
State Grant? YES: <input type="checkbox"/> NO: <input checked="" type="checkbox"/>
Date Authorized by WSDOT/FWHA: _____
Federal Grant? YES: <input type="checkbox"/> NO: <input checked="" type="checkbox"/>
Date Authorized by WSDOT/FWHA: _____

AGREEMENT FOR PURCHASED SERVICES

THIS AGREEMENT FOR PURCHASED SERVICES (“Agreement”) is entered into between the City of Bainbridge Island, a Washington State municipal corporation, (“City”) and Island Hands, LLC, a Washington corporation (“Vendor”).

WHEREAS, Chapter 2.44 BIMC designates the City Manager as the executive head of the City for purposes of emergency management with the authority to proclaim emergencies; and

WHEREAS, on March 9, 2020, the City Manager issued a Proclamation of Emergency in response to the Kitsap Public Health District’s March 8, 2020, confirmation of the County’s first “presumptive positive” COVID-19 case on Bainbridge Island; and

WHEREAS, on March 10, 2020, the City Council adopted Resolution No. 2020-06, affirming the existence of an emergency and ratifying the City Manager’s Proclamation of Emergency; and

WHEREAS, pursuant to RCW 39.04.280 and BIMC 2.44.110, public advertising and competitive bidding and procurement requirements of state law and the City Procurement Policy, excepting mandatory constitutional requirements, are waived for the duration of the emergency with respect to the solicitation and award of all contracts necessary to address the emergency or imminent threat of an emergency; and

WHEREAS, to respond to the COVID-19 public health emergency, the City desires to procure services for deep cleaning and disinfection, which the City regards as nonprofessional services, for City facilities, including City Hall, Police Station, Senior Center, Waterfront Park Bathroom, Wastewater Treatment Plant, Municipal Court, and the Public Works-Operations & Maintenance facilities; and

WHEREAS, deep cleaning and disinfection of City facilities will reduce the risk of spreading COVID-19 among members of the public, City staff, and City officials, allowing the City to continue to provide essential services during the emergency; and

WHEREAS, the Vendor has the expertise and experience to provide said services and is willing to do so in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, promises, and agreements set forth herein, it is agreed by and between the City and the Vendor as follows:

1. SERVICES BY VENDOR

The Vendor shall provide the purchased services as defined in this Agreement and as necessary to accomplish the scope of services attached hereto as **Attachment A** and incorporated herein by this reference as if set forth in full. The Vendor shall furnish all services, labor, and related equipment to conduct and complete the work, except as specifically noted otherwise in this Agreement.

2. TERM AND TERMINATION OF AGREEMENT

A. This Agreement shall become effective upon execution by both parties and shall continue in full force and effect until June 11, 2020 unless sooner terminated by either party as provided below.

B. This Agreement may be terminated by either party without cause upon thirty (30) days' written notice to the other party. In the event of termination, all finished or unfinished documents, reports, or other material or work of the Vendor pursuant to this Agreement shall be submitted to the City, and the Vendor shall be entitled to just and equitable compensation at the rate set forth in Section 3 for any satisfactory work completed prior to the date of termination.

3. PREVAILING WAGES

In that the City is contracting for janitorial services under this Agreement, pursuant to RCW 39.12.020 and WAC 296-127-023, the City regards the work herein to be subject to Washington State Department of Labor and Industries ("L&I") prevailing wage rates. The applicable rates in initiating this Agreement are the rates in effect on the date in which a proposal was requested by the City, which date is March 9, 2020. The applicable prevailing wage rates can be found at L&I's prevailing wage website (see <http://www.lni.wa.gov/TradesLicensing/PrevWage/WageRates/default.asp>).

4. PAYMENT

A. The City shall pay the Vendor \$30.00 per hour per employee, and the cost of supplies plus 10% in accordance with **Attachment A**, but not more than the total amount of thirty thousand dollars (\$30,000.00).

B. The Vendor shall submit, in a format acceptable to the City, monthly invoices for services performed in a previous calendar month. Each project and each task within a project shall be the subject of a separate invoice. The Vendor shall maintain time and expense records and provide them to the City upon request.

C. The City shall pay all invoices by mailing a City check within sixty (60) days of receipt of a proper invoice from the Vendor.

D. If the services rendered do not meet the requirements of this Agreement, the Vendor shall correct or modify the work to comply with this Agreement. The City may withhold payment for such work until it meets the requirements of this Agreement.

5. INSPECTION AND AUDIT

The Vendor shall maintain all books, records, documents, and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Vendor shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts, and records if necessary, to conduct or document an audit. The Vendor shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Vendor shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

6. INDEPENDENT CONTRACTOR

A. The Vendor and the City understand and expressly agree that the Vendor is an independent contractor in the performance of each and every part of this Agreement. The Vendor expressly represents, warrants, and agrees that the Vendor's status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195. The Vendor, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Vendor shall make no claim of City employment nor shall the Vendor claim any related employment benefits, social security, and/or retirement benefits.

B. The Vendor shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Vendor shall pay the same before it becomes due.

C. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Vendor performs hereunder.

D. The Vendor shall obtain a business license and, if applicable, pay business and occupation taxes pursuant to Title 5 of the Bainbridge Island Municipal Code.

7. NONDISCRIMINATION AND COMPLIANCE WITH LAWS

A. The Vendor agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, sexual orientation, age, disability, or other circumstance prohibited by federal, state, or local law or ordinance, except for a bona fide occupational qualification.

B. The Vendor shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this Agreement.

C. Violation of this Section 6 shall be a material breach of this Agreement and grounds for cancellation, termination, or suspension by the City, in whole or in part, and may result in ineligibility for further work for the City.

8. OWNERSHIP OF WORK PRODUCT

All data, materials, reports, memoranda, and other documents developed under this Agreement, whether finished or not, shall become the property of the City and shall be forwarded to the City in hard copy and in digital format that is compatible with the City's computer software programs.

9. GENERAL ADMINISTRATION AND MANAGEMENT

The City Manager of the City, or designee, shall be the City's representative, and shall oversee and approve all services to be performed, coordinate all communications, and review and approve all invoices, under this Agreement.

10. HOLD HARMLESS AND INDEMNIFICATION

A. The Vendor shall defend, indemnify, and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits including attorney fees, arising out of or resulting from the acts, errors, or omissions of the Vendor in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

B. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Vendor and the City, its officers, officials, employees, and volunteers, the Vendor's liability, including the duty and cost to defend hereunder, shall be only to the extent of the Vendor's negligence. It is

further specifically and expressly understood that the indemnification provided herein constitutes the Vendor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

C. The City's inspection or acceptance of any of the Vendor's work when completed shall not be grounds to void, nullify, and/or invalidate any of these covenants of indemnification.

D. Nothing contained in this Agreement shall be construed to create a liability or a right of indemnification in any third party.

11. INSURANCE

The Vendor shall maintain insurance as follows:

Commercial General Liability as described in **Attachment B**.

Professional Liability as described in **Attachment B**.

Automobile Liability as described in **Attachment B**.

Workers' Compensation as described in **Attachment B**.

None.

12. SUBLETTING OR ASSIGNING CONTRACT

This Agreement, or any interest herein or claim hereunder, shall not be assigned or transferred in whole or in part by the Vendor to any other person or entity without the prior written consent of the City. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of the Vendor as stated herein.

13. EXTENT OF AGREEMENT/MODIFICATION

This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified, or added to only by written instrument properly signed by both parties.

14. SEVERABILITY

A. If a court of competent jurisdiction holds any part, term, or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

15. FAIR MEANING

The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

16. NON-WAIVER

A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay, or failure of either party to insist upon strict performance of any agreement, covenant, or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition, or right.

17. NOTICES

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses as follows:

To the City: _____

City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110
Attention: City Manager

To the Vendor:
Island Hands, LLC
18869 Colwood Ave NE
Poulsbo, WA 98370
Attention: Kims Kingombe Embeya

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

18. SURVIVAL

Any provision of this Agreement which imposes an obligation after termination or expiration of this Agreement shall survive the term or expiration of this Agreement and shall be binding on the parties to this Agreement.

19. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

20. VENUE

The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Kitsap County, Washington.

21. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

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

ISLAND HANDS, LLC

CITY OF BAINBRIDGE ISLAND

Date: 04/08/2020

Date: 4/30/2020

By: KIMS KINGOMBE

By: Morgan Smith

Name KIMS KINGOMBE EMBEYA

Morgan Smith, City Manager

Title OWNER

Tax I.D. #

ATTACHMENT A Scope of Services

GENERAL

Upon award, the Vendor shall assign a supervisor to oversee all work. Starting on March 11, 2020 the Vendor and City Contact have daily tracked the employee's hours working on the deep cleaning and disinfection. Starting on April 15, 2020 the Vendor shall complete and submit to the City Contact the daily checklist provided in Attachment C to this Agreement that details the facilities, disinfection tasks, names of the employees, and the hours worked.

Janitorial Service shall follow Center for Disease Control and Prevention (CDC) recommendations for environmental cleaning and disinfection. The following items, including all touch surfaces and hard surfaces shall be disinfected using an alcohol solution with at least 70% alcohol and/or EPA-registered disinfectants documented on the N-list: doors, chairs, countertops, cabinets, partitions, tables, benches, fixtures, appliances, windows, glass, floors, etc.

The City and the Vendor acknowledge that, due to the COVID-19 public health emergency, the Vendor began to provide the services specified in this Agreement to the City on March 11, 2020, prior to execution of this written Agreement. The parties intend to formalize their prior oral agreement through execution of this Agreement, and this Agreement formalizes the compensation owed to the Vendor for all services performed prior to execution of this Agreement. As outlined in Section 13 of this Agreement, this Agreement supersedes all prior negotiations, representations, or agreements, either written or oral, between the parties.

Personal Protective Equipment (PPE): The Vendor shall follow the CDC recommendations for PPE's for all of its employees working in City facilities.

Schedule:

For the period beginning on March 11, 2020, and continuing through April 14, 2020, the Vendor will provide services under this Agreement in accordance with the schedule below:

- **City Hall, Senior Center & WF Park-Tues, Thur, Sat** (Schedule Tues/Thur 11:00 PM to 5:00 AM-6 hours each day for at least 2-3 people).
- **Police, Court, Public Works & WWTP-Mon, Wed, Fri** (Schedule: 1:00 AM to 5:00 AM-4 hours each day for at least 2-3 people).

For the period beginning on April 15, 2020, through June 11, 2020, the Vendor will provide services under this Agreement in accordance with the schedule below:

- **City Hall, Senior Center & WF Park-Tues, Thur, Sat** (Schedule Tues/Thur-4 hours each day for at least 2-3 people)
- **Police, Court, Public Works & WWTP-Mon, Wed, Fri-4 hours each day for at least 2-3 people)**

SUPPLIES

The Vendor shall supply all cleaning products, equipment, and tools to needed to provide the services specified in this Agreement. Prior to purchase of any new supplies, the Vendor shall get written approval from the City Contact. The City shall pay for all approved supplies at the Vendor's cost plus 10%. Due to limited supplies available, the City may allow, upon request by the Vendor, use of the City's supply of disinfectant product and personal protection equipment for the duration of this Agreement.

SITE SECURITY

While on City's premises, the Vendor, its agents, employees, or subcontractors shall comply in all respects with physical, fire, or other security regulations. Failure to comply with any part of facility security or confidentiality is a violation of the Agreement's specifications, terms and conditions and may result in termination of the Agreement. The following shall apply:

General

Vendor's personnel shall conduct themselves on site in a workman like manner at all times. Personnel shall be courteous, neat in appearance, and wear visible vendor identification. Vendor employees are not allowed to move and read papers on desks, open desk drawers and cabinets, and use telephones and office equipment at the City's facilities. The Vendor shall not allow children and non-employees on the premises.

Security Plans

Vendor is to adhere to the City's security plans. Prior to working in any City facilities employees shall provide information including full name, address, driver's license, and fingerprints. The Police Department shall review/approve all potential employees prior to working in City facilities. The City reserves the right to deny any potential employee for past criminal activity and security concerns. Following the approval by the Police Department potential employees shall undergo online security training and present the Police Department with a certification of completion.

The Vendor shall not leave windows or doors propped open for any length of time without supervision. The vendor and his/her employees may not use City property, including telephones, for personal use unless given permission by an authorized City representative. All doors are to be secured upon Vendor's departure from the facility. Smoking in any City building is not allowed.

Keys

Keys and access codes to City property issued to the Vendor must not be reproduced or given to another person. The Vendor will be responsible for obtaining any keys provided to employees who terminate employment with Vendor and returning them to the City. Keys or access codes shall be safeguarded and accounted for. The Vendor shall be held financially responsible for any damage and loss due to misappropriation, loss of keys, and compromise of access codes. In those cases, the Vendor may also be responsible for, but not limited to, all costs incurred, including re-keying of all locks, re-configuring electronic access systems, and reissuing new keys.

False Security Alarms

The City's designated contact will brief the Vendor on operation of the alarm system (police and/or fire), to stop false alarms from occurring. If an employee of the Vendor, by his/her actions or omissions causes a false alarm to occur, which results in a charge for the false alarm, the Vendor shall be liable for those charges, and the City will generate an invoice to the Vendor for those charges. The City reserves the right to hold payment for services until the Vendor pays the false alarm charge.

Hazardous Conditions/Damage Reporting

The Vendor's or his employees shall call 911 when drugs or needles are found on City property. The employee shall take precautions to not to touch or remove drugs/needles. The Vendor shall let the Police Department handle and dispose of drugs/needles properly. Other hazardous conditions shall be immediately secured, Vendor supervisor and City contacted to prevent damage and protect from injury.

Vendor's or his/her employees shall report any damaged or broken plumbing, glass or windows, light fixtures, furniture, lavatory fixtures, toilet stoppages, any security violations, vandalism, hazardous conditions, problems with heating and ventilating equipment, or any other condition to be considered unsafe, that may require attention for repairs, adjustment, replacement or correction within 24 hours.

HAZARDOUS MATERIALS

Right-to-know legislation requires the Department of Labor and Industries to establish a program to make employers and employees more aware of chemicals and hazardous substances in their work environment. The Vendor must include a complete material safety data sheet (MSDS) for each chemical material and the location each material is stored. Additionally, each container of hazardous materials must be appropriately labeled with:

1. The identity of the hazardous material,
2. Appropriate hazard warnings, and
3. Name and address of the chemical manufacturer, importer, or other responsible party.

The Vendor is responsible for the appropriate disposal of all waste products generated by the Vendor per all applicable Federal, State and local regulations.

Notification to the City's designated contact must be submitted in writing at least one week in advance by the Vendor when non-standard janitorial services are being conducted such as carpet cleaning, window washing, etc. prior to use of chemicals that may irritate chemically sensitive employees. This notification is to ensure facility employees are aware of changes in their environment.

SAFETY TRAINING

Vendor shall be responsible for all necessary safety training in compliance with local, state, and federal regulations, including, but not limited to, the Occupational Safety and Health Administration rules and regulations and guidance and recommendations from the CDC and other local, state, and federal health organizations.

**ATTACHMENT B
INSURANCE REQUIREMENTS**

A. Insurance Term

The Vendor shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Vendor, its agents, representatives, or employees.

B. No Limitation

The Vendor's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Vendor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance

The Vendor shall obtain insurance of the types and coverage described below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.
2. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap liability, independent contractors, and personal injury and advertising injury. The City shall be named as an additional insured under the Vendor's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Vendor's profession.

D. Minimum Amounts of Insurance

The Vendors shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit, as applicable.

E. Other Insurance Provision

The Vendor's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain, that they shall be primary insurance as respect to the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Vendor's insurance and shall not contribute with it.

F. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

G. Verification of Coverage

Before commencing work and services, the Vendor shall provide to the person identified in Section 8 of the Agreement a Certificate of Insurance evidencing the required insurance. The Vendor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Vendor before commencement of the work. The City reserves the right to request and receive a certified copy of all required insurance policies.

H. Notice of Cancellation

The Vendor shall provide the City with written notice of any policy cancellation within two business days of their receipt of such notice.

I. Failure to Maintain Insurance

Failure on the part of the Vendor to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five (5) business days' notice to the Vendor to correct the breach, immediately terminate this Agreement or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Vendor from the City.

J. City Full Availability of Vendor Limits

If the Vendor maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Vendor, irrespective of whether such limits maintained by the Vendor are greater than those required by this Agreement or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Vendor.

ATTACHMENT C

See Attached Daily Checklist.

Attachement C COVID-19 Emergency Contract-Deep Cleaning & Disinfection Checklist				
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
WWTP	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Lab Doors		3x week (Mon, Wed, Fri)		
Interior & Exterior Lab Door jam		3x week (Mon, Wed, Fri)		
Office/Lab Chairs		3x week (Mon, Wed, Fri)		
Counters		3x week (Mon, Wed, Fri)		
Tables		3x week (Mon, Wed, Fri)		
Floors		3x week (Mon, Wed, Fri)		
Cabinets		3x week (Mon, Wed, Fri)		
Lab sink		3x week (Mon, Wed, Fri)		
Appliances-Inside/out	1x week (Fri)	2x week (Mon, Wed)		
Bathroom/Shower/Toilet/Sink	1x week (Fri)	2x week (Mon, Wed)		
Door handles, latches	1x week (Fri)	2x week (Mon, Wed)		
Door touch pads	1x week (Fri)	2x week (Mon, Wed)		
Light & electrical switches	1x week (Fri)	2x week (Mon, Wed)		
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
Public Works-O&M	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Mon, Wed, Fri)		
Interior & Exterior Door jam		3x week (Mon, Wed, Fri)		
Office/Shop/Lunchroom Chairs		3x week (Mon, Wed, Fri)		
Counters		3x week (Mon, Wed, Fri)		
Tables		3x week (Mon, Wed, Fri)		
Floors		3x week (Mon, Wed, Fri)		
Cabinets		3x week (Mon, Wed, Fri)		
Sink		3x week (Mon, Wed, Fri)		
Printer/Copy Machine (damp rag only)		3x week (Mon, Wed, Fri)		
Appliances-Inside/out	5x week (Mon to Fri)			
Bathroom/Shower/Toilet/Sink	5x week (Mon to Fri)			
Kitchen Sink	5x week (Mon to Fri)			
Door handles, latches	5x week (Mon to Fri)			
Door touch pads	5x week (Mon to Fri)			
Bathroom partitions	5x week (Mon to Fri)			
Light & electrical switches	5x week (Mon to Fri)			

	3-Year Janitorial Contract	COVID-19 Emergency Contract		
Municipal Court	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Mon, Wed, Fri)		
Interior & Exterior Door jam		3x week (Mon, Wed, Fri)		
Office/Courtroom Chairs/Benches		3x week (Mon, Wed, Fri)		
Counters		3x week (Mon, Wed, Fri)		
Tables		3x week (Mon, Wed, Fri)		
Floors		3x week (Mon, Wed, Fri)		
Cabinets		3x week (Mon, Wed, Fri)		
Printer/Copy Machine (damp rag only)		3x week (Mon, Wed, Fri)		
Appliances-Inside/out	5x week (Mon to Fri)			
Bathroom/Toilet/Sink	5x week (Mon to Fri)			
Kitchen Sink	5x week (Mon to Fri)			
Door handles, latches	3x week (Mon, Wed, Fri)			
Door touch pads	3x week (Mon, Wed, Fri)			
Light & electrical switches	3x week (Mon, Wed, Fri)			
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
Police Station	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Mon, Wed, Fri)		
Interior & Exterior Door jam		3x week (Mon, Wed, Fri)		
Office/Courtroom Chairs/Benches		3x week (Mon, Wed, Fri)		
Counters		3x week (Mon, Wed, Fri)		
Tables		3x week (Mon, Wed, Fri)		
Floors		3x week (Mon, Wed, Fri)		
Cabinets		3x week (Mon, Wed, Fri)		
Printer/Copy Machine (damp rag only)		3x week (Mon, Wed, Fri)		
Appliances-Inside/out	6x week (Sun to Fri)			
Bathroom/Toilet/Sink	6x week (Sun to Fri)			
Kitchen Sink	6x week (Sun to Fri)			
Door handles, latches	3x week (Mon, Wed, Fri)			
Door touch pads	3x week (Mon, Wed, Fri)			
Light & electrical switches	3x week (Mon, Wed, Fri)			

COVID-19 Emergency Work-Deep Cleaning/Disinfection Summary

Employees Worked	Hours	The hours worked are for COVID-19 Emergency Contract with the tasks listed above.
		Signature _____ Date _____

Attachement C COVID-19 Emergency Contract-Deep Cleaning & Disinfection Checklist				
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
City Hall	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Tues, Thur, Sat)		
Interior & Exterior Door jam		3x week (Tues, Thur, Sat)		
Office/Meeting/Lunchroom Chairs		3x week (Tues, Thur, Sat)		
Exterior Tables/Chairs		3x week (Tues, Thur, Sat)		
Handrails		3x week (Tues, Thur, Sat)		
Elevator		3x week (Tues, Thur, Sat)		
Counters		3x week (Tues, Thur, Sat)		
Vending Machines		3x week (Tues, Thur, Sat)		
Tables		3x week (Tues, Thur, Sat)		
Floors		3x week (Tues, Thur, Sat)		
Cabinets		3x week (Tues, Thur, Sat)		
Conference Rooms equipment		3x week (Tues, Thur, Sat)		
Display Cases		3x week (Tues, Thur, Sat)		
Recycling Bins		3x week (Tues, Thur, Sat)		
Eng/PCD Swinging Doors		3x week (Tues, Thur, Sat)		
Sink		3x week (Tues, Thur, Sat)		
Printer/Copy Machine (damp rag only)		3x week (Tues, Thur, Sat)		
Appliances-Inside/out	5x week (Mon to Fri)			
Bathroom/Shower/Locker/Toilet/Sink	5x week (Mon to Fri)			
Kitchen Sink	5x week (Mon to Fri)			
Door handles, latches	5x week (Mon to Fri)			
Door touch pads	5x week (Mon to Fri)			
Bathroom partitions	5x week (Mon to Fri)			
Light & electrical switches	5x week (Mon to Fri)			
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
Senior Center	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Tues, Thur, Sat)		
Interior & Exterior Door jam		3x week (Tues, Thur, Sat)		
Office/Chairs/Benches		3x week (Tues, Thur, Sat)		
Counters		3x week (Tues, Thur, Sat)		
Tables		3x week (Tues, Thur, Sat)		

Floors		3x week (Tues, Thur, Sat)					
Cabinets		3x week (Tues, Thur, Sat)					
Printer/Copy Machine (damp rag only)		3x week (Tues, Thur, Sat)					
Appliances-Inside/out	6x week (Sun to Fri)						
Bathroom/Toilet/Sink	6x week (Sun to Fri)						
Bathroom partitions	6x week (Sun to Fri)						
Kitchen Sink	6x week (Sun to Fri)						
Door handles, latches	6x week (Sun to Fri)						
Door touch pads	6x week (Sun to Fri)						
Light & electrical switches	6x week (Sun to Fri)						
	3-Year Janitorial Contract				COVID-19 Emergency Contract		
Waterfront Park Bathrooms	Disinfect/Sanitize				Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Mon, Wed, Fri)					
Interior & Exterior Door jam		3x week (Mon, Wed, Fri)					
Benches		3x week (Mon, Wed, Fri)					
Walls		3x week (Mon, Wed, Fri)					
Floors		3x week (Mon, Wed, Fri)					
Bathroom/Toilet/Sink	7x week (Sun to Sat)						
Door handles, latches	7x week (Sun to Sat)						
Door touch pads	7x week (Sun to Sat)						
Light & electrical switches	7x week (Sun to Sat)						

COVID-19 Emergency Work-Deep Cleaning/Disinfection Summary

Employees Worked	Hours	The hours worked are for COVID-19 Emergency Contract with the tasks listed above.
Signature _____		Date _____

Routing Cover Sheet

General Information

Originating Department: Public Works Division: Engineering
 Document/Project Name: Amendment No. 1/Emergency Janitorial Contract-Covid-19
 Department Contact: Aaron Claiborne Ext. 3585

Document Type

ILA/MOU Contract/Agreement Amendment Change Order Other

Notes: Amendment to extend agreement through 12/31/2020

DEPARTMENT INITIAL REVIEW AND ROUTING (For City Manager-Approved Contracts)

Dept. Mgr/Supervisor: _____ Date: _____
 PW Admin: Kathrine Gormanous Date: 6/11/2020
 Dept. Director: _____ Date: 6/11/20

EXECUTIVE

Executive Admin: Roz Lassoff Date: 6/11/2020
 City Attorney: Robbie Sepler Date: 6-11-2020

CITY CLERK (For City Council – Approved Contracts)

Meeting Date: _____
 City Clerk: _____
 Contract Inventory: _____

DEPARTMENT BUDGET INFO:

Current Budget: \$ _____
 Contract/Expenditure Amount: \$ _____
 Amount Remaining: \$ _____

PW GRANT INFO:

State Grant?
 YES: NO:
 Date Authorized by WSDOT/FWHA: _____
 Federal Grant?
 YES: NO:
 Date Authorized by WSDOT/FWHA: _____

**AMENDMENT NO. 1 TO
AGREEMENT FOR PURCHASED SERVICES**

THIS AMENDMENT NO. 1 TO THE AGREEMENT FOR PURCHASED SERVICES (“Amendment”) amends the Agreement for Purchased Services (“Agreement”) entered into on March 30, 2020, by the City of Bainbridge Island, a Washington State municipal corporation, (“City”), and Island Hands, LLC, a Washington corporation (“Vendor”).

WHEREAS, March 10, 2020, the City Council adopted Resolution No. 2020-06, affirming the existence of an emergency and ratifying the City Manager’s Proclamation of Emergency issued on March 9, 2020; and

WHEREAS, the City and the Vendor entered into the Agreement to provide deep cleaning and disinfection of City facilities from March 11, 2020 through June 11, 2020 to reduce the risk of spreading COVID-19 among members of the public, City staff, and City officials, and allow the City to continue to provide essential services during the emergency; and

WHEREAS, pursuant to RCW 39.04.280 and BIMC 2.44.110, public advertising and competitive bidding and procurement requirements of state law and the City’s Procurement Policy, excepting mandatory constitutional requirements, are waived with respect to the solicitation and award of all contracts necessary to address the emergency or imminent threat of an emergency; and

WHEREAS, the City desires that the Vendor continue to provide deep cleaning and disinfection of City facilities through December 31, 2020; and

WHEREAS, the Vendor is willing to continue to provide such services in exchange for an increase of \$55,000.00 to the maximum amount payable under this Agreement; and

WHEREAS, the City and the Vendor desire to change payment under the Agreement from hourly to a monthly lump sum, thereby reducing overall costs to the City and reducing administrative work for both the City and the Vendor .

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

1. Section 2.A is hereby amended to read as follows:
 - A. This Agreement shall become effective upon execution by both parties and shall continue in full force and effect until ~~June 11, 2020~~ December 31, 2020, unless sooner terminated by either party as provided below.

2. Section 4.A is hereby amended to read as follows:
 - A. ~~The City shall pay the Vendor \$30.00 per hour per employee, and the cost of supplies plus 10% in accordance with Attachment A, but not more than the total amount of thirty thousand dollars (\$30,000.00)~~

A. The City shall pay the Vendor \$5,130.00 total for all work performed under this Agreement from June 12, 2020, through June 30, 2020, and \$8,208.00 per month for all work performed under this Agreement from July 1, 2020, through December 31, 2020, but not more than the total amount of eighty-five thousand dollars (\$85,000.00) for all work performed under this Agreement.

3. Attachment A, Scope of Services, to the Agreement is hereby repealed in its entirety and replaced as set forth on attached **Exhibit A**:

4. Attachment C, Daily Checklist, to the Agreement is hereby repealed in its entirety and replaced as set forth on attached **Exhibit B**.

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

6. Sections 1, 2, 3, 5, and 6 of this Amendment shall take effect immediately upon execution of this Amendment. Section 4 of this Amendment shall take effect on June 12, 2020.

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

ISLAND HANDS, LLC

CITY OF BAINBRIDGE ISLAND

Date: 06/10/20

Date: June 11, 2020

By: ^{KIMS KINGOMBE}
ISLAND HANDS LLC

By: [Signature]

Name KIMI KINGOMBE

Morgan Smith, City Manager

Title OWNER

Ellen Schroer, Deputy City Manager

Tax I.D. # _____

City Bus. Lic. # _____

EXHIBIT A: SCOPE OF SERVICES

ATTACHMENT A Scope of Services

GENERAL

Upon award, the Vendor shall assign a supervisor to oversee all work. Starting on June 12, 2020 the Vendor shall complete and submit to the City Contact the daily checklist provided in Exhibit B, **Attachment C** to this Agreement that details the facilities, disinfection tasks and dates worked.

Janitorial Service shall follow Center for Disease Control and Prevention (CDC) recommendations for environmental cleaning and disinfection. The following items, including all touch surfaces and hard surfaces shall be disinfected using an alcohol solution with at least 70% alcohol and/or EPA-registered disinfectants documented on the N-list: doors, chairs, countertops, cabinets, partitions, tables, benches, fixtures, appliances, windows, glass, floors, etc.

The City and the Vendor acknowledge that, due to the COVID-19 public health emergency, the Vendor began to provide the services specified in this Agreement to the City on March 11, 2020, prior to execution of this written Agreement. The parties intend to formalize their prior oral agreement through execution of this Agreement, and this Agreement formalizes the compensation owed to the Vendor for all services performed prior to execution of this Agreement. As outlined in Section 13 of this Agreement, this Agreement supersedes all prior negotiations, representations, or agreements, either written or oral, between the parties.

Personal Protective Equipment (PPE): The Vendor shall follow the CDC recommendations for PPE's for all of its employees working in City facilities.

Schedule:

For the period beginning on March 11, 2020, and continuing through April 14, 2020, the Vendor will provide services under this Agreement in accordance with the schedule below:

- **City Hall, Senior Center & WF Park**-Tues, Thur, Sat (Schedule Tues/Thur 11:00 PM to 5:00 AM-6 hours each day for at least 2-3 people).
- **Police, Court, Public Works & WWTP**-Mon, Wed, Fri (Schedule: 1:00 AM to 5:00 AM-4 hours each day for at least 2-3 people).

For the period beginning on April 15, 2020, through June 11, 2020, the Vendor will provide services under this Agreement in accordance with the schedule below:

- **City Hall, Senior Center & WF Park**-Tues, Thur, Sat (Schedule Tues/Thur-4 hours each day for at least 2-3 people)
- **Police, Court, Public Works & WWTP**-Mon, Wed, Fri-4 hours each day for at least 2-3 people)

For the period beginning on June 12, 2020, through December 31, 2020, the Vendor will provide services under this Agreement in accordance with the schedule below:

- **City Hall, Senior Center & WF Park**-Tues, Thur, Sat (Schedule Tues/Thur-4 hours each day for at least 3 people)
- **Police, Court, Public Works & WWTP**-Mon, Wed, Fri-4 hours each day for at least 3 people)

SUPPLIES

Due to limited supplies available, the City will provide the Vendor disinfectant product and personal protection equipment for the duration of this Agreement. The Vendor shall supply all other cleaning products, equipment, and tools to needed to provide the services specified in this Agreement.

SITE SECURITY

While on City's premises, the Vendor, its agents, employees, or subcontractors shall comply in all respects with physical, fire, or other security regulations. Failure to comply with any part of facility security or confidentiality is a violation of the Agreement's specifications, terms and conditions and may result in termination of the Agreement. The following shall apply:

General

Vendor's personnel shall conduct themselves on site in a workman like manner at all times. Personnel shall be courteous, neat in appearance, and wear visible vendor identification. Vendor employees are not allowed to move and read papers on desks, open desk drawers and cabinets, and use telephones and office equipment at the City's facilities. The Vendor shall not allow children and non-employees on the premises.

Security Plans

Vendor is to adhere to the City's security plans. Prior to working in any City facilities employees shall provide information including full name, address, driver's license, and fingerprints. The Police Department shall review/approve all potential employees prior to working in City facilities. The City reserves the right to deny any potential employee for past criminal activity and security concerns. Following the approval by the Police Department potential employees shall undergo online security training and present the Police Department with a certification of completion.

The Vendor shall not leave windows or doors propped open for any length of time without supervision. The vendor and his/her employees may not use City property, including telephones, for personal use unless given permission by an authorized City representative. All doors are to be secured upon Vendor's departure from the facility. Smoking in any City building is not allowed.

Keys

Keys and access codes to City property issued to the Vendor must not be reproduced or given to another person. The Vendor will be responsible for obtaining any keys provided

to employees who terminate employment with Vendor and returning them to the City. Keys or access codes shall be safeguarded and accounted for. The Vendor shall be held financially responsible for any damage and loss due to misappropriation, loss of keys, and compromise of access codes. In those cases, the Vendor may also be responsible for, but not limited to, all costs incurred, including re-keying of all locks, re-configuring electronic access systems, and reissuing new keys.

False Security Alarms

The City's designated contact will brief the Vendor on operation of the alarm system (police and/or fire), to stop false alarms from occurring. If an employee of the Vendor, by his/her actions or omissions causes a false alarm to occur, which results in a charge for the false alarm, the Vendor shall be liable for those charges, and the City will generate an invoice to the Vendor for those charges. The City reserves the right to hold payment for services until the Vendor pays the false alarm charge.

Hazardous Conditions/Damage Reporting

The Vendor's or his employees shall call 911 when drugs or needles are found on City property. The employee shall take precautions to not to touch or remove drugs/needles. The Vendor shall let the Police Department handle and dispose of drugs/needles properly. Other hazardous conditions shall be immediately secured, Vendor supervisor and City contacted to prevent damage and protect from injury.

Vendor's or his/her employees shall report any damaged or broken plumbing, glass or windows, light fixtures, furniture, lavatory fixtures, toilet stoppages, any security violations, vandalism, hazardous conditions, problems with heating and ventilating equipment, or any other condition to be considered unsafe, that may require attention for repairs, adjustment, replacement or correction within 24 hours.

HAZARDOUS MATERIALS

Right-to-know legislation requires the Department of Labor and Industries to establish a program to make employers and employees more aware of chemicals and hazardous substances in their work environment. The Vendor must include a complete material safety data sheet (MSDS) for each chemical material and the location each material is stored. Additionally, each container of hazardous materials must be appropriately labeled with:

1. The identity of the hazardous material,
2. Appropriate hazard warnings, and
3. Name and address of the chemical manufacturer, importer, or other responsible party.

The Vendor is responsible for the appropriate disposal of all waste products generated by the Vendor per all applicable Federal, State and local regulations.

Notification to the City's designated contact must be submitted in writing at least one week in advance by the Vendor when non-standard janitorial services are being conducted such as carpet cleaning, window washing, etc. prior to use of chemicals that may irritate chemically sensitive

employees. This notification is to ensure facility employees are aware of changes in their environment.

SAFETY TRAINING

Vendor shall be responsible for all necessary safety training in compliance with local, state, and federal regulations, including, but not limited to, the Occupational Safety and Health Administration rules and regulations and guidance and recommendations from the CDC and other local, state, and federal health organizations.

EXHIBIT B DAILY CHECKLIST

Attachement C COVID-19 Emergency Contract-Deep Cleaning & Disinfection Checklist				
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
WWTP	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Lab Doors		3x week (Mon, Wed, Fri)		
Interior & Exterior Lab Door jam		3x week (Mon, Wed, Fri)		
Office/Lab Chairs		3x week (Mon, Wed, Fri)		
Counters		3x week (Mon, Wed, Fri)		
Tables		3x week (Mon, Wed, Fri)		
Floors		3x week (Mon, Wed, Fri)		
Cabinets		3x week (Mon, Wed, Fri)		
Lab sink		3x week (Mon, Wed, Fri)		
Appliances-Inside/out	1x week (Fri)	2x week (Mon, Wed)		
Bathroom/Shower/Toilet/Sink	1x week (Fri)	2x week (Mon, Wed)		
Door handles, latches	1x week (Fri)	2x week (Mon, Wed)		
Door touch pads	1x week (Fri)	2x week (Mon, Wed)		
Light & electrical switches	1x week (Fri)	2x week (Mon, Wed)		
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
Public Works-O&M	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Mon, Wed, Fri)		
Interior & Exterior Door jam		3x week (Mon, Wed, Fri)		
Office/Shop/Lunchroom Chairs		3x week (Mon, Wed, Fri)		
Counters		3x week (Mon, Wed, Fri)		
Tables		3x week (Mon, Wed, Fri)		
Floors		3x week (Mon, Wed, Fri)		
Cabinets		3x week (Mon, Wed, Fri)		
Sink		3x week (Mon, Wed, Fri)		
Printer/Copy Machine (damp rag only)		3x week (Mon, Wed, Fri)		
Appliances-Inside/out	5x week (Mon to Fri)			
Bathroom/Shower/Toilet/Sink	5x week (Mon to Fri)			
Kitchen Sink	5x week (Mon to Fri)			
Door handles, latches	5x week (Mon to Fri)			
Door touch pads	5x week (Mon to Fri)			
Bathroom partitions	5x week (Mon to Fri)			

Light & electrical switches	5x week (Mon to Fri)			
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
Municipal Court	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Mon, Wed, Fri)		
Interior & Exterior Door jam		3x week (Mon, Wed, Fri)		
Office/Courtroom Chairs/Benches		3x week (Mon, Wed, Fri)		
Counters		3x week (Mon, Wed, Fri)		
Tables		3x week (Mon, Wed, Fri)		
Floors		3x week (Mon, Wed, Fri)		
Cabinets		3x week (Mon, Wed, Fri)		
Printer/Copy Machine (damp rag only)		3x week (Mon, Wed, Fri)		
Appliances-Inside/out	5x week (Mon to Fri)			
Bathroom/Toilet/Sink	5x week (Mon to Fri)			
Kitchen Sink	5x week (Mon to Fri)			
Door handles, latches	3x week (Mon, Wed, Fri)			
Door touch pads	3x week (Mon, Wed, Fri)			
Light & electrical switches	3x week (Mon, Wed, Fri)			
	3-Year Janitorial Contract			
Police Station	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Mon, Wed, Fri)		
Interior & Exterior Door jam		3x week (Mon, Wed, Fri)		
Office/Courtroom Chairs/Benches		3x week (Mon, Wed, Fri)		
Counters		3x week (Mon, Wed, Fri)		
Tables		3x week (Mon, Wed, Fri)		
Floors		3x week (Mon, Wed, Fri)		
Cabinets		3x week (Mon, Wed, Fri)		
Printer/Copy Machine (damp rag only)		3x week (Mon, Wed, Fri)		
Appliances-Inside/out	6x week (Sun to Fri)			
Bathroom/Toilet/Sink	6x week (Sun to Fri)			
Kitchen Sink	6x week (Sun to Fri)			
Door handles, latches	3x week (Mon, Wed, Fri)			
Door touch pads	3x week (Mon, Wed, Fri)			
Light & electrical switches	3x week (Mon, Wed, Fri)			

	3-Year Janitorial Contract	COVID-19 Emergency Contract		
City Hall	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Tues, Thur, Sat)		
Interior & Exterior Door jam		3x week (Tues, Thur, Sat)		
Office/Meeting/Lunchroom Chairs		3x week (Tues, Thur, Sat)		
Exterior Tables/Chairs		3x week (Tues, Thur, Sat)		
Handrails		3x week (Tues, Thur, Sat)		
Elevator		3x week (Tues, Thur, Sat)		
Counters		3x week (Tues, Thur, Sat)		
Vending Machines		3x week (Tues, Thur, Sat)		
Tables		3x week (Tues, Thur, Sat)		
Floors		3x week (Tues, Thur, Sat)		
Cabinets		3x week (Tues, Thur, Sat)		
Conference Rooms equipment		3x week (Tues, Thur, Sat)		
Display Cases		3x week (Tues, Thur, Sat)		
Recycling Bins		3x week (Tues, Thur, Sat)		
Eng/PCD Swinging Doors		3x week (Tues, Thur, Sat)		
Sink		3x week (Tues, Thur, Sat)		
Printer/Copy Machine (damp rag only)		3x week (Tues, Thur, Sat)		
Appliances-Inside/out	5x week (Mon to Fri)			
Bathroom/Shower/Locker/Toilet/Sink	5x week (Mon to Fri)			
Kitchen Sink	5x week (Mon to Fri)			
Door handles, latches	5x week (Mon to Fri)			
Door touch pads	5x week (Mon to Fri)			
Bathroom partitions	5x week (Mon to Fri)			
Light & electrical switches	5x week (Mon to Fri)			
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
Senior Center	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Tues, Thur, Sat)		
Interior & Exterior Door jam		3x week (Tues, Thur, Sat)		
Office/Chairs/Benches		3x week (Tues, Thur, Sat)		
Counters		3x week (Tues, Thur, Sat)		
Tables		3x week (Tues, Thur, Sat)		
Floors		3x week (Tues, Thur, Sat)		

Cabinets		3x week (Tues, Thur, Sat)		
Printer/Copy Machine (damp rag only)		3x week (Tues, Thur, Sat)		
Appliances-Inside/out	6x week (Sun to Fri)			
Bathroom/Toilet/Sink	6x week (Sun to Fri)			
Bathroom partitions	6x week (Sun to Fri)			
Kitchen Sink	6x week (Sun to Fri)			
Door handles, latches	6x week (Sun to Fri)			
Door touch pads	6x week (Sun to Fri)			
Light & electrical switches	6x week (Sun to Fri)			
	3-Year Janitorial Contract			
Waterfront Park Bathrooms	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Mon, Wed, Fri)		
Interior & Exterior Door jam		3x week (Mon, Wed, Fri)		
Benches		3x week (Mon, Wed, Fri)		
Walls		3x week (Mon, Wed, Fri)		
Floors		3x week (Mon, Wed, Fri)		
Bathroom/Toilet/Sink	7x week (Sun to Sat)			
Door handles, latches	7x week (Sun to Sat)			
Door touch pads	7x week (Sun to Sat)			
Light & electrical switches	7x week (Sun to Sat)			

COVID-19 Emergency Work-Deep Cleaning/Disinfection Summary

The date of work was completed with COVID-19 Emergency Contract with the tasks listed above.

Signature

Date



Routing Cover Sheet

General Information

Originating Department: Public Works Division: Operations & Maintenance

Document/Project Name: Emergency Janitorial Contract (Covid-19)

AZ Department Contact: Aaron Claiborne Ext.3585

Document Type

ILA/MOU Contract/Agreement Amendment Change Order Other

Notes:

Emergency contract with Island Hands for extra cleaning and sanitizing during the Covid-19 Crisis

DEPARTMENT INITIAL REVIEW AND ROUTING (For City Manager-Approved Contracts)

Dept. Manager/Supervisor: _____
PW Admin: Kathrine Gorkmanous
Dept. Director: _____

Date: 4/24/2020
Date: 04/28/2020
Date: 4/28/20

EXECUTIVE

Executive Admin: RDL
City Attorney: Robbie Sepler

Date: 4/28/2020
Date: 4-30-2020

CITY CLERK (For City Council – Approved Contracts)

Meeting Date: _____
City Clerk: _____
Contract Inventory: _____

DEPARTMENT BUDGET INFO:

Current Budget:
\$
Contract/Expenditure Amount:
\$ 30,000.00
Amount Remaining:
\$

PW GRANT INFO:

State Grant?
YES: NO:
Date Authorized by WSDOT/FWHA:

Federal Grant?
YES: NO:
Date Authorized by WSDOT/FWHA:

AGREEMENT FOR PURCHASED SERVICES

THIS AGREEMENT FOR PURCHASED SERVICES (“Agreement”) is entered into between the City of Bainbridge Island, a Washington State municipal corporation, (“City”) and Island Hands, LLC, a Washington corporation (“Vendor”).

WHEREAS, Chapter 2.44 BIMC designates the City Manager as the executive head of the City for purposes of emergency management with the authority to proclaim emergencies; and

WHEREAS, on March 9, 2020, the City Manager issued a Proclamation of Emergency in response to the Kitsap Public Health District’s March 8, 2020, confirmation of the County’s first “presumptive positive” COVID-19 case on Bainbridge Island; and

WHEREAS, on March 10, 2020, the City Council adopted Resolution No. 2020-06, affirming the existence of an emergency and ratifying the City Manager’s Proclamation of Emergency; and

WHEREAS, pursuant to RCW 39.04.280 and BIMC 2.44.110, public advertising and competitive bidding and procurement requirements of state law and the City Procurement Policy, excepting mandatory constitutional requirements, are waived for the duration of the emergency with respect to the solicitation and award of all contracts necessary to address the emergency or imminent threat of an emergency; and

WHEREAS, to respond to the COVID-19 public health emergency, the City desires to procure services for deep cleaning and disinfection, which the City regards as nonprofessional services, for City facilities, including City Hall, Police Station, Senior Center, Waterfront Park Bathroom, Wastewater Treatment Plant, Municipal Court, and the Public Works-Operations & Maintenance facilities; and

WHEREAS, deep cleaning and disinfection of City facilities will reduce the risk of spreading COVID-19 among members of the public, City staff, and City officials, allowing the City to continue to provide essential services during the emergency; and

WHEREAS, the Vendor has the expertise and experience to provide said services and is willing to do so in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, promises, and agreements set forth herein, it is agreed by and between the City and the Vendor as follows:

1. SERVICES BY VENDOR

The Vendor shall provide the purchased services as defined in this Agreement and as necessary to accomplish the scope of services attached hereto as **Attachment A** and incorporated herein by this reference as if set forth in full. The Vendor shall furnish all services, labor, and related equipment to conduct and complete the work, except as specifically noted otherwise in this Agreement.

2. TERM AND TERMINATION OF AGREEMENT

A. This Agreement shall become effective upon execution by both parties and shall continue in full force and effect until June 11, 2020 unless sooner terminated by either party as provided below.

B. This Agreement may be terminated by either party without cause upon thirty (30) days' written notice to the other party. In the event of termination, all finished or unfinished documents, reports, or other material or work of the Vendor pursuant to this Agreement shall be submitted to the City, and the Vendor shall be entitled to just and equitable compensation at the rate set forth in Section 3 for any satisfactory work completed prior to the date of termination.

3. PREVAILING WAGES

In that the City is contracting for janitorial services under this Agreement, pursuant to RCW 39.12.020 and WAC 296-127-023, the City regards the work herein to be subject to Washington State Department of Labor and Industries ("L&I") prevailing wage rates. The applicable rates in initiating this Agreement are the rates in effect on the date in which a proposal was requested by the City, which date is March 9, 2020. The applicable prevailing wage rates can be found at L&I's prevailing wage website (see <http://www.lni.wa.gov/TradesLicensing/PrevWage/WageRates/default.asp>).

4. PAYMENT

A. The City shall pay the Vendor \$30.00 per hour per employee, and the cost of supplies plus 10% in accordance with **Attachment A**, but not more than the total amount of thirty thousand dollars (\$30,000.00).

B. The Vendor shall submit, in a format acceptable to the City, monthly invoices for services performed in a previous calendar month. Each project and each task within a project shall be the subject of a separate invoice. The Vendor shall maintain time and expense records and provide them to the City upon request.

C. The City shall pay all invoices by mailing a City check within sixty (60) days of receipt of a proper invoice from the Vendor.

D. If the services rendered do not meet the requirements of this Agreement, the Vendor shall correct or modify the work to comply with this Agreement. The City may withhold payment for such work until it meets the requirements of this Agreement.

5. INSPECTION AND AUDIT

The Vendor shall maintain all books, records, documents, and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Vendor shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts, and records if necessary, to conduct or document an audit. The Vendor shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Vendor shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

6. INDEPENDENT CONTRACTOR

A. The Vendor and the City understand and expressly agree that the Vendor is an independent contractor in the performance of each and every part of this Agreement. The Vendor expressly represents, warrants, and agrees that the Vendor's status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195. The Vendor, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Vendor shall make no claim of City employment nor shall the Vendor claim any related employment benefits, social security, and/or retirement benefits.

B. The Vendor shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Vendor shall pay the same before it becomes due.

C. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Vendor performs hereunder.

D. The Vendor shall obtain a business license and, if applicable, pay business and occupation taxes pursuant to Title 5 of the Bainbridge Island Municipal Code.

7. NONDISCRIMINATION AND COMPLIANCE WITH LAWS

A. The Vendor agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, sexual orientation, age, disability, or other circumstance prohibited by federal, state, or local law or ordinance, except for a bona fide occupational qualification.

B. The Vendor shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this Agreement.

C. Violation of this Section 6 shall be a material breach of this Agreement and grounds for cancellation, termination, or suspension by the City, in whole or in part, and may result in ineligibility for further work for the City.

8. OWNERSHIP OF WORK PRODUCT

All data, materials, reports, memoranda, and other documents developed under this Agreement, whether finished or not, shall become the property of the City and shall be forwarded to the City in hard copy and in digital format that is compatible with the City's computer software programs.

9. GENERAL ADMINISTRATION AND MANAGEMENT

The City Manager of the City, or designee, shall be the City's representative, and shall oversee and approve all services to be performed, coordinate all communications, and review and approve all invoices, under this Agreement.

10. HOLD HARMLESS AND INDEMNIFICATION

A. The Vendor shall defend, indemnify, and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits including attorney fees, arising out of or resulting from the acts, errors, or omissions of the Vendor in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

B. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Vendor and the City, its officers, officials, employees, and volunteers, the Vendor's liability, including the duty and cost to defend hereunder, shall be only to the extent of the Vendor's negligence. It is

further specifically and expressly understood that the indemnification provided herein constitutes the Vendor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

C. The City's inspection or acceptance of any of the Vendor's work when completed shall not be grounds to void, nullify, and/or invalidate any of these covenants of indemnification.

D. Nothing contained in this Agreement shall be construed to create a liability or a right of indemnification in any third party.

11. INSURANCE

The Vendor shall maintain insurance as follows:

Commercial General Liability as described in **Attachment B**.

Professional Liability as described in **Attachment B**.

Automobile Liability as described in **Attachment B**.

Workers' Compensation as described in **Attachment B**.

None.

12. SUBLETTING OR ASSIGNING CONTRACT

This Agreement, or any interest herein or claim hereunder, shall not be assigned or transferred in whole or in part by the Vendor to any other person or entity without the prior written consent of the City. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of the Vendor as stated herein.

13. EXTENT OF AGREEMENT/MODIFICATION

This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified, or added to only by written instrument properly signed by both parties.

14. SEVERABILITY

A. If a court of competent jurisdiction holds any part, term, or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

15. FAIR MEANING

The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

16. NON-WAIVER

A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay, or failure of either party to insist upon strict performance of any agreement, covenant, or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition, or right.

17. NOTICES

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses as follows:

To the City: _____

City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110
Attention: City Manager

To the Vendor:
Island Hands, LLC
18869 Colwood Ave NE
Poulsbo, WA 98370
Attention: Kims Kingombe Embeya

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

18. SURVIVAL

Any provision of this Agreement which imposes an obligation after termination or expiration of this Agreement shall survive the term or expiration of this Agreement and shall be binding on the parties to this Agreement.

19. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

20. VENUE

The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Kitsap County, Washington.

21. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

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

ISLAND HANDS, LLC

CITY OF BAINBRIDGE ISLAND

Date: 04/08/2020

Date: 4/30/2020

By: KIMS KINGOMBE EMBEYA

By: Morgan Smith

Name KIMS KINGOMBE EMBEYA

Morgan Smith, City Manager

Title OWNER

Tax I.D. #

ATTACHMENT A Scope of Services

GENERAL

Upon award, the Vendor shall assign a supervisor to oversee all work. Starting on March 11, 2020 the Vendor and City Contact have daily tracked the employee's hours working on the deep cleaning and disinfection. Starting on April 15, 2020 the Vendor shall complete and submit to the City Contact the daily checklist provided in Attachment C to this Agreement that details the facilities, disinfection tasks, names of the employees, and the hours worked.

Janitorial Service shall follow Center for Disease Control and Prevention (CDC) recommendations for environmental cleaning and disinfection. The following items, including all touch surfaces and hard surfaces shall be disinfected using an alcohol solution with at least 70% alcohol and/or EPA-registered disinfectants documented on the N-list: doors, chairs, countertops, cabinets, partitions, tables, benches, fixtures, appliances, windows, glass, floors, etc.

The City and the Vendor acknowledge that, due to the COVID-19 public health emergency, the Vendor began to provide the services specified in this Agreement to the City on March 11, 2020, prior to execution of this written Agreement. The parties intend to formalize their prior oral agreement through execution of this Agreement, and this Agreement formalizes the compensation owed to the Vendor for all services performed prior to execution of this Agreement. As outlined in Section 13 of this Agreement, this Agreement supersedes all prior negotiations, representations, or agreements, either written or oral, between the parties.

Personal Protective Equipment (PPE): The Vendor shall follow the CDC recommendations for PPE's for all of its employees working in City facilities.

Schedule:

For the period beginning on March 11, 2020, and continuing through April 14, 2020, the Vendor will provide services under this Agreement in accordance with the schedule below:

- **City Hall, Senior Center & WF Park-Tues, Thur, Sat** (Schedule Tues/Thur 11:00 PM to 5:00 AM-6 hours each day for at least 2-3 people).
- **Police, Court, Public Works & WWTP-Mon, Wed, Fri** (Schedule: 1:00 AM to 5:00 AM-4 hours each day for at least 2-3 people).

For the period beginning on April 15, 2020, through June 11, 2020, the Vendor will provide services under this Agreement in accordance with the schedule below:

- **City Hall, Senior Center & WF Park-Tues, Thur, Sat** (Schedule Tues/Thur-4 hours each day for at least 2-3 people)
- **Police, Court, Public Works & WWTP-Mon, Wed, Fri-4 hours each day for at least 2-3 people)**

SUPPLIES

The Vendor shall supply all cleaning products, equipment, and tools to needed to provide the services specified in this Agreement. Prior to purchase of any new supplies, the Vendor shall get written approval from the City Contact. The City shall pay for all approved supplies at the Vendor's cost plus 10%. Due to limited supplies available, the City may allow, upon request by the Vendor, use of the City's supply of disinfectant product and personal protection equipment for the duration of this Agreement.

SITE SECURITY

While on City's premises, the Vendor, its agents, employees, or subcontractors shall comply in all respects with physical, fire, or other security regulations. Failure to comply with any part of facility security or confidentiality is a violation of the Agreement's specifications, terms and conditions and may result in termination of the Agreement. The following shall apply:

General

Vendor's personnel shall conduct themselves on site in a workman like manner at all times. Personnel shall be courteous, neat in appearance, and wear visible vendor identification. Vendor employees are not allowed to move and read papers on desks, open desk drawers and cabinets, and use telephones and office equipment at the City's facilities. The Vendor shall not allow children and non-employees on the premises.

Security Plans

Vendor is to adhere to the City's security plans. Prior to working in any City facilities employees shall provide information including full name, address, driver's license, and fingerprints. The Police Department shall review/approve all potential employees prior to working in City facilities. The City reserves the right to deny any potential employee for past criminal activity and security concerns. Following the approval by the Police Department potential employees shall undergo online security training and present the Police Department with a certification of completion.

The Vendor shall not leave windows or doors propped open for any length of time without supervision. The vendor and his/her employees may not use City property, including telephones, for personal use unless given permission by an authorized City representative. All doors are to be secured upon Vendor's departure from the facility. Smoking in any City building is not allowed.

Keys

Keys and access codes to City property issued to the Vendor must not be reproduced or given to another person. The Vendor will be responsible for obtaining any keys provided to employees who terminate employment with Vendor and returning them to the City. Keys or access codes shall be safeguarded and accounted for. The Vendor shall be held financially responsible for any damage and loss due to misappropriation, loss of keys, and compromise of access codes. In those cases, the Vendor may also be responsible for, but not limited to, all costs incurred, including re-keying of all locks, re-configuring electronic access systems, and reissuing new keys.

False Security Alarms

The City's designated contact will brief the Vendor on operation of the alarm system (police and/or fire), to stop false alarms from occurring. If an employee of the Vendor, by his/her actions or omissions causes a false alarm to occur, which results in a charge for the false alarm, the Vendor shall be liable for those charges, and the City will generate an invoice to the Vendor for those charges. The City reserves the right to hold payment for services until the Vendor pays the false alarm charge.

Hazardous Conditions/Damage Reporting

The Vendor's or his employees shall call 911 when drugs or needles are found on City property. The employee shall take precautions to not to touch or remove drugs/needles. The Vendor shall let the Police Department handle and dispose of drugs/needles properly. Other hazardous conditions shall be immediately secured, Vendor supervisor and City contacted to prevent damage and protect from injury.

Vendor's or his/her employees shall report any damaged or broken plumbing, glass or windows, light fixtures, furniture, lavatory fixtures, toilet stoppages, any security violations, vandalism, hazardous conditions, problems with heating and ventilating equipment, or any other condition to be considered unsafe, that may require attention for repairs, adjustment, replacement or correction within 24 hours.

HAZARDOUS MATERIALS

Right-to-know legislation requires the Department of Labor and Industries to establish a program to make employers and employees more aware of chemicals and hazardous substances in their work environment. The Vendor must include a complete material safety data sheet (MSDS) for each chemical material and the location each material is stored. Additionally, each container of hazardous materials must be appropriately labeled with:

1. The identity of the hazardous material,
2. Appropriate hazard warnings, and
3. Name and address of the chemical manufacturer, importer, or other responsible party.

The Vendor is responsible for the appropriate disposal of all waste products generated by the Vendor per all applicable Federal, State and local regulations.

Notification to the City's designated contact must be submitted in writing at least one week in advance by the Vendor when non-standard janitorial services are being conducted such as carpet cleaning, window washing, etc. prior to use of chemicals that may irritate chemically sensitive employees. This notification is to ensure facility employees are aware of changes in their environment.

SAFETY TRAINING

Vendor shall be responsible for all necessary safety training in compliance with local, state, and federal regulations, including, but not limited to, the Occupational Safety and Health Administration rules and regulations and guidance and recommendations from the CDC and other local, state, and federal health organizations.

**ATTACHMENT B
INSURANCE REQUIREMENTS**

A. Insurance Term

The Vendor shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Vendor, its agents, representatives, or employees.

B. No Limitation

The Vendor's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Vendor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance

The Vendor shall obtain insurance of the types and coverage described below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.
2. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap liability, independent contractors, and personal injury and advertising injury. The City shall be named as an additional insured under the Vendor's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Vendor's profession.

D. Minimum Amounts of Insurance

The Vendors shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit, as applicable.

E. Other Insurance Provision

The Vendor's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain, that they shall be primary insurance as respect to the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Vendor's insurance and shall not contribute with it.

F. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

G. Verification of Coverage

Before commencing work and services, the Vendor shall provide to the person identified in Section 8 of the Agreement a Certificate of Insurance evidencing the required insurance. The Vendor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Vendor before commencement of the work. The City reserves the right to request and receive a certified copy of all required insurance policies.

H. Notice of Cancellation

The Vendor shall provide the City with written notice of any policy cancellation within two business days of their receipt of such notice.

I. Failure to Maintain Insurance

Failure on the part of the Vendor to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five (5) business days' notice to the Vendor to correct the breach, immediately terminate this Agreement or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Vendor from the City.

J. City Full Availability of Vendor Limits

If the Vendor maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Vendor, irrespective of whether such limits maintained by the Vendor are greater than those required by this Agreement or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Vendor.

ATTACHMENT C

See Attached Daily Checklist.

Attachement C COVID-19 Emergency Contract-Deep Cleaning & Disinfection Checklist				
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
WWTP	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Lab Doors		3x week (Mon, Wed, Fri)		
Interior & Exterior Lab Door jam		3x week (Mon, Wed, Fri)		
Office/Lab Chairs		3x week (Mon, Wed, Fri)		
Counters		3x week (Mon, Wed, Fri)		
Tables		3x week (Mon, Wed, Fri)		
Floors		3x week (Mon, Wed, Fri)		
Cabinets		3x week (Mon, Wed, Fri)		
Lab sink		3x week (Mon, Wed, Fri)		
Appliances-Inside/out	1x week (Fri)	2x week (Mon, Wed)		
Bathroom/Shower/Toilet/Sink	1x week (Fri)	2x week (Mon, Wed)		
Door handles, latches	1x week (Fri)	2x week (Mon, Wed)		
Door touch pads	1x week (Fri)	2x week (Mon, Wed)		
Light & electrical switches	1x week (Fri)	2x week (Mon, Wed)		
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
Public Works-O&M	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Mon, Wed, Fri)		
Interior & Exterior Door jam		3x week (Mon, Wed, Fri)		
Office/Shop/Lunchroom Chairs		3x week (Mon, Wed, Fri)		
Counters		3x week (Mon, Wed, Fri)		
Tables		3x week (Mon, Wed, Fri)		
Floors		3x week (Mon, Wed, Fri)		
Cabinets		3x week (Mon, Wed, Fri)		
Sink		3x week (Mon, Wed, Fri)		
Printer/Copy Machine (damp rag only)		3x week (Mon, Wed, Fri)		
Appliances-Inside/out	5x week (Mon to Fri)			
Bathroom/Shower/Toilet/Sink	5x week (Mon to Fri)			
Kitchen Sink	5x week (Mon to Fri)			
Door handles, latches	5x week (Mon to Fri)			
Door touch pads	5x week (Mon to Fri)			
Bathroom partitions	5x week (Mon to Fri)			
Light & electrical switches	5x week (Mon to Fri)			

	3-Year Janitorial Contract	COVID-19 Emergency Contract		
Municipal Court	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Mon, Wed, Fri)		
Interior & Exterior Door jam		3x week (Mon, Wed, Fri)		
Office/Courtroom Chairs/Benches		3x week (Mon, Wed, Fri)		
Counters		3x week (Mon, Wed, Fri)		
Tables		3x week (Mon, Wed, Fri)		
Floors		3x week (Mon, Wed, Fri)		
Cabinets		3x week (Mon, Wed, Fri)		
Printer/Copy Machine (damp rag only)		3x week (Mon, Wed, Fri)		
Appliances-Inside/out	5x week (Mon to Fri)			
Bathroom/Toilet/Sink	5x week (Mon to Fri)			
Kitchen Sink	5x week (Mon to Fri)			
Door handles, latches	3x week (Mon, Wed, Fri)			
Door touch pads	3x week (Mon, Wed, Fri)			
Light & electrical switches	3x week (Mon, Wed, Fri)			
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
Police Station	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Mon, Wed, Fri)		
Interior & Exterior Door jam		3x week (Mon, Wed, Fri)		
Office/Courtroom Chairs/Benches		3x week (Mon, Wed, Fri)		
Counters		3x week (Mon, Wed, Fri)		
Tables		3x week (Mon, Wed, Fri)		
Floors		3x week (Mon, Wed, Fri)		
Cabinets		3x week (Mon, Wed, Fri)		
Printer/Copy Machine (damp rag only)		3x week (Mon, Wed, Fri)		
Appliances-Inside/out	6x week (Sun to Fri)			
Bathroom/Toilet/Sink	6x week (Sun to Fri)			
Kitchen Sink	6x week (Sun to Fri)			
Door handles, latches	3x week (Mon, Wed, Fri)			
Door touch pads	3x week (Mon, Wed, Fri)			
Light & electrical switches	3x week (Mon, Wed, Fri)			

COVID-19 Emergency Work-Deep Cleaning/Disinfection Summary

Employees Worked	Hours	The hours worked are for COVID-19 Emergency Contract with the tasks listed above.
Signature _____		Date _____

Attachement C COVID-19 Emergency Contract-Deep Cleaning & Disinfection Checklist				
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
City Hall	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Tues, Thur, Sat)		
Interior & Exterior Door jam		3x week (Tues, Thur, Sat)		
Office/Meeting/Lunchroom Chairs		3x week (Tues, Thur, Sat)		
Exterior Tables/Chairs		3x week (Tues, Thur, Sat)		
Handrails		3x week (Tues, Thur, Sat)		
Elevator		3x week (Tues, Thur, Sat)		
Counters		3x week (Tues, Thur, Sat)		
Vending Machines		3x week (Tues, Thur, Sat)		
Tables		3x week (Tues, Thur, Sat)		
Floors		3x week (Tues, Thur, Sat)		
Cabinets		3x week (Tues, Thur, Sat)		
Conference Rooms equipment		3x week (Tues, Thur, Sat)		
Display Cases		3x week (Tues, Thur, Sat)		
Recycling Bins		3x week (Tues, Thur, Sat)		
Eng/PCD Swinging Doors		3x week (Tues, Thur, Sat)		
Sink		3x week (Tues, Thur, Sat)		
Printer/Copy Machine (damp rag only)		3x week (Tues, Thur, Sat)		
Appliances-Inside/out	5x week (Mon to Fri)			
Bathroom/Shower/Locker/Toilet/Sink	5x week (Mon to Fri)			
Kitchen Sink	5x week (Mon to Fri)			
Door handles, latches	5x week (Mon to Fri)			
Door touch pads	5x week (Mon to Fri)			
Bathroom partitions	5x week (Mon to Fri)			
Light & electrical switches	5x week (Mon to Fri)			
	3-Year Janitorial Contract	COVID-19 Emergency Contract		
Senior Center	Disinfect/Sanitize	Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Tues, Thur, Sat)		
Interior & Exterior Door jam		3x week (Tues, Thur, Sat)		
Office/Chairs/Benches		3x week (Tues, Thur, Sat)		
Counters		3x week (Tues, Thur, Sat)		
Tables		3x week (Tues, Thur, Sat)		

Floors		3x week (Tues, Thur, Sat)					
Cabinets		3x week (Tues, Thur, Sat)					
Printer/Copy Machine (damp rag only)		3x week (Tues, Thur, Sat)					
Appliances-Inside/out	6x week (Sun to Fri)						
Bathroom/Toilet/Sink	6x week (Sun to Fri)						
Bathroom partitions	6x week (Sun to Fri)						
Kitchen Sink	6x week (Sun to Fri)						
Door handles, latches	6x week (Sun to Fri)						
Door touch pads	6x week (Sun to Fri)						
Light & electrical switches	6x week (Sun to Fri)						
	3-Year Janitorial Contract				COVID-19 Emergency Contract		
Waterfront Park Bathrooms	Disinfect/Sanitize				Disinfect/Sanitize	Date	Initial
Interior & Exterior Doors		3x week (Mon, Wed, Fri)					
Interior & Exterior Door jam		3x week (Mon, Wed, Fri)					
Benches		3x week (Mon, Wed, Fri)					
Walls		3x week (Mon, Wed, Fri)					
Floors		3x week (Mon, Wed, Fri)					
Bathroom/Toilet/Sink	7x week (Sun to Sat)						
Door handles, latches	7x week (Sun to Sat)						
Door touch pads	7x week (Sun to Sat)						
Light & electrical switches	7x week (Sun to Sat)						

COVID-19 Emergency Work-Deep Cleaning/Disinfection Summary

Employees Worked	Hours	The hours worked are for COVID-19 Emergency Contract with the tasks listed above.
Signature _____		Date _____

RESOLUTION NO. 2020-06

A RESOLUTION of the City Council of Bainbridge Island, Washington, recognizing the existence of an emergency, affirming the Proclamation of Emergency issued by the City Manager, and authorizing the emergency procurement of goods and services to address the emergency.

WHEREAS, the Kitsap Public Health District has been responding to the COVID-19 outbreak since February 3, 2020, including preparations for a possible outbreak in Kitsap County and assessing possible cases of novel coronavirus; and

WHEREAS, on February 29, 2020, Governor Jay Inslee declared a state of emergency in response to the new cases of COVID-19 in Washington State; and

WHEREAS, on March 2, 2020, the City's Emergency Operations Center (EOC) was activated and remains in "Standby" mode in response to the COVID-19 outbreak and continues to actively monitor the situation and coordinate with City staff, community partners, the general public, and local, county, regional, and state governmental partners; and

WHEREAS, on March 3, 2020, the Kitsap Public Health District moved to full activation of their Emergency Coordination Center (ECC), is actively testing for COVID-19, and has received significant resource requests from across Kitsap County; and

WHEREAS, on March 8, 2020, the Kitsap Public Health District was notified of the first Kitsap County resident testing positive for COVID-19, an individual residing on Bainbridge Island; and

WHEREAS, the resident of Bainbridge Island who tested positive is in isolation and is receiving medical care; and

WHEREAS, the Kitsap Public Health District has notified a small group of individuals who were identified as having had close contact with the resident who tested positive for COVID-19 and these individuals have been asked to stay home; and

WHEREAS, as of March 9, 2020, Washington State has 136 confirmed cases of COVID-19, and of those cases, there have been 18 fatalities; and

WHEREAS, the City has direct transportation links to areas of Washington State with active COVID-19 outbreaks; and

WHEREAS, the situation is sufficiently serious that it is necessary to proclaim an emergency within the City due to the possibility that the spread of COVID-19 may become a pandemic; and

WHEREAS, Chapter 2.44 BIMC designates the City Manager as the executive head of the City for purposes of emergency management with the authority to proclaim emergencies; and

WHEREAS, on March 9, 2020, the City Manager issued the Proclamation of Emergency attached as **Exhibit A** to this resolution.

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

Section 1. Existence of Emergency. An emergency, as defined in Chapter 38.52 RCW, RCW 43.06.010(12), RCW 39.04.280(3), and Chapter 2.44 BIMC, or imminent threat of such an emergency, exists within the City of Bainbridge Island.

Section 2. Ratification of Proclamation. The Proclamation of Emergency issued by the City Manager on March 9, 2020, attached as **Exhibit A** to this resolution, ("Proclamation") is hereby ratified and confirmed and shall remain in full force and effect until such time as it is terminated by the City Manager or the City Council.

Section 3. Authorization for Emergency Procurements. The authorization for emergency procurements contained in the Proclamation is hereby ratified and confirmed and shall remain in full force and effect until terminated by the City Manager or the City Council. This resolution shall serve as the City Council's written findings of the existence of an emergency for the purposes of RCW 39.04.280.

PASSED by the City Council this 10th day of March, 2020.

APPROVED by the Mayor this 10th day of March, 2020.



Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

By: Kelly E. Johnson DEPUTY CITY CLERK
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.

March 9, 2020
March 10, 2020
2020-06

Exhibit A: Proclamation of Emergency

Exhibit A
Proclamation of Emergency

PROCLAMATION OF EMERGENCY

A PROCLAMATION, issued in accordance with Chapter 2.44 of the Bainbridge Island Municipal Code, proclaiming the existence, or imminent threat, of an emergency threatening the public health, safety, and welfare.

WHEREAS, the Kitsap Public Health District has been responding to the COVID-19 outbreak since February 3, 2020, including preparations for a possible outbreak in Kitsap County and assessing possible cases of novel coronavirus; and

WHEREAS, on February 29, 2020, Governor Jay Inslee declared a state of emergency in response to the new cases of COVID-19 in Washington State; and

WHEREAS, on March 2, 2020, the City's Emergency Operations Center (EOC) was activated and remains in "Standby" mode in response to the COVID-19 outbreak and continues to actively monitor the situation and coordinate with City staff, community partners, the general public, and local, county, regional, and state governmental partners; and

WHEREAS, on March 3, 2020, the Kitsap Public Health District moved to full activation of their Emergency Coordination Center (ECC), is actively testing for COVID-19, and has received significant resource requests from across Kitsap County; and

WHEREAS, on March 8, 2020, the Kitsap Public Health District was notified of the first Kitsap County resident testing positive for COVID-19, an individual residing on Bainbridge Island; and

WHEREAS, the resident of Bainbridge Island who tested positive is in isolation and is receiving medical care; and

WHEREAS, the Kitsap Public Health District has notified a small group of individuals who were identified as having had close contact with the resident who tested positive for COVID-19 and these individuals have been asked to stay home; and

WHEREAS, as of March 9, 2020, Washington State has 136 confirmed cases of COVID-19, and of those cases, there have been 18 fatalities; and

WHEREAS, the City has direct transportation links to areas of Washington State with active COVID-19 outbreaks; and

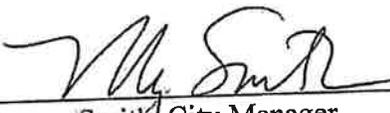
WHEREAS, the situation is sufficiently serious that it is necessary to proclaim an emergency within the City due to the possibility that the spread of COVID-19 may become a pandemic; and

WHEREAS, Chapter 2.44 BIMC designates the City Manager as the executive head of the City for purposes of emergency management with the authority to proclaim emergencies.

NOW, THEREFORE, AS CITY MANAGER OF THE CITY OF BAINBRIDGE ISLAND, I, MORGAN SMITH, HEREBY PROCLAIM AS FOLLOWS:

- Section 1.** An emergency, as defined in Chapter 38.52 RCW, RCW 43.06.010(12), RCW 39.04.280(3), and Chapter 2.44 BIMC, or imminent threat of such an emergency exists within the City of Bainbridge Island.
- Section 2.** The emergency, or imminent threat of an emergency, warrants the activation of the authority and the commencement of the plans and procedures authorized under Chapter 38.52 RCW and Chapter 2.44 BIMC to preserve and protect the public health, safety, and welfare.
- Section 3.** Pursuant to RCW 39.04.280 and BIMC 2.44.110, public advertising and competitive bidding and procurement requirements of state law and the City Procurement Policy, excepting mandatory constitutional requirements, are waived with respect to the solicitation and award of all contracts necessary to address the emergency or imminent threat of an emergency.
- Section 4.** This Proclamation shall continue in force and effect until terminated by the City Manager or rescinded by action of the City Council, whichever occurs first.

DATED this 9th day of March, 2020.



Morgan Smith, City Manager



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (8:00 PM) Springbrook Creek and Manzanita Creek Watershed Planning – Department of Ecology Puget Sound Natural Estuary Program Grant Acceptance and Budget Amendment - Public Works,

SUMMARY: To accept a \$200,000 grant from the Department of Ecology (DOE) Puget Sound Natural Estuary for the Springbrook Creek and Manzanita Creek Watershed Planning efforts and approval of an associated budget amendment.

AGENDA CATEGORY: Contract

PROPOSED BY: Public Works

RECOMMENDED MOTION: I move to forward, for approval with the July 28, 2020 Consent Agenda, the Department of Ecology Puget Sound Natural Estuary Program grant acceptance, in the amount of \$200,000, for the Springbrook / Manzanita Creek Watershed Planning efforts and an associated budget amendment of \$200,000.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	\$200,000.00
Ongoing Cost:	
One-Time Cost:	\$200,000.00
Included in Current Budget?	No

BACKGROUND: This project will undertake watershed scale planning resulting in the production of basin plans that identify and inventory ecologically important lands within the basin. Additionally, the effort will provide education and stewardship direction to basin residents, and direct collaborating natural resources management agencies and special interest groups as to what type of management actions to apply (stormwater infiltration, pollution reduction, habitat improvement, forest cover and critical area protection, soil development, etc.) and where to apply them. This work will enhance decision-making for the City and partner agencies and organizations, and will also assist with meeting the watershed planning requirements of the City's National Pollution Discharge Elimination System (NPDES) permit.

The City received an email from the DOE stating that the Springbrook Creek and Manzanita Creek Watershed Planning has been selected for funding by the Stormwater Strategic Initiative Advisory Team (SIAT) in the amount of \$200,000. See attached email.

Upon Council approval, a proposed budget amendment in the amount of \$200,000 from the stormwater fund will be included in the second quarter budget adjustment reporting for 2020.

ATTACHMENTS:

[2018 NTA Watershed Planning Email.pdf](#)

FISCAL DETAILS: There will need to be a Budget Amendment in the amount of \$200,000 from the stormwater fund. This expense will be 100% revenue supported by the Department of Ecology (DOE) grant.

Fund Name(s): SSWM Fund

Coding:

Christian Berg

From: Donahue, Justin (ECY) <JUSD461@ECY.WA.GOV>
Sent: Friday, June 12, 2020 4:32 PM
To: Christian Berg
Subject: Springbrook Creek and Manzanita Creek Watershed Planning
Attachments: 2020 NEP SOW Template_2020_01_09.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

First off let me introduce myself, I am the Project and Financial Manager for the National Estuary Program (NEP) Stormwater team at the Department of Ecology. This email is to inform your NTA 2018-0825 has been selected for funding by the Stormwater Strategic Initiative Advisory Team (SIAT), and there is an extremely high likelihood that your project "Springbrook Creek and Manzanita Creek Watershed Planning" will be awarded \$200,000.

I will be your primary contact throughout the project, and we will work together to ensure the project moves smoothly and all reporting is completed on time. This is our last round of funding under the current Agreement with EPA and therefore this project is on a strict timeline. We must have the projects completed by the end of December in 2022. Therefore it is in all of our best interest to get the project running as soon as possible.

The first step is to complete the Statement of Work (SOW) which is attached here. If you feel comfortable doing so, please feel free to begin completing the SOW. I would be happy to answer any questions you may have and help you fit your project into the SOW template.

Congratulations on being selected for funding, I look forward to working with you throughout the project. Please let me know if you do not wish to be awarded funding so that we may adjust. I would be happy to answer any questions that you may have at this time.

Bests,

Justin Donahue

Department of Ecology
Water Quality Program
NEP Stormwater Financial Manager
P.O. Box 47600
Olympia, WA 98504-7600
~~Phone (360) 407-7671~~
Cell (509) 951-0503



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (8:05 PM) Chlorine Generator Upgrades Professional Services Agreement - Public Works,

SUMMARY: Consideration of the attached professional services agreement for design and construction support services with RH2 Engineering to replace three on-site sodium hypochlorite generation systems (OSHG) within the Winslow Water System.

AGENDA CATEGORY: Contract

PROPOSED BY: Public Works

RECOMMENDED MOTION: I move to forward the professional services agreement with RH2 Engineering, Inc. for approval with the July 28, 2020 Consent Agenda.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	\$82,906
Ongoing Cost:	
One-Time Cost:	\$82,906
Included in Current Budget?	Yes

BACKGROUND: The Winslow Water System has on-site sodium hypochlorite generation systems (OSHG) that provide disinfection at each pump station located at Fletcher Bay, Sands Avenue, and Head of the Bay. All three OSHG have exceeded their life expectancy and require replacement to maintain reliable operations. City staff followed Section 7 of the City Procurement Policy selecting RH2 Engineering, Inc. as the most qualified consultant for this work. Staff negotiated a scope of work to provide design and construction support services for all three OSHG.

Future bid and pump station installation is anticipated to occur the latter part of 2020 to early 2021.

ATTACHMENTS:

[PSA with RH2 Engineering, Inc.](#)

FISCAL DETAILS: There is \$250,000 in the Water capital fund for this expense. No expenditures have been incurred to date.

Fund Name(s): Water Fund

Coding:

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES (“Agreement”) is entered into between the City of Bainbridge Island, a Washington State municipal corporation, (“City”) and RH2 Engineering, Inc., a Washington State corporation, (“Consultant”).

WHEREAS, the City needs professional services in connection with design and construction services for three on-site sodium hypochlorite generation system upgrades within the Winslow Water System; and

WHEREAS, the Consultant has the expertise and experience to provide said services and is willing to do so in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, promises, and agreements set forth herein, it is agreed by and between the City and the Consultant as follows:

1. SERVICES BY CONSULTANT

The Consultant shall provide the professional services as defined in this Agreement and as necessary to accomplish the scope of services attached hereto as **Attachment B** and incorporated herein by this reference as if set forth in full. The Consultant shall furnish all services, labor, and related equipment to conduct and complete the work, except as specifically noted otherwise in this Agreement.

2. TERM AND TERMINATION OF AGREEMENT

A. This Agreement shall become effective upon execution by both parties and shall continue in full force and effect until December 31, 2021, unless sooner terminated by either party as provided below.

B. This Agreement may be terminated by either party without cause upon thirty (30) days’ written notice to the other party. In the event of termination, all finished or unfinished documents, reports, or other material or work of the Consultant pursuant to this Agreement shall be submitted to the City, and the Consultant shall be entitled to just and equitable compensation at the rate set forth in Section 3 for any satisfactory work completed prior to the date of termination.

3. PAYMENT

A. The City shall pay the Consultant hourly, plus actual expenses, in accordance with **Attachment B**, but not more than a total of Eighty-Two Thousand Nine Hundred Six dollars (\$82,906.00);

B. The Consultant shall submit, in a format acceptable to the City, monthly invoices for services performed in a previous calendar month. Each project and each task within a project shall be the subject of a separate invoice. The Consultant shall maintain time and expense records and provide them to the City upon request.

C. The City shall pay all invoices by mailing a City check within sixty (60) days of receipt of a proper invoice from the Consultant.

D. If the services rendered do not meet the requirements of this Agreement, the Consultant shall correct or modify the work to comply with this Agreement. The City may withhold payment for such work until it meets the requirements of this Agreement.

4. INSPECTION AND AUDIT

The Consultant shall maintain all books, records, documents, and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Consultant shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts, and records if necessary to conduct or document an audit. The Consultant shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

5. INDEPENDENT CONTRACTOR

A. The Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants, and agrees that the Consultant's status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195. The Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Consultant shall make no claim of City employment nor shall the Consultant claim any related employment benefits, social security, and/or retirement benefits.

B. The Consultant shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Consultant shall pay the same before it becomes due.

C. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

D. The Consultant shall obtain a business license and, if applicable, pay business and occupation taxes pursuant to Title 5 of the Bainbridge Island Municipal Code.

6. NONDISCRIMINATION AND COMPLIANCE WITH LAWS

A. The Consultant agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, sexual orientation, age, disability, gender identity, or other circumstance prohibited by federal, state, or local law or ordinance, except for a bona fide occupational qualification.

B. The Consultant shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this Agreement.

C. Violation of this Section 6 shall be a material breach of this Agreement and grounds for cancellation, termination, or suspension by the City, in whole or in part, and may result in ineligibility for further work for the City.

7. OWNERSHIP OF WORK PRODUCT

All data, materials, reports, memoranda, and other documents developed under this Agreement, whether finished or not, shall become the property of the City and shall be forwarded to the City in hard copy and in digital format that is compatible with the City's computer software programs.

8. GENERAL ADMINISTRATION AND MANAGEMENT

The City Manager of the City, or designee, shall be the City's representative, and shall oversee and approve all services to be performed, coordinate all communications, and review and approve all invoices, under this Agreement.

9. HOLD HARMLESS AND INDEMNIFICATION

A. The Consultant shall defend, indemnify, and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits including attorney fees, arising out of or resulting from the acts, errors, or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

B. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend hereunder, shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

C. The City's inspection or acceptance of any of the Consultant's work when completed shall not be grounds to void, nullify, and/or invalidate any of these covenants of indemnification.

D. Nothing contained in this Agreement shall be construed to create a liability or a right of indemnification in any third party.

10. INSURANCE

The Consultant shall maintain the insurance described in **Attachment A**:

11. SUBLETTING OR ASSIGNING CONTRACT

This Agreement, or any interest herein or claim hereunder, shall not be assigned or transferred in whole or in part by the Consultant to any other person or entity without the prior written consent of the City. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of the Consultant as stated herein.

12. EXTENT OF AGREEMENT/MODIFICATION

This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified, or added to only by written instrument properly signed by both parties.

13. SEVERABILITY

A. If a court of competent jurisdiction holds any part, term, or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict and shall be deemed modified to conform to such statutory provision.

14. FAIR MEANING

The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

15. NONWAIVER

A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay, or failure of either party to insist upon strict performance of any agreement, covenant, or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition, or right.

16. NOTICES

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses as follows:

To the City: City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110
Attention: City Manager

To the Consultant: RH2 Engineering, Inc.
22722 29th Drive SE, Suite 210
Bothell, WA 98021
Attention: Dan Mahlum, PE

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

17. SURVIVAL

Any provision of this Agreement which imposes an obligation after termination or expiration of this Agreement shall survive the term or expiration of this Agreement and shall be binding on the parties to this Agreement.

18. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

19. VENUE

The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Kitsap County, Washington.

20. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

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

RH2 ENGINEERING, INC.

CITY OF BAINBRIDGE ISLAND

Date: _____

Date: _____

By: _____

By: _____

Name _____

Morgan Smith, City Manager

Title _____

Tax I.D. # _____

City Bus. Lic. # _____

**ATTACHMENT A
INSURANCE REQUIREMENTS**

A. Insurance Term

The Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

B. No Limitation

The Consultant's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance

The Consultant shall obtain insurance of the types and coverage described below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.
2. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap liability, independent contractors, and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession.

D. Minimum Amounts of Insurance

The Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.

3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit, as applicable.

E. Other Insurance Provision

The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain, that they shall be primary insurance as respect to the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

F. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

G. Verification of Coverage

Before commencing work and services, the Consultant shall provide to the person identified in Section 8 of the Agreement a Certificate of Insurance evidencing the required insurance. The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work. The City reserves the right to request and receive a certified copy of all required insurance policies.

H. Notice of Cancellation

The Consultant shall provide the City with written notice of any policy cancellation within two business days of their receipt of such notice.

I. Failure to Maintain Insurance

Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five (5) business days' notice to the Consultant to correct the breach, immediately terminate this Agreement or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

J. City Full Availability of Consultant Limits

If the Consultant maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective of whether such limits maintained by the Consultant are greater than those required by this Agreement or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Consultant.

ATTACHMENT B SCOPE OF SERVICES

Overview

The City of Bainbridge Island (City) owns and operates the Winslow Water System, which is regulated by the Washington State Department of Health (DOH). The Winslow Water System is a Group A system that has three primary well sites with chlorine generators that include Fletcher Bay, Head of the Bay, and Sands. The City installed 36 pounds per day DeNora ClorTec on-site sodium hypochlorite generation (OSHG) systems at each of these three sites over 10 years ago and they are due for replacement. The Fletcher Bay and Sands well sites have space limitations, and the existing OSHG systems were installed as a modular wall mount type system. The Head of the Bay well site has a skid mount OSHG system.

The City proceeded with a consultant selection process to design and implement OSHG upgrades for the three sites. The Consultant was selected to provide the professional engineering services to complete the preliminary design, design, and construction services for the proposed improvements.

This Scope of Work's tasks include:

- **Task 1 – Preliminary Design**
- **Task 2 – Final Design**
- **Task 3 – Services During Construction**

A scope of work and fee estimate for the following tasks will be developed at a later date and may be incorporated into this Agreement through an amendment executed by both parties. .

- **Task 4 – SCADA System Modifications**

Approach

This scope of work is separated into five components where applicable:

1. **Tasks:** items of work that will be completed by the Consultant.
2. **Receivables:** elements that will be provided by the City to the Consultant.
3. **Assumptions:** assumptions used to develop each task.
4. **Deliverables:** finished product(s) that will be delivered to the City in the manner specified in this scope of services; and
5. **Payment:** payment for services provided under each task.

Task 1 – Preliminary Design

Objective: Prepare a technical memorandum summarizing the conceptual OSHG design criteria, initial equipment selections, and mechanical and electrical facility improvements.

Approach:

- 1.1 Perform a Limited Condition Assessment: Perform a technical site visit. Review the existing layout and photos of the three (3) OSHG system sites to conceptualize mechanical and electrical design improvements for OSHG system replacement. Identify existing OSHG system components to be demolished or reused. Review chlorination operational records to verify OSHG system sizing. Prior to the site visit the City shall provide the Consultant vendor equipment proposals for the OSHG equipment. The City and the Consultant shall discuss and evaluate proposals during the site visit.
- 1.2 Coordinate with DOH: Coordinate with DOH regarding its expectations for documenting the OSHG improvements. It is assumed that a formal Project Report submittal to DOH based on applicable Washington Administrative Code (WAC) requirements is not required. If additional DOH coordination and submittals are required, then a contract amendment will be mutually negotiated at that time for additional services.
- 1.3 Prepare OSHG Improvements Technical Memorandum: Prepare a draft technical memorandum describing the proposed OSHG improvements and related design considerations. The technical memorandum will document the project background and objectives, mechanical retrofit improvements, electrical improvements, OSHG equipment selection process, OSHG equipment selection justification and basis of design, and telemetry and supervisory control and data acquisition (SCADA) upgrades. Perform internal quality assurance and quality control (QA/QC) review and submit the draft technical memorandum to the City for review and comment. Prepare meeting agenda and attend one (1) conference call meeting with the City to review and discuss DOH's initial feedback, the City's comments on the draft technical memorandum, and the OSHG improvements. Prepare meeting minutes. Finalize technical memorandum based on City feedback.

Assumptions:

- It is assumed that the Consultant will not assist with any permitting tasks and that no other permits are required outside of construction permits to be obtained by the contractor.
- The City will provide access to the hard copy data, plans, manuals, etc. required for this project. The Consultant will collect the information and make appropriate copies as needed and return them to the City.
- It is assumed that the City will prepare, complete a request for information and rating system to evaluate OSHG equipment.
- The Consultant will rely on the accuracy and completeness of information, data, and materials generated or provided by the City or others in relation to this Scope of Work.
- All deliverables will be provided in electronic (PDF) format unless otherwise noted.

Receivables (Provided by City):

- Access to existing chlorination facilities during site visit.

- Develop a Request for Information regarding OSHG equipment and coordination with equipment vendors for system proposals.
- OSHG equipment proposals and rating system.
- The latest twelve (12) months of existing chlorination process data for each facility.
- Attendance at draft OSHG improvements technical memorandum review meeting.
- Written review comments on draft OSHG improvements technical memorandum.

Deliverables (Provided by Consultant):

- List of OSHG equipment vendors.
- Site visit to review existing infrastructure.
- Draft OSHG improvements technical memorandum to include information on equipment selection equipment selection and identify one OSHG system selected as the basis of design.
- Attendance at draft OSHG improvements technical memorandum meeting.
- OSHG improvements technical memorandum meeting agenda and minutes.
- Final OSHG improvements technical memorandum.

Task 1 Payment: Hourly, in accordance with the rates specified in **Attachment C**, but not to exceed a total of \$13,227.

Task 2 – Final Design

Objective: Prepare plan and specification documents required for a public works bid. Provide plans, specifications, and cost estimate at the 90-percent milestone for review and feedback. Finalize documents into a public works bid package.

Approach and Assumptions:

- 2.1 Prepare Mechanical Design: Prepare mechanical drawings for each of the three (3) sites showing demolition of existing piping and equipment and proposed OSHG equipment installation.
- 2.2 Prepare Electrical and Telemetry Design: Prepare electrical, instrumentation, and control design for each of the three (3) sites showing power, control, and signal connections required for the proposed OSHG equipment. The Consultant and subconsultant will prepare the control system block diagrams and Division 17 technical specifications for the control system improvements for the Consultant to incorporate into the technical specifications.
- 2.3 Prepare Technical Specifications: Develop technical specifications. Prepare Division 1 (general) through Division 18 (measurement and payment) of the technical specifications. It is assumed that the front-end contract will be provided and prepared by the City, based upon modified Construction Specification Institute (CSI) specifications. It is assumed that the Consultant will provide a draft technical specification in CSI format for the City to review.
- 2.4 Prepare Engineer’s Opinion of Probable Construction Cost: Prepare engineer’s opinion of probable construction cost (OPCC) based on 90-percent design documents.

- 2.5 Submit 90-Percent Design Documents to City: Submit the 90-percent design plans, technical specifications, and OPCC to the City. Prepare meeting agenda and attend one (1) conference call meeting with the City to discuss 90-percent review comments. Prepare meeting minutes.
- 2.6 Perform Internal QA/QC: Perform internal QA/QC review of the 90-percent design plans and specifications.
- 2.7 Finalize Plans and Coordinate with City on Public Works Bid Package: Incorporate 90-percent review comments into the plans. Provide up to ten (10) hours of support time to the City during preparation of the public works bid package and final OPCC. It is assumed that the City is handling the public works bidding and that the Consultant will not assist. If the City requires additional support during the bidding phase, then a contract amendment will be mutually negotiated at that time for additional services.

Receivables (Provided by City):

- Attendance at the 90-percent design review meetings.
- Written review comments on the 90-percent design documents.
- Finalization of the front-end non-technical specifications.
- Finalization of the Public Works Bid Package and project advertisement.

Deliverables (Provided by Consultant):

- 90-percent design plans, technical specifications, and OPCC estimate.
- Attendance at 90-percent design review meetings.
- 90-percent design review meeting agenda and minutes.
- Final plans, technical specifications, and OPCC estimate.
- Final plans in AutoCAD and PDF formats.

Task 2 Payment: Hourly, in accordance with the rates specified in **Attachment C**, but not to exceed a total of \$60,681.

Task 3 – Services During Construction

Objective: Provide professional services to the City during construction.

Approach and Assumptions:

- 3.1 Provide Construction Consultation and Document Review: Review shop drawings and catalog submittals of items requested in the technical specifications. Provide a written response to the contractor and the City accepting or rejecting each shop drawing and reviewed catalog submittal. This subtask assumes that the Consultant will provide up to twenty (20) hours of construction contract administrative support services by email and phone correspondence only. Services will include regular communications and coordination between Consultant and the City/contractor staff during construction, identifying upcoming technical issues/needs, as well as the scheduling, coordination, and administration of Consultant staff and resources. It is assumed that the City will be primarily responsible for construction contract administration and processing contractor pay requests.

3.2 Assist in Startup, Testing, and Project Closeout: Coordinate with the contractor, the City, and manufacturer representative of the OSHG system for the scheduled testing and startup activities. This coordination will include the review and supplementation of the testing protocols developed by the contractor and manufacturer's representative, and review of the tests and corrections. During startup, observe construction, document activities, and coordinate with the contractor per their compliance with the plans and specifications. Notify the contractor and the City of work that has not been completed by the contractor and discuss contractor rectification. It is assumed that the Consultant is not responsible for site safety or directing the contractor in their work. Attend final on-site walkthrough with City staff and prepare a letter of recommendation for project acceptance for the City. This subtask assumes that the Consultant will provide up to twenty-four (24) hours of construction support during testing and startup.

Provided by City:

- Final completion and closeout of project with the contractor.

Consultant Deliverables:

- Submittal and shop drawings review and documentation.
- Construction observation and correspondence with the City and the contractor, as requested, within the budgeted hours authorized. Construction observations reports from site visits.
- Attendance at startup and final on-site walkthrough.
- Letter recommending project acceptance.

Task 3 Payment: Hourly, in accordance with the rates specified in **Attachment C**, but not to exceed a total of \$8,998

Consultant's Hourly Rates:

See **Attachment C**.

Schedule:

Task 1 Completion: September 15, 2020

Task 2 Completion: October 30, 2020

Task 3 Completion: May 1, 2021

ATTACHMENT C
RH2 ENGINEERING, INC.
2020 SCHEDULE OF RATES AND CHARGES

RATE LIST	RATE	UNIT
Professional I	\$149	\$/hr
Professional II	\$163	\$/hr
Professional III	\$179	\$/hr
Professional IV	\$191	\$/hr
Professional V	\$206	\$/hr
Professional VI	\$219	\$/hr
Professional VII	\$238	\$/hr
Professional VIII	\$244	\$/hr
Professional IX	\$244	\$/hr
Control Specialist I	\$135	\$/hr
Control Specialist II	\$147	\$/hr
Control Specialist III	\$161	\$/hr
Control Specialist IV	\$174	\$/hr
Control Specialist V	\$185	\$/hr
Control Specialist VI	\$198	\$/hr
Control Specialist VII	\$214	\$/hr
Control Specialist VIII	\$222	\$/hr
Technician I	\$112	\$/hr
Technician II	\$122	\$/hr
Technician III	\$139	\$/hr
Technician IV	\$150	\$/hr
Technician V	\$163	\$/hr
Technician VI	\$179	\$/hr
Technician VII	\$194	\$/hr
Technician VIII	\$204	\$/hr
Administrative I	\$74	\$/hr
Administrative II	\$86	\$/hr
Administrative III	\$103	\$/hr
Administrative IV	\$122	\$/hr
Administrative V	\$140	\$/hr
CAD/GIS System	\$27.50	\$/hr
CAD Plots - Half Size	\$2.50	price per plot
CAD Plots - Full Size	\$10.00	price per plot
CAD Plots - Large	\$25.00	price per plot
Copies (bw) 8.5" X 11"	\$0.09	price per copy
Copies (bw) 8.5" X 14"	\$0.14	price per copy
Copies (bw) 11" X 17"	\$0.20	price per copy
Copies (color) 8.5" X 11"	\$0.90	price per copy
Copies (color) 8.5" X 14"	\$1.20	price per copy
Copies (color) 11" X 17"	\$2.00	price per copy
Technology Charge	2.50%	% of Direct Labor
Mileage	\$0.575	price per mile (or Current IRS Rate)
Subconsultants	15%	Cost +
Outside Services	at cost	

Rates listed are adjusted annually.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (8:10 PM) Bainbridge Parks Foundation Bench Donations - Public Works,

SUMMARY: The Bainbridge Parks Foundation desires to donate two benches, to be placed along the Sound to Olympics Trail in honor of the Rotary Club of Bainbridge Island and the Bainbridge Island Parks Foundation.

AGENDA CATEGORY: Contract

PROPOSED BY: Public Works

RECOMMENDED MOTION: I move to forward the Bainbridge Parks Foundation Bench Donations for approval with the July 28, 2020 Consent Agenda.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

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

BACKGROUND: The City and the Bainbridge Parks Foundation have agreed to place two benches along the Sound to Olympics Trail. A plaque will be affixed on or near each bench. One will have wording, "This bench kindly funded by the Rotary Club of Bainbridge Island" and the other will have wording "This bench kindly funded by the Friends of the Sound to Olympics Trail Fund through Bainbridge Island Parks Foundation." See Attachment B for the proposed locations of the benches.

See attached Agreement and attachments for bench descriptions and location placement.

ATTACHMENTS:

[Bench Donation Agreement.docx](#)

[Attachment A Bench description.pdf](#)

FISCAL DETAILS: N/A

Fund Name(s):

Coding:

DONATION AGREEMENT

THIS DONATION AGREEMENT, entered into this ____ day of _____, 2020 (this “Agreement”), is by and between the City of Bainbridge Island, a Washington municipal corporation (the “City”), and the Bainbridge Parks Foundation, a Washington nonprofit corporation.

WHEREAS, the Donor and the City recognize the importance of public facilities and amenities; and

WHEREAS, the Donor has offered to donate benches to encourage recreational use of the Sound to Olympics Trail.

NOW, THEREFORE, the City and the Donor, for the consideration and under the conditions and obligations described below, agree as follows:

Section 1. The donation, which consists of two benches, is donated in its entirety to the citizens of Bainbridge Island to be hereafter owned by the City and managed on behalf of the citizens by the Department of Public Works.

Section 2. **Description:** The item is the Neoliviano model bench from Landscape Forms, as shown in Attachment A.

Space or Facility: Sound to Olympics Trail.

Location: Placed in two locations previously planned for benches, as depicted in Attachment B.

Additional information: A plaque will be affixed on or near each bench. One will have wording, *“This bench kindly funded by the Rotary Club of Bainbridge Island”* and the other will have wording *“This bench kindly funded by the Friends of the Sound to Olympics Trail Fund through Bainbridge Island Parks Foundation.”*

Section 3. The initial term of this Agreement shall be five years from the date of this Agreement (the “Initial Term”). At the end of the Initial Term, the City may treat the Donation as it would any other City property similar in nature and may move, remove, and/or retire the Donation.

Section 4. The City shall be responsible for maintenance of the Donation, including any reasonable repairs, and will have the discretion to not replace and/or repair the Donation if it is deemed damaged beyond reasonable repair and/or replacement, suffers repeated vandalism, and/or expires prior to the end of Initial Term.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth above.

CITY OF BAINBRIDGE ISLAND

DONOR

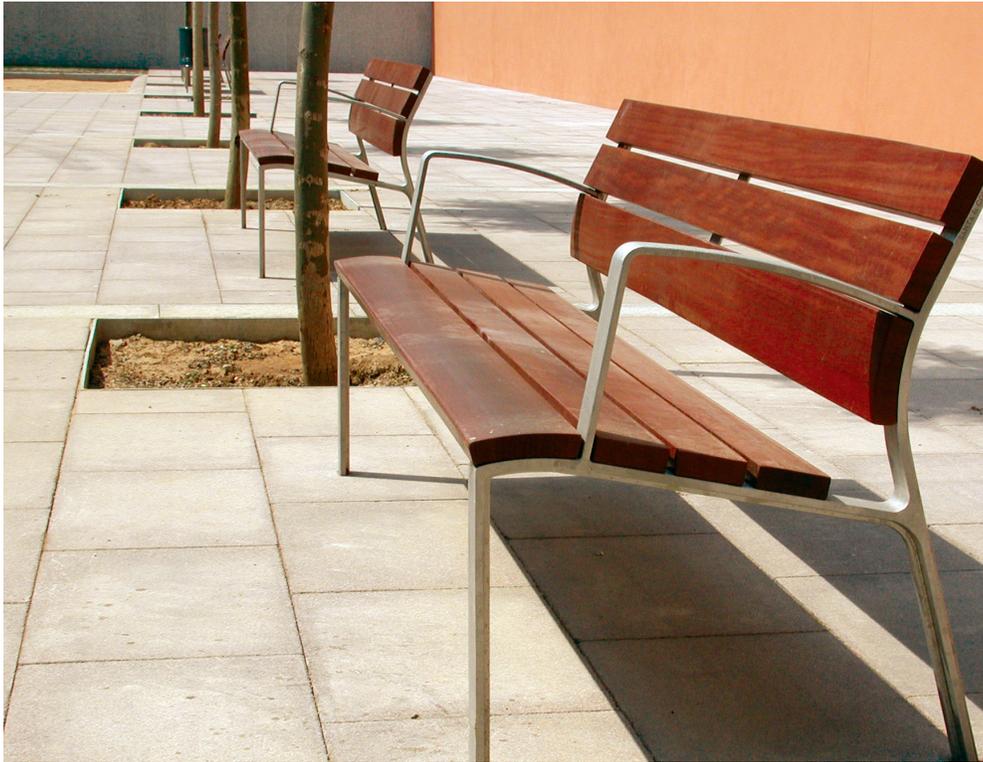
By: _____

By: _____

Morgan Smith, City Manager

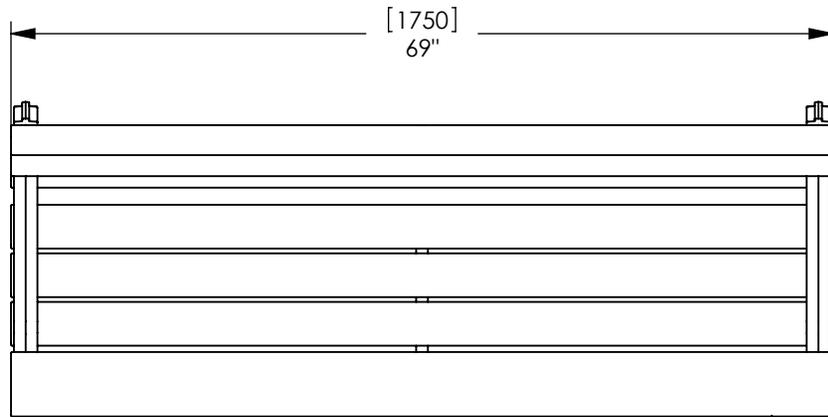
Bainbridge Parks Foundation
221 Winslow Way West, Suite 104
Bainbridge Island, WA 98110

ATTACHMENT A

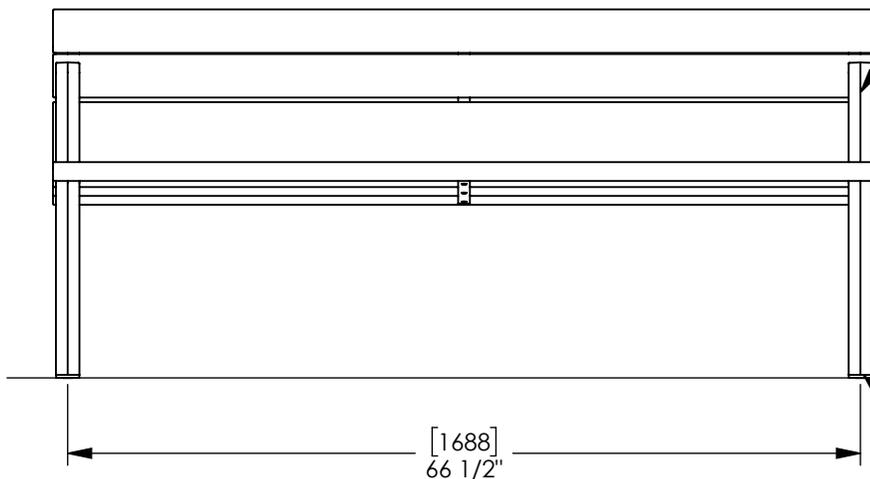


neoliviano

A light and lyrical bench with arms. Strong and versatile, for public and private spaces.

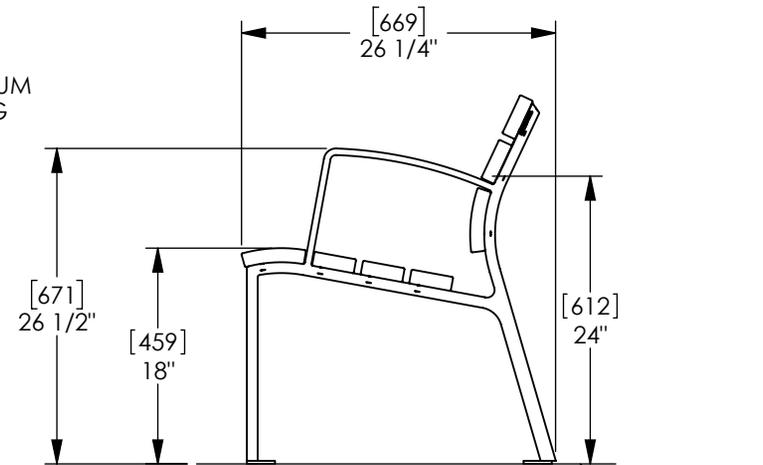


WOOD BOARD



ALUMINUM CASTING

(4) SURFACE MOUNT TABS WITH
Ø 1/2" HOLE FOR ANCHORING.
NON-CORROSIVE HARDWARE
SUPPLIED BY OTHERS.



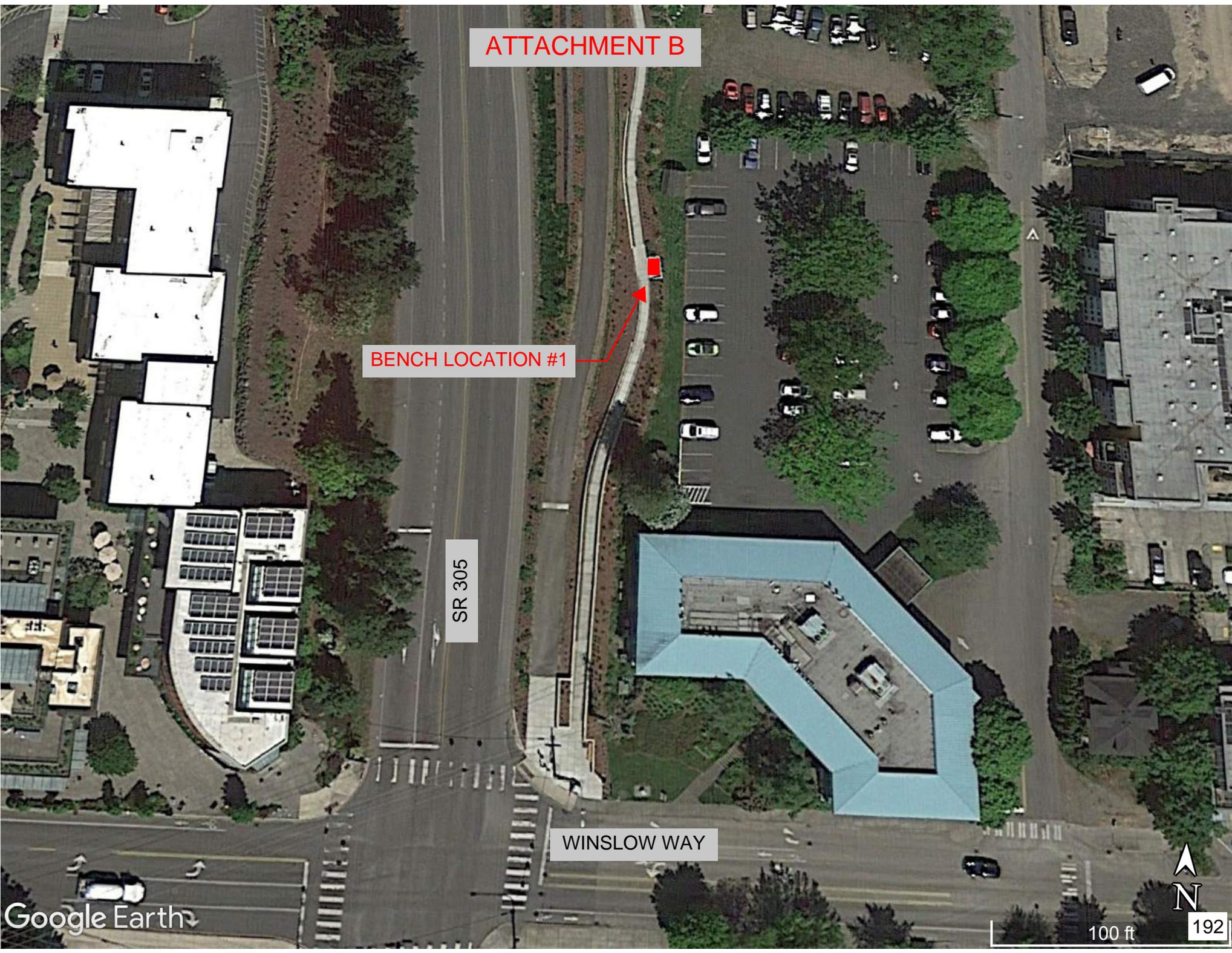
GRADE

ATTACHMENT B

BENCH LOCATION #1

SR 305

WINSLOW WAY

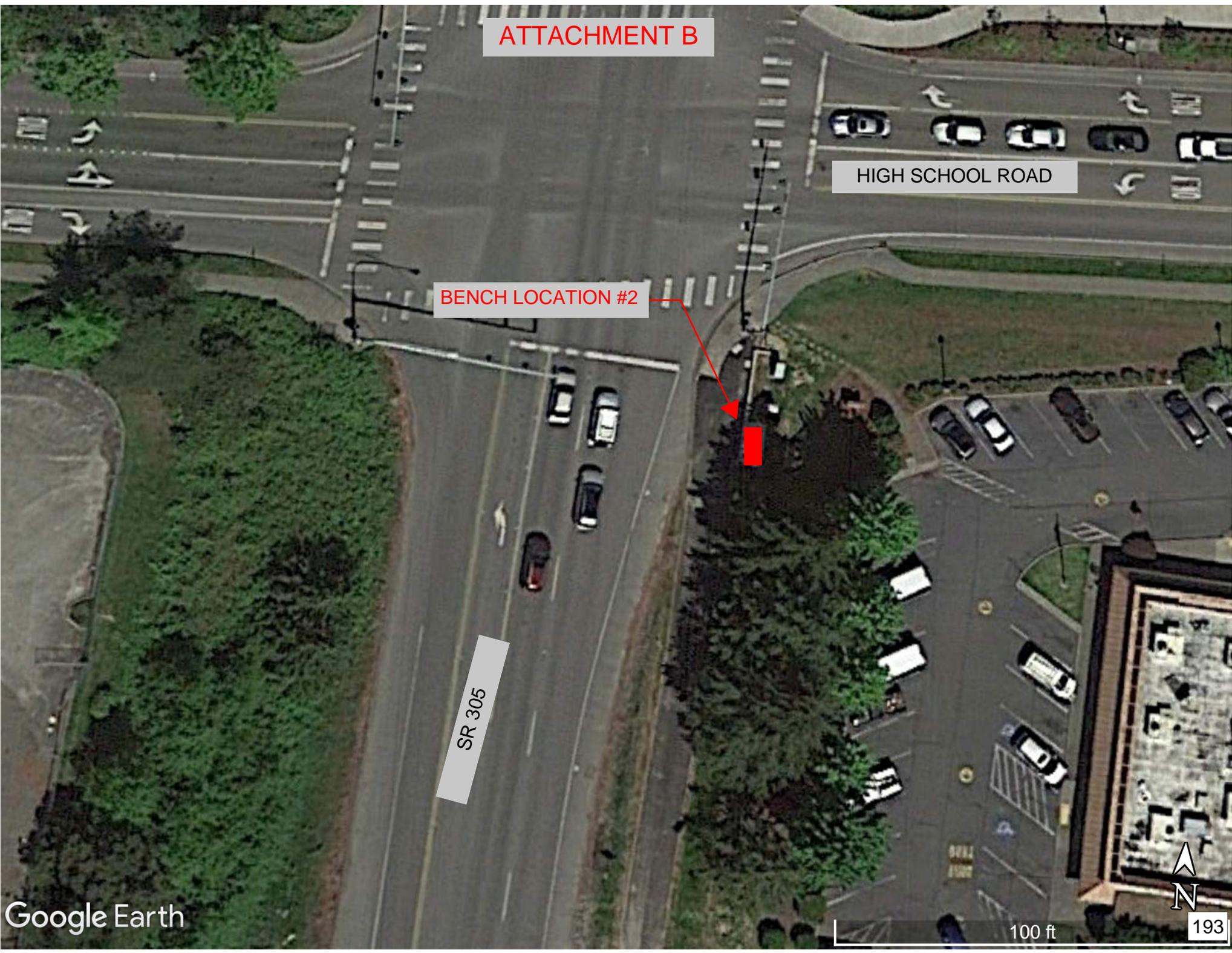


ATTACHMENT B

HIGH SCHOOL ROAD

BENCH LOCATION #2

SR 305





CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (8:15 PM) Ordinance 2020-03 "Housekeeping" Changes: Revising Chapters 2.14, 2.16, 18.09, 18.12, 18.15, and 18.36 BIMC - Planning,

SUMMARY:

Through 2010 and 2011, the Department of Planning and Community Development (PCD) worked on the Land Use Code Update project to correct, clarify, and reorganize the City's land use codes. Since 2012, City planning staff kept a log of clarifications in the "newly" reorganized code that should be processed through a cleanup or "housekeeping" ordinance. Examples of clarifications needed include missing or outdated references or terminology.

Additionally, PCD staff, in coordination with the City Attorney's office, have identified areas of the development code (Chapters 2.14, 2.16, and various provisions in Title 18 BIMC) that should be clarified, updated, or otherwise revised. The attached Title 2 and Title 18 Summary Tables are provided to explain each modification or correction by section.

Ordinance No. 2020-03 (formerly Ordinance No. 2019-33) makes the updates and clarifications throughout the development code. Exhibit A contains Title 2 (Administration) changes, Exhibit B amends BIMC 18.09.020 (Use Table) to add the new use ("temporary construction staging"), and Exhibit C contains additional changes to Title 18 Zoning.

AGENDA CATEGORY: Ordinance

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION:

I move to forward Ordinance No. 2020-03 for consideration of approval as part of the Consent Agenda at the July 28, 2020 Council meeting.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

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

BACKGROUND:

The Department of Planning and Community Development staff and the City Attorney's office have identified text in the development code (Chapters 2.14, 2.16, and Title 18 BIMC) that should be clarified, updated, or otherwise revised. In addition to such revisions, Ordinance No. 2020-03 adds a new use, "temporary construction staging," including a definition (BIMC 18.36.030; see EXHIBIT C) and use specific standards (BIMC 18.09.030.J.; see EXHIBIT C). The proposed updates were considered by the Planning Commission at their March 28, April 25, May 23, June 27, and October 10 and 24, 2019 meetings. After closing the public hearing on the draft ordinance on October 24, 2019, the Planning Commission made a recommendation of approval to the City Council related to these housekeeping changes, via Ordinance No. 2019-33 (now Ordinance No. 2020-03). See attached Planning Commission minutes.

ATTACHMENTS:

[July 14 Staff Memo for Housekeeping Ordinance](#)

[Title 2 Changes Summary Table](#)

[Title 18 Changes Summary Table](#)

[Ordinance No. 2020-03](#)

[Exhibit A Title 2 Housekeeping Changes](#)

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

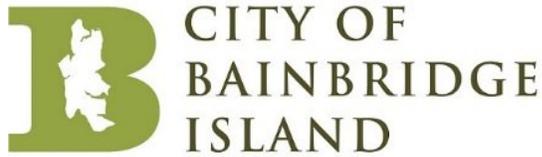
[Exhibit C Title 18 Housekeeping Changes](#)

[PLANNING COMMISSION MINUTES 102419](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



Department of Planning and Community Development

Memorandum

Date: July 9, 2020
To: City Manager
City Council
From: Jennifer Sutton, AICP
Senior Planner
Subject: Ordinance No. 2020-03 (formerly 2019-33): "Housekeeping" Changes: Revising Chapters 2.14, 2.16, 18.09, 18.12, 18.15, and 18.36 of the Bainbridge Island Municipal Code

I. BACKGROUND

Through 2010 and 2011, the Department of Planning and Community Development worked on the Land Use Code Update project to correct, clarify, and reorganize the City's land use codes. That work culminated in the passage of [Ordinance No. 2011-02](#) which took effect on January 1, 2012. The following Chapters and Titles were updated and reorganized through that ordinance:

- Chapter 2.14 Land Use Approval Bodies
- Chapter 2.16 Land Use Review Procedures
- Title 17 Subdivisions And Boundary Line Adjustments
- Title 18 Zoning

Since 2012, City planning staff kept a log of clarifications in the "newly" reorganized code that should be processed through a cleanup or "Housekeeping" ordinance. Examples of clarifications needed include missing or outdated references or terminology. This legislative effort has been bumped off of the department's work plan, as other ordinances took priority over the last six years, so in 2019, the department began working on this overdue work plan item.

The Department of Planning and Community Development staff, in coordination with the City Attorney's office, have identified areas of the development code ([Chapters 2.14, 2.16, and various provisions in Title 18 BIMC](#)) that should be clarified, updated, or otherwise revised. The attached Title 2 and Title 18 Summary Tables are provided to explain each modification or correction by section.

The Council discussed this item during the Future Council Agenda section of multiple Council meetings. Councilmember Hytopoulos requested that the Planning Commission recommendation be included and the changes be explained. Councilmember Carr inquired as to whether some of the changes proposed should be excluded due to other legislative work that is being done related to affordable housing. Staff reviewed the ordinance proposal with that information and has included Summary Tables to explain the impetus for each change, summarized the Planning Commission review below, and included the meeting

minutes of their final review and recommendation (from October 24, 2019). Staff does not believe that any of the revisions will compete or conflict with other legislative efforts.

In addition to such revisions, Ordinance No. 2020-03 adds a new use, "temporary construction staging," including a definition (BIMC 18.36.030, see below and page 11 EXHIBIT C) and use specific standards and temporary permit requirements (BIMC 18.09.030.J., pages 1-2 EXHIBIT C). "Temporary construction staging" is a use when construction staging (i.e., vehicles, materials) is needed on private property that is NOT under development and/or outside of the City right-of-way. The absence of this use was discovered during the City construction of the Sound-to-Olympics trail. City staff proposes to add the use to the use table, define the use, and proposes new use specific standards.

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

All code changes are highlighted in the exhibits to Ordinance No. 2020-03 with this agenda item to make them easier to identify in the documents.

II. PLANNING COMMISSION REVIEW

The Planning Commission considered these changes at their March 28, April 25, May 23, June 27, and October 10 and 24, 2019 meetings. After closing the public hearing on October 24, 2019, the Commission made a final recommendation to the City Council on these housekeeping changes, which are set forth in Ordinance No. 2019-33 (now Ordinance No. 2020-03). Also attached with this agenda item are the minutes from the Planning Commission's October 24, 2019 meeting.

Ordinance No. 2020-03 originally included clarifying changes to terminology related to subdivision "alteration", "modification", and "amendment". These similar terms are used in specific ways in State law, and City staff proposed changes to the BIMC to ensure more consistency with State law. These changes were pulled from the larger "housekeeping" ordinance because of the need for additional legal and staff review. Staff anticipates a separate ordinance to address these topics later this year or early next year.

Summary of Title 2 Housekeeping & Clarification Code Updates

Code Section	Explanation of Modification or Correction
2.14.020	Pages 1-4; Corrections to Planning Commission Chapter to clarify rules for subcommittees, and to make the voting consistent with Robert's Rules of Order.
2.14.030	Page 4; Requested by Legal: Subsection 2.14.030.C.2.b updated related to Hearing Examiner (HEX) Rules of Procedure.
Table 2.16.010-1	Pages 6-7; Update Tree Removal Permit Title, delete repealed Vegetation Management Permit.
2.16.020.M	Pages 9-12 General cleanup and clarification throughout noticing section.
2.16.020.R	Pages 13, 15; Legal: Subsection 2.16.020.R.1.c updated related to Hearing Examiner Rules of Procedure and subsection R.2 is clarified.
2.16.030	Pages 15-17 Update Administrative Review Applicability section to reflect that CAO and SMP permit procedures are now located in Chapter 2.16, as is site plan and design review. Deleted outdated flowchart. Each permit section has its own flowchart.
2.16.060.B.1	Page 18; Clarifying updates, including moving a section of Purpose into the Applicability section. Clarify minor variances applicability section.
2.16.100	Pages 21-22; Legal: Quasi-judicial review by Hearing Examiner Chapter: 2.16.100.C.4,C.6, C.7 & C.9 updated related to HEX Rules of Procedure.
2.16.165.E.2.f	Page 24; Shoreline Exemption section references the same section of WAC twice- 2 nd reference deleted
2.16.165.F.1	Page 24, Revise SSDP section to reference the fair market value established in WAC 173-27-040; this value is adjusted for inflation every five-years, with the last in 2017.
2.16.165.F.4	Page 26; Clarification to describe how SSDP decisions get filed with WA State Dept. of Ecology and State Attorney General
2.16.165.H.3	Pages 29; Typo: This is the Shoreline CUP section, but it references shoreline variances

Summary of Title 18 Zoning Housekeeping & Clarification Code Updates

Code Section	Suggested Edit, Correction
18.09.030.B	Page 1: 18.09.030.B 3. Added clarification that development shall meet standards that apply as described in Title 18, which includes performance standards and design guidelines.
18.09.030.D.7.c	Page 1: Updated for consistency with 2018 Business/Industrial Ordinance 2018-13 when professional services definition modified, and professional services changes to Permitted (from Conditional) in the B/I zone.
Table 18.09.020 18.09.030.J.2 & 18.36.030	Exhibit B & Exhibit C (Pages 1-2, 11): Added new Use “temporary construction staging” and adding to the permitted use table, use specific standards and definitions (see memo for more information)
18.12.020	Pages 3-6: Tables 18.12.020—1-3 Changed header for Maximum Building & Structure Height to accurately reflect that structures are also regulated in this section
18.12.020	Page 4: Table 18.12.020—Tables 1-3 Reference to BIMC 18.12.030.F should be BIMC 16.12.040.I.h
18.12.020	Page 6: Table 18.12.020-3 Footnote 6 re: Clarify current building height incentive for underbuilding and underground parking by referencing <u>building</u> instead of building footprint . This is because the term “building footprint” (see BIMC 18.12.050.B) does not include any part of a building below ground e.g. underground parking garage, so using the term “building” makes more sense for this incentive. See related note below on FAR.
18.12.040	Page 7: Table 18.12.040 Error: Code intended to provide an exception for overhead and underground accessory utilities like power, water, telephone or sewer lines, not above ground utilities such as propane tanks.
18.12.040	Page 7: Table 18.12.040 Error: Code intended to exclude rockeries less than 4 ft in height allowed in setback, but rather required that walls under 4 feet need a Qualified geotechnical engineer determination and city concurrence, that it is necessary for slope stabilization
18.12.050.G	Page 9: 18.12.050 G.: Clarify definition of Floor Area Ratio (FAR) by referencing <u>occupiable space</u> instead of building footprint . This is because the term “building footprint” (see BIMC 18.12.050.B) does not include any part of a building below ground e.g. underground parking garage, so using the term “occupiable space” makes more sense for this regulation, that describes that of parking located underneath a building are not counted in floor area ratio calculations. Two examples of when this clarification of current practice would be: 1) a parking garage that was underneath the building, or 2) a townhouse garage that takes up most of the first floor of a townhouse.
18.12.050.I	Page 9: Error: At end of description of “Grade” update WAC reference: should read WAC 173- 27 -030(3), rather than 173-14-030.
18.15.020	Page 9: Table 18.15.020-2 Error: Code did not provide a minimum parking requirement missing for commercial and nonresidential in the Madison, Ericksen and Gateway districts
18.36.030	Page 10: Legal: Introductory sentence added to clarify that the definitions in this section apply to land use permits outlined in Title 2.

Code Section	Suggested Edit, Correction
18.36.030.5	Page 10: Clarification: 18.36.030.5 Accessory Ag Retail, Minor (b) does not conduct more than 4 <u>non-agricultural</u> special events added to ensure that farms do not become de facto full-time event spaces without going through required additional land use permitting.
18.36.030.6	Page 10: Clarification:18.36.030.6 Accessory Ag Tourism. Make clear that overnight stays are not accessory agricultural tourism. Other types of lodging (bed and breakfasts, inns and hotels) have their own regulations in the BIMC and those regulations should be applied to all properties, not just non-farm properties.
18.36.030	Pages 10: Added definition for “adjacent” not just “adjoining” and “abutting” to avoid confusion of terms. Proposed definition of “adjacent” from SMP, BIMC 16.12.080.
18.36.030	Page 10: Added definition for “Commercial/Residential Mixed Use” because Mixed Use development is listed separately on BIMC Table 18.09.020 Use Table
18.36.030	Page 10: Clarification:69. Definition of “day care” needs clarification that before and after school care is different than a day care and has been treated as an educational use in Dept. of Planning and Community Development administrative interpretation.
18.36.030	Page 10: 165. Removed the word lot from the definition of “Motor vehicle sales” because it means any land or buildings used primarily for the sale of new or used motor vehicles fit for transportation, not just the property.
18.36.030	Page 10-11: 188. Amended to reflect street name “Parfitt-Waterfront area” is defined as that area south of the boundary created by the following parcels and streets; starting at the northern property line of 272502-4-1130-2000; proceeding eastward along Blue <u>Bjune</u> Drive to its western intersection with Brien Drive; proceeding eastward along Brien Drive to its intersection with Bjune and Shannon Drives; and proceeding southward along Shannon Drive to the south property line of 4114-005-001-0003; and proceeding eastward to Winslow Ravine.
18.36.030.192	Page 11: Clarification: Add “camping” to definition of Parks, active recreation. Currently “camping” is not listed as example of uses in either definition of Parks (passive recreation) or Parks (active recreation).
18.09 & 18.36	Page 11: NEW USE/DEFINITION “temporary construction staging “and adding to the permitted use table, use specific standards and definitions. See staff memo.

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

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

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

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

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

WHEREAS, the Planning Commission held a public hearing on this ordinance, Ordinance No. 2019-33 (now Ordinance No. 2020-03), on October 24, 2019, and after closing the public hearing, made a recommendation of approval of Ordinance No. 2019-33 to the City Council; and

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

WHEREAS, the City Council considered this ordinance at its meeting on July 14, 2020; and

WHEREAS, the City Council considered Ordinance No. 2020-03 further on July 28, 2020.

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

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

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

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

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

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

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

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

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	July 9, 2020
PASSED BY THE CITY COUNCIL:	_____, 2020
PUBLISHED:	_____, 2020
EFFECTIVE DATE:	_____, 2020
ORDINANCE NUMBER:	2020-03

2.14.020 Planning commission.

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

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

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

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

1. The commission shall consist of seven members appointed by the mayor and confirmed by the city council. All seven members of the commission shall be residents of the city. The members shall not be employees or officers of the city or appointed to another city committee, board or commission, except for specialized committees or task forces of limited duration. The commission shall reflect the diverse perspectives, work experiences and backgrounds represented in the community. Each commissioner shall endeavor to understand and agree to uphold the city's adopted comprehensive plan.
2. All members shall serve without compensation for three-year terms, which begin on July 1st and end on June 30th three years later. Members shall be appointed to a position number, and the terms are to be staggered, with no more than three positions expiring in any given year. Members may be reappointed to additional terms. No member shall serve more than three consecutive terms on the commission unless the city council determines that special expertise is required or there are no other qualified applicants.

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

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

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

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

D. Removal and Resignation.

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

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

E. Meetings.

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

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

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

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

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

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

F. Quorum and Voting.

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

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

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

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

H. Public Records. Minutes of each meeting, including a record of attendance, shall be prepared by the secretary and approved and signed at a subsequent meeting. The minutes do not need to reflect the actual discussion, but only the formal actions taken by the planning commission, and shall include findings of fact and conclusions where applicable to support the planning commission's recommendation. The meeting minutes shall be posted on the city's web site.

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

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

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

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

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

3. Respond to questions and discussion of procedures; and

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

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

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

2.14.030 Hearing examiner.

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

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

C. Hearing Examiner Responsibilities and Duties.¹

1. The hearing examiner is responsible for conducting hearings on and adjudicating quasi-judicial cases involving a variety of complex land use and regulatory compliance issues, and other issues which the city council may designate to the hearing examiner by ordinance or resolution. The hearing examiner shall issue decisions or recommendations based on relevant ordinances, regulations, policies, statutes, and other authorities.

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

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

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

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

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

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

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

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

F. Disqualification of Hearing Examiner.

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

2.16.010 Land use procedures summary table.

Table 2.16.010-1: Summary Table of Land Use Procedures

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

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

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

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

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

2.16.020 General provisions.

2.16.020.M. Notice Requirements.

1. Land Use Notice Summary Table.

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

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

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

* May be combined with SEPA notice.

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

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

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

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

~~2.3. Exemptions from Public Notice Requirements on Land Use Decisions. The following land use applications do not require a notice of application and public comment period or notice of decision:~~

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

~~3.4. Notice of Complete Land Use Decision Application.~~

a. Within 28 days after receiving a land use permit application, the department director shall either mail, fax, or otherwise provide to the applicant a written determination, stating either that the application is complete or that the application is incomplete and what is necessary to make the application complete. If the application is determined to be incomplete, the department director will request additional information in writing.

b. Within 14 days after an applicant has submitted all additional information identified by the department director as being necessary for a complete application, the department director shall notify the applicant whether the application is complete or what additional information is necessary.

c. If the department director does not provide a written determination as to whether the application is complete within the 28 days, the application shall be deemed complete as of the twenty-eighth day.

4.5- Notice of Application and Public Comment Period.

a. Time of Notice. Within 14 days of a notice of complete application, the department director shall issue a notice of application for any land use application except for those applications that are exempted pursuant to subsection M.3 of this section. The notice of application shall provide a minimum comment period of 21 days. However, for projects requiring review under the State Environmental Policy Act (SEPA), the notice of application shall provide a minimum comment period of 14 days; the SEPA threshold determination shall not be issued prior to the expiration of the notice of application comment period.

b. Method of Notice. The notice of application shall be provided to the public and other government agencies with jurisdiction over some aspect of the application by the following means:

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

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

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

iv. Posting the subject property in a manner prescribed by the city; and

v. Distributing notices to government agencies.

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

d. Transportation Notice. If the application is for a short subdivision or a large lot subdivision that is adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport, not later than 10 days after the short subdivision application is filed, the director shall provide a notice of the application, including a legal description and location map, to the State Secretary of Transportation. The Department of Transportation shall, within 15 days after receiving the notice, submit a statement to the director who furnished the notice,

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

~~5.6.~~ Notice of Public Hearing. Notice for an application requiring a public hearing shall be provided in the following manner:

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

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

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

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

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

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

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

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

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

~~6.7.~~ Notice of Land Use Decision and Appeal Period. A notice of decision shall be issued upon a final decision on a land use application. The decision-maker shall distribute the notice of decision to the applicant, the applicable department director and any persons requesting notice or submitting comments on the application prior to the decision. Notice of decision shall include:

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

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

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

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

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

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

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

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

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

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

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

i. Posting the property for site-specific proposals;

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

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

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

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

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

2.16.020.R. Appeals.

1. Appeal of an Administrative Review Decision.

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

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

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

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

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

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

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

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

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

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

- i. In a SEPA procedural appeal, the procedural determination by the city's SEPA official shall carry substantial weight.
 - ii. In an appeal of a substantive decision made by the city, the criteria shall be whether (A) the proceedings were materially affected by failure to comply with adopted procedures, or (B) the decision is inconsistent with the BIMC criteria for that type of approval, or (C) the evidence in the record was not adequate to support the decision.
 - iii. In an appeal on the substance of a SEPA determination, or substantive conditions attached to an approval through the SEPA review process, the determination by the city's SEPA official shall carry substantial weight.
- j. Continuation of Hearing. A hearing may be continued to a date certain without additional notice.
- k. Decision. Upon completion of the appeal hearing, the hearing examiner shall (i) affirm the decision, (ii) reverse the decision, (iii) affirm the decision with conditions, or (iv) remand the decision to the department director for further consideration of identified issues. The decision of the director shall be accorded substantial weight by the hearing examiner. The hearing examiner may include conditions as part of a decision granting or granting with conditions an appeal to ensure conformance with BIMC, the city's comprehensive plan and other applicable laws or regulations.
- l. Timing of Written Decision. The hearing examiner shall issue a written decision on the appeal within 20 working days after completion of the public hearing unless the appellant and the hearing examiner have consented to an extension of time. The written decision shall include (i) the decision of the hearing examiner granting or denying the appeal in whole or in part; (ii) any conditions included as part of the decision on the appeal; (iii) findings of facts upon which the decision, including any conditions, is based and the conclusions of law derived from those facts; and (iv) a statement of the right of a person with standing to appeal the decision of the hearing examiner in accordance with Chapter 36.70C RCW.
- m. Distribution. The hearing examiner or designee body shall provide a copy of the written decision to the applicant, the appellant, the applicable department director, and any person requesting the written decision or who submitted substantive comments on the application prior to the decision.

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

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

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

2.16.030 Administrative review – In general.

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

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

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

D. Decision Procedures.

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

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

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

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

E. Single Report.

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

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

3. If an administrative shoreline master program permit is required for the project pursuant to Chapter 16.12 BIMC, the report shall address the requirements of that chapter.

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

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

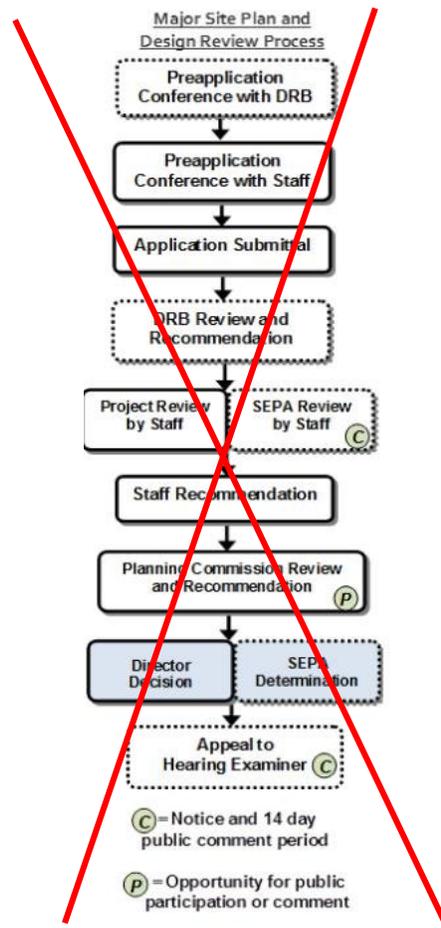
H. Effect of Decision. The decision of the department director is the final decision of the city, subject to the appeal provisions in BIMC 2.16.020.R.

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

1. That the approval was obtained by deception, fraud or other intentional or misleading representation; or

2. That the use for which approval was granted has been changed; or

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



2.16.060 Minor variance.

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

B. Applicability.

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

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

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

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

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

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

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

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

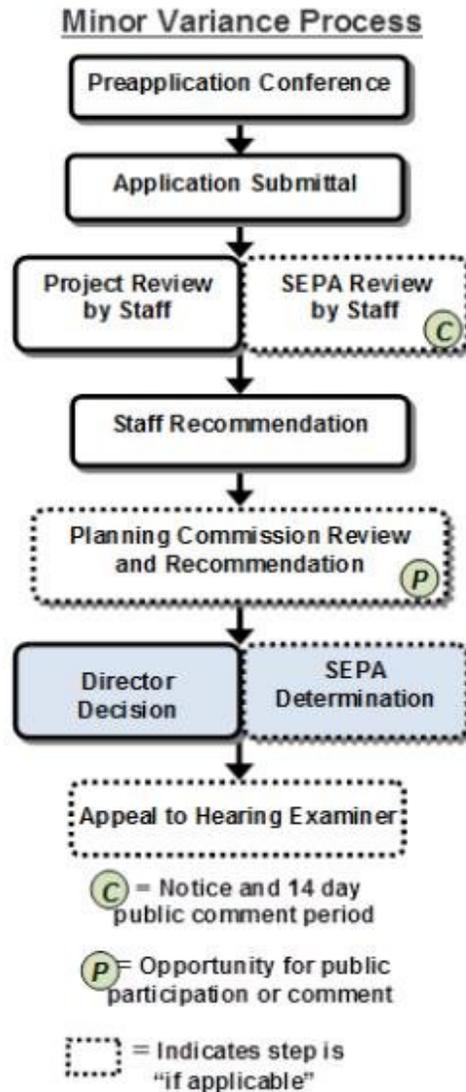
C. Procedures. Minor variances shall be approved through the general administrative review procedures described in BIMC 2.16.030 except as described below. Application materials for minor variances can be found in the administrative manual.

D. Decision Criteria.

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

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

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



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

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

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

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

C. Procedures.

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

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

3. Single Report.

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

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

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

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

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

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

6. Hearing Examiner Action.

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

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

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

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

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

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

9. Effect of Decision.

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

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

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

- a. That the approval was obtained by deception, fraud or other intentional or misleading representation; or
- b. That the use for which approval was granted has been changed; or
- c. In the case of major conditional use permits, that the use has at any time been discontinued for a year or more; or
- d. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of the BIMC; or
- e. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety. (Ord. 2011-21 § 4, 2011: Ord. 2011-02 § 2 (Exh. A), 2011)

2.16.165 Shoreline master program administration.

E. Statement of Exemption from Shoreline Substantial Development Permit.

1. Purpose and Applicability. Certain development activities identified in WAC 173-27-040 are exempt from the requirement to secure a shoreline substantial development permit; however, a shoreline variance or shoreline conditional use permit may still be required. State law requires that exemptions be construed narrowly. Exemption from substantial development permit procedures does not constitute exemption from compliance with the policies and use regulations of the SMA (Chapter 90.58 RCW), the provisions of the master program, or applicable city, state or federal permit requirements. Applicants shall have the burden to demonstrate that the proposal complies with the requirements for the exemptions sought as described under WAC 173-27-040 or its successor. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project, pursuant to WAC 173-27-040(d) or its successor.

2. Procedure.

- a. In the case of an emergency, the administrator may waive this requirement and authorize the use or activity orally or in writing. If authorized orally, the applicant shall submit a required application as soon as possible.
- b. The administrator shall decide requests for a statement of exemption based on WAC 173-27-040 or its successor and the provisions of the Shoreline Management Act and the master program.
- c. Before determining that a proposal is exempt, the administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria.
- d. Exempt developments and activities shall comply with the Shoreline Management Act and the master program. The administrator shall condition statements of exemption to ensure the exempt development or activity complies with the Shoreline Management Act and the master program.

e. In the case of development subject to the policies and regulations of the master program, but exempt from the substantial development permit process, shoreline management requirements may be made conditions of the building permits and/or other permits and approvals. For example, the approval of a building permit for a single-family residence can be conditioned with provisions from the master program.

f. Whenever a development falls within the exemptions stated in WAC 173-27-040 or its successor, **but is still subject to those permits listed in WAC 173-27-040 (as amended)**, a letter exempting the development from the substantial development permit requirements of Chapter 90.58 RCW or its successor shall be given to the applicant and Department of Ecology.

3. Decision Criteria.

a. Exemptions shall be narrowly construed. When making the determination, the administrator shall grant a statement of exemption only when the development proposed is consistent with the following:

i. The applicable policies, guidelines, and regulations of the Shoreline Management Act of 1971; Chapter 90.58 RCW, as amended; and Chapters 173-26 and 173-27 WAC or their successors;

ii. The goals, policies, objectives and regulations of the city of Bainbridge Island shoreline master program;

iii. The city of Bainbridge Island comprehensive plan and municipal code; all other applicable law; and any related documents and approvals.

4. Action of Administrator. The administrator may grant, deny, or conditionally approve the shoreline exemption request. The approval or conditional approval will become conditions of approval for any related development permit, and no development permit will be issued unless it is consistent with the statement of exemption. A copy of the city's statement of exemption shall be filed with the Department of Ecology.

5. Application Time Frame. The approval for a shoreline exemption shall be the same as the expiration date of the development permit. All conditions of the approval for a shoreline exemption shall be included in the conditions of approval granted for the development permit.

6. Appeal. Any person aggrieved by the administrator's determination on a shoreline exemption request may be appealed, except as stated below, using the applicable appeal provision of subsection I of this section. If a proposed development activity also requires approval through other permit procedures, any appeal of a shoreline exemption requires will be heard as part of that other process.

F. Shoreline Substantial Development Permit.

1. Purpose and Applicability. Substantial development is any development of which the total cost or fair market value exceeds **\$6,416 the amount established by WAC 173-27-040 (see city's fee schedule)** or any development which materially interferes with the normal public use of the waters or shorelines of the state, except those exempted developments set forth in subsection E of this section, consistent with WAC 173-27-040 or its successor.

2. Procedure. Shoreline substantial development permits shall be approved through the general administrative review procedures described in BIMC 2.16.030 except as described below. Application materials for shoreline substantial development permits can be found in the Administrative Manual.

a. Public Comment. The city shall not make a decision on the permit until after the end of the comment period.

i. A 30-day public comment period shall be given for shoreline permits.

ii. The public comment period shall be 20 days for substantial development permits for a limited utility extension or for erosion control measures to protect a single-family residence and its appurtenant structures. (See shoreline master program definition of "limited utility extension," Chapter 16.12 BIMC.)

iii. SEPA review shall be conducted as provided by Chapter 16.04 BIMC, Environmental Policy, or its successor. The required SEPA notices should be included with the shoreline notices when possible. The SEPA documents should be circulated with permit documents where possible.

3. Decision and Criteria. After the 30-day comment period has ended, the administrator shall issue a decision on the application.

a. The administrator may approve, approve with modifications, or deny any substantial development permit.

b. Decision Criteria.

i. In making the decision, the administrator shall grant a substantial development permit only when the development proposed is consistent with the following:

(A) The applicable policies, guidelines, and regulations of the Shoreline Management Act of 1971; Chapter 90.58 RCW, as amended; and Chapters 173-26 and 173-27 WAC or their successors;

(B) The goals, policies, objectives and regulations of the city of Bainbridge Island shoreline master program;

(C) The city of Bainbridge Island comprehensive plan and municipal code; all other applicable law; and any related documents and approvals.

ii. The administrator shall also consider whether the cumulative impact of additional past and future requests that reasonably may be made in accordance with the comprehensive plan, or similar planning document, for like actions in the area will result in substantial adverse effects on the shoreline environment and shoreline resources.

c. The applicant(s) shall have the burden of proving that a proposed development is consistent with the approval criteria and master program policies and regulations (WAC 90.58.140(7) or its successor).

d. The administrator may require additional information if necessary.

- e. The administrator shall issue a written decision which contains the following:
 - i. A statement indicating the application is approved, approved with modifications, or denied;
 - ii. A statement of any conditions included as part of an approval or approval with modifications;
 - iii. A statement of facts upon which the decision, including any conditions, is based, and the conclusions derived from those facts; and
 - iv. A statement of the right of any person to appeal the decision of the administrator pursuant to subsection I of this section.
- f. The administrator may refer the application to the planning commission for review and recommendations prior to deciding the application. The application shall also be referred to the planning commission for a recommendation at the request of the applicant. The planning commission makes its recommendation following its review of the proposal, the environmental checklist, and the tentative threshold determination.
- g. The permit, whether approved or denied, shall be in the form required by WAC 173-27-120 or its successor.

4. Distribution/Notification of Administrative Decision.

- a. The administrator shall mail the applicant the original of the completed permit form and the findings and conclusions.
- b. All persons who submitted comments on the application during the comment period (see subsection F.2 of this section) and anyone else requesting notification in writing shall be notified in a timely manner of the decision and shall be mailed a copy of the decision. Pursuant to WAC 173-27-130, the decision shall be filed with the Washington State Department of Ecology and the Washington State Office of the Attorney General.

5. Application Time Frame.

- a. Substantial Progress.
 - i. Substantial progress towards completion of a permitted activity shall be undertaken within two years after approval of the permit (WAC 173-27-090 or its successor). See definition of "substantial progress" in BIMC 16.12.080.
 - ii. The administrator may, with prior notice to parties of record and to Ecology, grant one extension of the two-year time period for substantial progress for up to one year based on reasonable factors which would justify the extension, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction (WAC 173-27-090 or its successor). The request for the extension must be filed with the administrator before the end of the time limit.
- b. Five Year Permit Authorization.

- i. The authorization granted by an approved permit to construct any structure or conduct any use or activity shall terminate five years after the date the permit is approved by the city, except that the permit may be authorized for a lesser period of fixed duration.
 - ii. Where an approved permit authorizes construction, the use and maintenance of the structure or facility may continue after the five-year period, provided the structure was completed during the five-year time limit or any approved extension.
 - iii. Where an approved permit authorizes a use or activity which does not require a structure, such as mining or maintenance dredging, the use or activity shall cease at the end of the five-year limit or any extension as granted in subsection F.4.b.iv of this section.
 - iv. The administrator may, with prior notice to parties of record and to Ecology, grant one time extension of up to one year based on reasonable factors which would justify the extension. The request for the extension must be filed with the administrator before the end of the time limit.
 - c. The application time limits shall not include the time during which an activity was not actually pursued due to the pendency of reasonably related administrative appeals or litigation.
 - d. When a permit is conditioned, the conditions shall be satisfied prior to occupancy or use of a structure, or prior to commencement of a nonstructural activity, provided an alternative compliance limit may be specified in the permit.
 - e. Revisions to permits may be authorized after the original permit has expired under subsection F.5.b of this section, provided this procedure shall not be used to extend the original permit time requirements (WAC 173-27-060 or its successor).
6. Adjustments to Approved Shoreline Substantial Development Permits.
 - a. Minor adjustments to an approved shoreline substantial development permit may be made after review by the administrator. The applicant must submit detailed plans and text describing the proposed changes. If the administrator determines that the revisions proposed are within the scope and intent of the original permit, consistent with WAC 173-27-100 or its successor, the administrator may approve the revision as a minor adjustment.
 - b. A minor adjustment entails a revision that is within the scope and intent of the original permit, which means all of the following:
 - i. No additional over-water construction is involved, except that pier, dock, or float construction may be increased by 500 square feet or 10 percent, whichever is less;
 - ii. Ground area coverage and height is not increased more than 10 percent;
 - iii. Additional structures located landward and not within required buffer or setback areas do not exceed a total of 250 square feet;
 - iv. The revision does not authorize development to exceed height, setback, lot coverage, or any other requirement of the city of Bainbridge Island shoreline master program;

- v. Additional landscaping is consistent with conditions, if any, attached to the original permit and with the applicable master program provisions;
 - vi. The use authorized pursuant to the original permit is not changed; and
 - vii. No adverse, environmental impact will be caused by the project revision (WAC 173-27-064(2)(a) through (g) as amended).
- c. If the sum of the proposed revision and any previously approved revisions do not meet the criteria above, the revision shall be reviewed through a major adjustment process. This shall be processed in the same manner as a new shoreline substantial development permit application. If the adjustment involves a conditional use or shoreline variance which was conditioned by the Department of Ecology, the adjustment also must be reviewed and approved by Ecology (WAC 173-27-064 or its successor).
- d. A city or Ecology decision on a minor or major adjustment to the permit may be appealed within 21 days of such decision, in accordance with RCW 90.58.180 or its successor, and WAC 173-27-064 or its successor.
- e. Construction allowed by the revised permit that is not authorized under the original permit is undertaken at the applicant's risk until the expiration of the appeals deadline.

7. Appeal. The decision of the administrator may be appealed to the hearing examiner following the procedures of subsection I of this section.

H. Shoreline Conditional Use Permits. Where a development includes several uses or activities and one or more uses or activities require a shoreline conditional use permit, all uses and activities shall be processed and decided following the shoreline conditional use procedures.

1. Purpose. The purpose of a shoreline conditional use permit is to allow greater flexibility in applying the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020 or its successor; provided, that shoreline conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of state policy enumerated in RCW 90.58.020 or its successor. In authorizing a conditional use, special conditions may be attached to the permit by the city or the State Department of Ecology to prevent undesirable effects of the proposed use. Uses which are specifically prohibited by the master program may not be authorized with approval of a shoreline conditional use permit.

2. Applicability.

a. Minor Conditional Use. As determined by the director, this procedure shall apply to (i) all minor conditional uses identified in Chapter 16.12 BIMC; (ii) where the director determines that the anticipated impacts of those conditional uses will be minor or minimal; or (iii) uses that are clearly consistent and compatible with other uses in the same zone or vicinity.

b. Major Conditional Use. As determined by the administrator, a major conditional use permit shall be secured from the city prior to establishing or expanding a use according to situations that include, but are not limited to: (i) the proposed use or expansion covers 50 percent or greater of the total lot area; (ii) the proposed use is accessed by a local or private road; (iii) the proposed use or expansion generates more than 36 total trips per day; (iv) the proposed use or

expansion contains four or more units in a multifamily dwelling; or (v) requests for additional nonresidential building height pursuant to Chapter 16.12 BIMC.

3. Procedure.

a. Application. An application for a shoreline conditional use permit shall be submitted on a form provided by the city. The application should be accompanied by maps, a completed environmental checklist, applicable fees, and any other information specified in the master program or requested by the administrator.

b. Minor Shoreline Conditional Use.

i. The administrator shall review a minor shoreline **variance conditional use** application following procedures in subsection F.2 of this section.

c. Minor Shoreline Conditional Use. Applications for shoreline **variances conditional uses** that are more intensive than the minor shoreline **variance conditional use** as determined by the administrator shall be decided by the hearing examiner following the procedures in BIMC 2.16.100, or its successor, supplemented by the following provisions:

i. The decision of the hearing examiner shall be the final city decision, and may be appealed in accordance with subsection I of this section.

d. Notice of Application and Comment Period. In addition to the notice of application content established in BIMC 2.16.020.M, notice of application for shoreline conditional use permits must also contain the information required under WAC 173-27-110.

e. Notice of Hearing. When a public hearing is required, the procedures of BIMC 2.16.020.M.6 shall apply.

f. The administrator shall mail the final city decision to the applicant, the State Department of Ecology, and the State Attorney General. The permit must be received by Ecology within eight days of the date of the decision. Within eight days of the date of the decision, the administrator shall also mail the decision to any person who requested notice of the decision.

g. The State Department of Ecology shall approve, approve with conditions, or deny all shoreline conditional use permits approved by the city. Ecology's decision must be made within 30 days of the date the permit and other information required by WAC 173-14-090 or its successor are received by Ecology and the Washington State Attorney General. Ecology will send a letter to the applicant and the city informing them of the decision. Upon receipt of the Ecology decision, the administrator shall notify those interested persons who requested notification.

4. Decision Criteria – Conditional Use Permit.

a. Uses classified as conditional uses may be authorized; provided, that pursuant to WAC 173-27-140 and 173-27-160 or their successors, the applicant can demonstrate all of the following:

i. The proposed use will be consistent with the policies of RCW 90.58.020 or its successor and the policies of the master program;

- ii. The proposed use will not interfere with the normal public use of the public shorelines;
 - iii. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - iv. The proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is located;
 - v. The public interest suffers no substantial detrimental effect (WAC 173-14-140(1) or its successor); and
 - vi. The proposed use is consistent with the provisions of the zoning ordinance (BIMC Title 18).
- b. Other uses which are not listed in the master program as permitted or conditional uses and are also not prohibited may be authorized as conditional uses, provided the applicant can demonstrate, in addition to the criteria set forth in subsection H.4.a of this section, that (i) extraordinary circumstances preclude reasonable economic use of the property in a manner consistent with the policies of RCW 90.58.020, or its successor, and that (ii) the proposed use would not produce significant adverse effects on the shoreline environment.
- c. In the granting of all shoreline conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.
5. Time Frame. Construction and activities authorized by a shoreline conditional use permit are subject to the time limitations in subsection F.5 of this section (WAC 173-27-090 or its successor).
6. Adjustments to Approved Shoreline Conditional Use Permit.
- a. A permit revision is required whenever an applicant proposes substantive changes to the design, terms or conditions of a project from that approved as a shoreline conditional use permit. When a revision of a shoreline conditional use permit is sought, the applicant shall submit detailed plans and text describing the proposed changes in the permit and demonstrating compliance with the following minimum standards pursuant to Chapter 173-27 WAC.
 - b. If the proposed changes are determined by the administrator to be within the scope and intent of the original permit, and are consistent with the SMA (Chapter 90.58 RCW), the shoreline guidelines (Chapter 173-26 WAC), and the shoreline master program, the revisions may be approved as a minor adjustment.
 - c. A minor adjustment entails a revision that is within the scope and intent of the original permit, which means all of the following:
 - i. No additional over-water construction is involved except that a pier, dock or floating structure may be increased by 10 percent or 500 square feet, whichever is less, over that approved under the original approval;
 - ii. Ground area coverage and/or height may be increased a maximum of 10 percent over that approved under the original approval; provided, that the revised approval does not

authorize development to exceed the height, impervious surface, setback or any other requirements of this program except as authorized under a variance granted for the original development;

iii. Additional or revised landscaping is consistent with any conditions attached to the original approval and with this program;

iv. The use authorized pursuant to the original approval is not changed; and

v. The revision will not cause adverse environmental impacts.

d. Revisions to shoreline permits and statements of exemption may be authorized after the original authorization has expired. Revisions made after the expiration of the original approval shall be limited to changes that are consistent with this program and that would not require a permit under this program. If the proposed change is a substantial development as defined by this program, then a new permit is required. The provisions of this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits or scope of the original approval.

e. A new permit shall be required if the proposed revision and any previously approved revisions in combination would constitute development beyond the scope and intent of the original approval.

f. Upon approval of a revision, the decision maker shall file a copy of the revised site plan and a detailed description of the authorized changes to the original permit with the Department of Ecology together with a final ruling and findings supporting the decision based on the requirements of this section. In addition, the decision maker shall notify parties of record of the action.

g. If the proposed revision is to a development for which a shoreline conditional use or variance was issued, the decision maker shall submit the revision to the Department of Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. Under the requirements of WAC 173-27-110(6), the Department shall render and transmit to the decision maker and the applicant/proponent its final decision within 15 days of the date of the Department's receipt of the submittal from the decision maker. The decision maker shall notify parties on record of the Department's final decision.

7. Appeal of Decision on Conditional Use Permit. The decision of the hearing examiner may be appealed to the following the procedures of subsection I of this section.

Table 18.09.020 Use Table

"P" = Permitted Use		"A" = Accessory Use										Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties								
"C" = Conditional Use		"CA" = Conditional Accessory Use																		
Blank = Prohibited Use		"T" = Temporary Use																		
ZONING DISTRICT		R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center				HSR I	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE												CC	MA	EA	Gate	Ferry [1]	and II			
TEMPORARY USES																				
Temporary Construction Building		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-1
Temporary Construction Staging		I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	J-2
Temporary Container Storage		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-2 3
Temporary Commercial Parking												T	T	T	T	T	T			J-3 4
Temporary Public Events or Gatherings		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		J-4 5
Temporary Ferry Commuter Parking												T			T	T				J-5 6
Temporary Noncommuter Parking															T					J-6 7
Temporary Seasonal Sales		T	T	T								T				T	T	T	T	J-7 8
Temporary Homeless Encampment		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-8 9

18.09.030 Use-specific standards.

Regardless of whether a use is allowed as a permitted (“P”) use or as a conditional (“C”) use and regardless of the zoning district in which the use is located there may be additional standards that are applicable to the use, and the use must comply with such standards except as authorized by this code. The existence of these use specific standards is noted in the column headed “Use Specific Standards” in Table 18.09.020, which cross-references the section of the code that imposes the additional standard.

18.09.030.B. Residential.

3. Commercial/Residential Mixed Use Development. Principal and accessory uses shall comply with the all applicable development standards and performance standards of BIMC Title 18 of the NC district as well as the other standards listed here.

- a. Repealed by Ord. 2018-13.

- ~~b.~~ In the NC district, residential units must be located above the ground floor if the building is located on a collector or secondary arterial or higher road classification; however, for mixed use projects, if the building fronts on a local or private street, residential units can be located on the ground floor. Density for mixed use projects in the NC district shall be calculated pursuant to BIMC 18.12.030.D.

18.09.030.D. Commercial Sales and Service.

7. Professional Services.

- a. In the ferry terminal overlay district, professional services may be located anywhere south of Winslow Way.

- b. In the ferry terminal overlay district, north of Winslow Way, professional services are permitted only along Winslow Way, within 100 feet north of Winslow Way. Buildings shall have customer entrances on Winslow Way.

- ~~c.~~ In the B/I district, professional offices shall be limited to those that do not provide services directly to the general public or attract customers from the general public. For example, accountants’, lawyers’, and architects’ offices are not permitted. Establishments that provide professional services to other businesses are permitted, such as civil, mechanical, or electrical engineers and research and development establishments

18.09.030.J. Temporary Uses

2. Temporary Construction Staging [NOTE: NEW USE]

- a. A temporary construction staging permit must be issued by the Department of Planning and Community prior to staging activities commencing. Staging on publicly-owned property, such as property owned by the city or the Bainbridge Island Metropolitan Park and Recreation District, is exempt from the staging permit requirement.

- b. For construction that requires a development permit, such as a grading or building permit, the temporary construction staging permit cannot be issued until all related development permits are issued. Temporary construction staging shall be exempt from site plan and

- design review pursuant to BIMC 2.16.040. The application shall be processed as an administrative approval under BIMC 2.16.020, including noticing requirements.
- c. The staging area and the access to the temporary construction staging property must comply with any applicable regulations of the BIMC and the Design and Construction Standards Manual in order to minimize the inconvenience to neighboring properties, and to protect public health, safety, and the environment.
 - d. Any temporary structures must not be permanently affixed to the lot.
 - e. Temporary construction staging shall not interfere with public non-motorized pathways including sidewalks.
 - f. Temporary construction staging may not exceed 9 months. This time limitation does not apply to publicly-owned properties or public construction projects. To prevent serial use of a property as temporary construction staging, a property shall not be utilized for temporary construction staging for more than eighteen months within a 5-year period. The department may grant one extension of a permit authorizing temporary construction staging for a period not to exceed 180 days if:
 - i. A request for an extension is received by the department no later than 30 days prior to the expiration of the permit;
 - ii. Termination of the permit would result in an unreasonable hardship to the applicant; and
 - iii. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.
 - g. Temporary construction staging shall be removed and the property restored to pre-construction conditions to the satisfaction of the city within 30 days after related construction is complete. The city may request that the applicant submit a restoration surety to ensure compliance.
 - h. The use of any temporary construction staging shall comply with the air quality emissions performance standards of BIMC 18.06.030.B.2.

18.12.020 Tables of dimensional standards.

Tables 18.12.020-1, 18.12.020-2, and 18.12.020-3 set forth applicable dimensional standards. Where a property is located in more than one zone district, units permitted by density calculations within each zone district must be constructed on the portion of the property located within that zone district and required setbacks for each zone district must be met. Permitted densities are not “blended” across the zone district line.

Table 18.12.020-2 Standard Lot Dimensional Standards for Residential Zone Districts
 [Numbers in brackets indicate additional requirements listed at the end of the table]

ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
<p>MINIMUM SETBACKS</p> <p>Note: Landscaped areas may serve as setbacks (i.e., setbacks are not in addition to landscaped areas), and some encroachments into setback areas are permitted pursuant to BIMC 18.12.040.</p> <p>Note: Additional setbacks may be required by:</p> <ul style="list-style-type: none"> (a) Chapter 16.08 or 16.12 BIMC, or (b) Chapter 16.20 BIMC, Critical Areas, or (c) BIMC 16.28.040, mining regulations, or (d) BIMC 18.09.030, Use Specific Standards, or (e) BIMC <u>18.12.030.F 16.12.030.B.3.i.</u>, Shoreline Structure Setbacks, or (f) BIMC 18.15.010, Landscaping and Screening. 										
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC <u>18.12.030.F 16.12.030.B.3.i.</u> , Shoreline Structure Setbacks.									
<p>MAXIMUM BUILDING <u>AND STRUCTURE</u> HEIGHT [4]</p> <p>Note: Bonus may not be available in the shoreline jurisdiction</p>										

Table 18.12.020-2 Standard Lot Dimensional Standards for Residential Zone Districts
 [Numbers in brackets indicate additional requirements listed at the end of the table]

ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
Exemption	Alternative height limits may apply for nonresidential uses if additional conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040.									
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 18.12.030.F 16.12.030.B.3.i. , Shoreline Structure Setbacks.									

[4] For community and educational facilities (as listed in Table 18.09.020), spires, towers and other vertical features with horizontal cross-sections no more than five percent of the footprint of the primary structure may have a maximum height of 10 feet above the maximum base height, and shall be reviewed through a conditional use permit.

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT DIMENSIONAL STANDARD	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
SETBACKS (Minimum required unless otherwise noted) [4] Note: Landscaped areas may serve as setbacks and, in some cases, may exceed the setback requirements. Note: Additional setbacks may be required by: (a) Chapter 16.12 BIMC, Shoreline Master Program; or (b) Chapter 16.20 BIMC, Critical Areas; or (c) BIMC 16.28.040, mining regulations; or (d) BIMC 18.09.030, Use Specific Standards; or (e) BIMC 18.12.030.F 16.12.030.B.3.i. , Shoreline Structure Setbacks.									

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
DIMENSIONAL STANDARD	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 18.12.030.F 16.12.030.B.3.i. , Shoreline Structure Setback Lines								
MAXIMUM BUILDING AND STRUCTURE HEIGHT [5] Note: Bonus may not be available in the shoreline jurisdiction									
Base	35 ft.; 25 ft. max. south of Parfitt	25 ft.; 35 ft. north of High School Road	25 ft.	35 ft.	BIMC 18.12.030.C standard height north of Winslow Way; 35 ft. south of Winslow Way	35 ft.	35 ft.	35 ft.	35 ft. except that Chapter 16.12 BIMC applies within shoreline jurisdiction
Bonus 1 if parking under building [6]	45 ft.; 35 ft. south of Parfitt	35 ft.; 45 ft. north of High School Road	35 ft.	45 ft.	BIMC 18.12.030.C optional height north of Winslow Way; 45 ft. south of Winslow Way	45 ft.			
Bonus 2 for Nonresidential Uses with Major Conditional Use Permit							45 ft.	45 ft.	45 ft.
Bonus 3 Structure Height	Alternative height limits may apply if the conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040.								

[4] When property adjoins a single-family residential zone, building setback shall be in accordance with the landscape ordinance perimeter landscaping requirements.

[5] When property adjoins a lower density residential zone, except in the ferry terminal district, north of Winslow Way, for the first 30 feet of the building from the property line of an adjoining lower density residential zone, the building height shall be the building height of the adjoining lower density residential zone. Optional building height allowed in the adjoining lower density residential district through a conditional use permit may be requested for projects within the Mixed Use Town Center and High School Road zones through the site plan review process. For building height requirements in the ferry terminal district, north of Winslow Way, reference BIMC 18.12.030.C.

[6] The bonus height is ~~only~~ available when parking is located underground or under the occupiable space of the planned building for the entire building if parking is located under more than 50 percent of the building footprint. If parking is located under 50 percent or less of the building footprint occupiable space, the bonus may only be used for a portion of the building footprint twice as large as the area with parking located beneath.

18.12.040 Modifications to required setbacks and heights.

A. Permitted Setback/Height Modifications. Minimum and maximum setbacks and maximum heights established in Tables 18.12.020-1, 18.12.020-2, and 18.12.020-3 and in BIMC 18.12.030 may be encroached as set forth in Table 18.12.040 and may also be modified by applicable provisions of adopted fire codes, the shoreline master program, and/or the building code. These modifications are not permitted in required perimeter or roadside buffers.

Table 18.12.040: Permitted Setback/Height Modifications

Type of Encroachment	Encroachment Permitted	Conditions
Permitted Setback Modifications		
Fence or combined fence and berm up to 6 feet high	In any required setback subject to applicable regulations in BIMC Title 15	Except as provided in BIMC 18.12.040.B and Chapter 16.12 BIMC
Nonscreening fences or combined nonscreening fence and berm up to 8 feet high	In any required setback subject to applicable regulations in BIMC Title 15	Except as provided in Chapter 16.12 BIMC
Chimneys, flues, awnings, bay windows, and greenhouse windows	Up to 18 inches into any required setback	
Covered porches, bay windows and eaves within the Ericksen Avenue overlay district	Up to 5 feet into the front yard	Bay windows must be cantilevered outward from the wall, and may not result in any portion of the building floor area extending into the setback

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Table 18.12.040: Permitted Setback/Height Modifications

Type of Encroachment	Encroachment Permitted	Conditions
Any structures, including but not limited to uncovered steps, porches, and decks less than or equal to 30 inches in height	Up to 2 feet into front and side setbacks. Up to 5 feet into required rear setbacks.	
Eaves	May extend up to 24 inches in any required setback except shoreline structure setback	
At or near grade structures such as uncovered patios, sidewalks, and driveways	In any required setback	May not exceed 4 inches in height
Signs	In any required setback	Must conform to Chapter 15.08 BIMC
<u>Overhead or underground accessory utilities accessory to a single family residence</u>	<u>In any required setback, perimeter or roadside buffer</u>	<u>Must conform to Chapters 16.12 and 16.20 BIMC. Does not apply to above ground utilities such as propane tanks.</u>
Composting bins	In side or rear setback areas	
Bioretention/rain gardens	In any required setback	In accordance with Chapter 15.20 BIMC
Rain barrels/cisterns	In any required setback	In accordance with Chapter 15.20 BIMC
Wall-mounted on-demand hot water heaters	Up to 18 inches into side or rear setbacks	Permitted if buffered or enclosed to prevent noise impacts to neighboring properties
Below-ground geothermal equipment	<u>In any required setback, perimeter or roadside buffer</u>	<u>Must conform to Chapters 16.12 and 16.20 BIMC.</u> Permitted if any excavated areas are promptly re-landscaped after installation is complete
Rockerries and retaining walls less than 4 feet in height	In any required setback	<u>Rockerries and retaining walls greater than 4 feet in height may be permitted with Qqualified</u> geotechnical engineer determination, and city concurrence, that it is necessary for slope stabilization
Public communications tower	In any required setback subject to applicable regulations in BIMC Title 15	Must conform to Chapters 16.12 and 16.20 BIMC

Table 18.12.040: Permitted Setback/Height Modifications

Type of Encroachment	Encroachment Permitted	Conditions
Permitted Height Modifications		
Small wind energy generators	Up to 18 inches above the maximum building height in the district	
Solar panels	Up to 18 inches above the maximum building height in the district	
Noncommercial, nonparabolic antennas affixed to noncommercial communication towers	Up to 50 feet in height above grade	
One flagpole per parcel	Up to 45 feet in height above grade	
Public communications tower	Up to 120 feet in height above grade	A building permit is required for a public communications tower. A conditional use permit shall be required for a public communications tower to be constructed between 71 feet and 120 feet above grade. A public communications tower shall not exceed 120 feet in height.
Distribution utility poles	Up to 55 feet in height above grade	Replacement poles over 55 feet in height, see BIMC 18.09.030.F.2.b. For new distribution utility facilities or corridors, see Table 18.09.020. Poles shall not be moved more than 20 feet from the original location unless permitted under BIMC 18.09.030.F.2.b.
Transmission utility poles	Up to a 25 percent increase above existing pole height above grade with a maximum height of 100 feet	Replacement poles over the 25 percent increase or 100 feet in height, see BIMC 18.09.030.F.2.b. For new transmission utility facilities or corridors, see Table 18.09.020. Poles shall not be moved more than 20 feet from the original location unless permitted under BIMC 18.09.030.F.2.b.
Utility structures existing on the effective date of the ordinance codified in this subsection	Existing height	May also be replaced or modified; provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location

18.12.050 Rules of measurement.

The following rules of measurement shall apply in determining compliance with the requirements of this title. When a required calculation results in a fraction greater than or equal to one-half, the requirement shall be rounded up to the next whole number.

G. Floor Area Ratio (FAR). "Floor area ratio" is a figure that expresses the total floor area as a multiple of the lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area prior to removal of lot area for dedication. **Portions of parking located underground or underneath occupiable space a building footprint are not counted in floor area ratio calculations.**

I. Grade. "Grade" (adjacent ground elevation) is the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building. On waterfront parcels as defined in the shoreline master program, the definition of **average grade level** from the shoreline master programs shall be used (**WAC 173-27-14-030(3)**).

18.15.020 Parking and loading.

Table 18.15.020-2: Off-Street Parking Spaces Required in Mixed Use Town Center Districts and High School Road Districts [1]

Land Use	Spaces Required					
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay	High School Road I and II
Commuter-Oriented Retail	Not Permitted				1 space per peak shift employee	Not Permitted
Other Commercial and Nonresidential Uses						
Minimum spaces per 1,000 sq. ft. [2]	2, except 3 in the Parfitt-Waterfront area	<u>4</u>			1	4
Entertainment facilities	1 per 4 fixed seats	Not Permitted				1 per 4 fixed seats
Maximum above-ground spaces per 1,000 sq. ft.	5				3	5

18.36.030 Definitions.

For the purposes of Title 18 and Chapters 2.14 and 2.16 BIMC, the following definitions shall apply unless the context clearly requires otherwise.

1. "Abutting" means bordering or touching, such as sharing a common lot line. Lots that are separated by a street or right-of-way are not abutting; they are adjoining.

5. "Accessory agricultural retail" includes community kitchens and stables, and also means the sale of (a) crops grown or livestock raised by a farmer, or (b) value-added products made from crops grown or livestock raised by the farmer, and (c) incidental associated agricultural products sold on site where agricultural crops or livestock are grown or raised that is subordinate to the actual agriculture on-site. Products sold shall be (a) primarily Island-grown crops, (b) value-added products if the defining ingredient was Island-grown, and (c) associated products that are incidental to the agricultural activity on the site.

a. "Accessory agricultural retail, minor" means agricultural retail that (1) generates less than 36 round trips per day on average, and (2) does not conduct more than four non-agricultural special events each year. This category includes farm stands and joint use of farm stands by multiple producers and the use of retail sites for pick-up of community-supported agricultural deliveries. See "Farm stand."

b. "Accessory agricultural retail, major" means agricultural retail that is more intensive than minor agricultural retail.

6. "Accessory agricultural tourism" means agriculturally related accessory uses that are subordinate to the growing of crops or the raising of livestock, designed to bring the public to the farm on a temporary or continuous basis, such as U-pick farm sales, farm mazes, pumpkin patches, farm animal viewing and petting, wagon rides, farmland and facility tours, horticulture nurseries and associated display gardens, cider pressing, classes or workshops, wine or cheese tasting, etc. Accessory agricultural tourism does not include overnight stays for guests such as a bed and breakfast or farm-stay type use.

XX. "Adjacent" means that which is near or close; for example, a property located across the road or highway shall be considered as adjacent. [NOTE: Same definition in SMP BIMC 16.12.080.]

14. "Adjoining" means immediately abutting or separated only by a street or right-of-way.

XX. "Commercial/Residential Mixed Use" means having commercial and residential uses on the same property.

69. "Day care center" means a building or structure in which an agency, person, or persons regularly provide care for 13 or more people in any 24-hour period and could include a public or private school. Businesses that offer care only before and after school are considered educational facilities.

168. "Motor vehicle sales lot" means any land or buildings used primarily for the sale of new or used motor vehicles fit for transportation.

191. "Parfitt-Waterfront area" is defined as that area south of the boundary created by the following parcels and streets; starting at the northern property line of 272502-4-1130-2000; proceeding eastward along Blue Bjune Drive to its western intersection with Brien Drive; proceeding eastward along Brien

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Drive to its intersection with Bjune and Shannon Drives; and proceeding southward along Shannon Drive to the south property line of 4114-005-001-0003; and proceeding eastward to Winslow Ravine.

192. Park, Active Recreation. "Active recreation park" means a park where the primary uses are athletic fields, playgrounds, swimming facilities, sports courts, camping, or other activities that require specialized fields or equipment.

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



CITY OF
BAINBRIDGE ISLAND

PLANNING COMMISSION PUBLIC PARTICIPATION MEETING OCTOBER 24, 2019

MEETING MINUTES

1) **CALL TO ORDER/ROLL CALL**

Chair William Chester called the meeting to order at 5:59 PM.

2) **PUBLIC PARTICIPATION MEETING**

Chair Chester introduced the public participation meeting process introducing Senior Planner Kelly Tayara who facilitated both public participation meetings.

2.A **Bainbridge Disposal Transfer Station Redevelopment Cover Page**

Mr. Miles Yanick presented the proposed project.

2.B **McGraw Short Subdivision (PLN51569 PRE) Cover Page PLN51569 PRE McGraw site plan**

Ms. Nora McGraw introduced the proposed subdivision.

3) **PLANNING COMMISSION MEETING MINUTES**

3.A **October 10, 2019 Planning Commission Meeting Minutes Cover Page Planning Commission Minutes DRAFT 101019.docx**

Motion: I'll move approval of the minutes from the Planning Commission meeting on October 10, moving approval as distributed.

Quitslund/Paar: Passed Unanimously

4) **PUBLIC COMMENT ON OFF AGENDA ITEMS - 7:10 PM**

None.

5) **PUBLIC HEARING**

5.A **Ordinance 2019-33 "Housekeeping" Changes: Revising BIMC Title 2 Administration,...and Land Use Procedures and Title 18 Zoning**

Cover Page

PC Staff Memo

DRAFT Ord 2019-33

Exhibit A Title 2 Housekeeping Changes.pdf

Exhibit B BIMC 18.09.020 Use Table Excerpt Temporary Uses

Exhibit C Title 18 Housekeeping Changes

Senior Planner Jennifer Sutton reviewed the changes made by the Commission previously.

The Public Hearing was opened and closed at 7:13 PM.

MOTION: I move to recommend approval of Ordinance 2019-33 to the City Council with the exception of changes related to amending subdivisions, highlighted in green and located on pages 13, 18, 28, 30, 33, 34, 37, 43, 46 and 47 of Exhibit A.
Quitslund/Paar: The motion carried unanimously.

6) UNFINISHED BUSINESS

- 6.A Ordinance No. 2019-38, Adopting Small Wireless Facilities Design Standards
Cover Page
Ordinance No. 2019-38, Adopting Small Wireless Design Standards - 10/24 Draft for PC Review
Ordinance No. 2019-15, Adopting Interim Small Wireless Facilities Design Standards
Industry Comments on Interim SWFs Design Standards (Ordinance No. 2019-15)
T-Mobile Comment Regarding BIMC 18.10A.040.B

Deputy City Attorney Robbie Sepler introduced Mr. Daniel Kenney who reviewed the code revisions.

Public Comment:

Kim Allen spoke for additional work being done on the proposed code.

Bob Russell spoke in favor of antennas as frequently as needed.

Chair called a recess at 8:15 PM.

Meeting reconvened at 8:22 PM.

7) NEW BUSINESS

- 7.A Ordinance No. 2019-32 Amending BIMC 2.16.020.S. Housing Design Demonstration Projects (HDDP) Program
Cover Page
DRAFT ORD 2019-32 HDDP Program
PLANNING COMMISSION MINUTES 062118.pdf
Ordinance No. 2018-31 Limiting the Housing Design Demonstration Project Program to Affordable Housing Approved 082818
HDDP Program Summary for PC
BIMC 2.16.020.S HDDP Program

Senior Planner Jennifer Sutton facilitated the discussion.

Public Comment:

Herb Hethcote spoke in favor of continuing only Tier 3 of HDDP program.

Kirsten Hytopoulos spoke about the boundary of the area allowed for HDDP and in favor of affordability in perpetuity.

Ron Peltier spoke about the HDDP program not being consistent with the Comprehensive Plan.

Michael Gray spoke against extending the HDDP program.

Erica Shriner spoke against extending the HDDP program.

Sarah Blossom spoke in support of extending the HDDP program.

8) PLANNING DIRECTOR'S REPORT

Planning Director Heather Wright provided an update on City Council actions of interest to the Planning Commission.

9) FUTURE PLANNING COMMISSION AGENDAS

10) ADJOURNMENT

Meeting was adjourned at 9:52 PM.



William Chester, Chair

Jane Rasely, Administrative Specialist



CITY OF
BAINBRIDGE ISLAND

Planning Commission Public Participation Meeting
and Special Meeting
Thursday, October 24, 2019
6:00 pm – 9:00 pm

PLEASE PRINT

Name	Address	E-Mail	Receive Notes from PPM	Join ListServ Yes/No
Heather Church	3300	Heatherchurch@comcast.net		
DANNY RODRIGUEZ	6677 KOJIMA	ISLAND WINDOW WORK	X	
BILL MOORE	6630 WET RD	BI	X	
Carolyn Sheets	6789 NE Vineyard Rd	historykat@gmail.com	X	
Kathryn Lafond	6685 KOJIMA AVE. NE	kela fond@gmail.com	X	
George Breaks	6685 Kojima Ave. NE	george@compacts.com	X	
Nora McGraw	6800 Blue Sky Ln. NE	noraraway@hotmail.com	✓	
Herb Hethcote	1866 Commodore Ln			

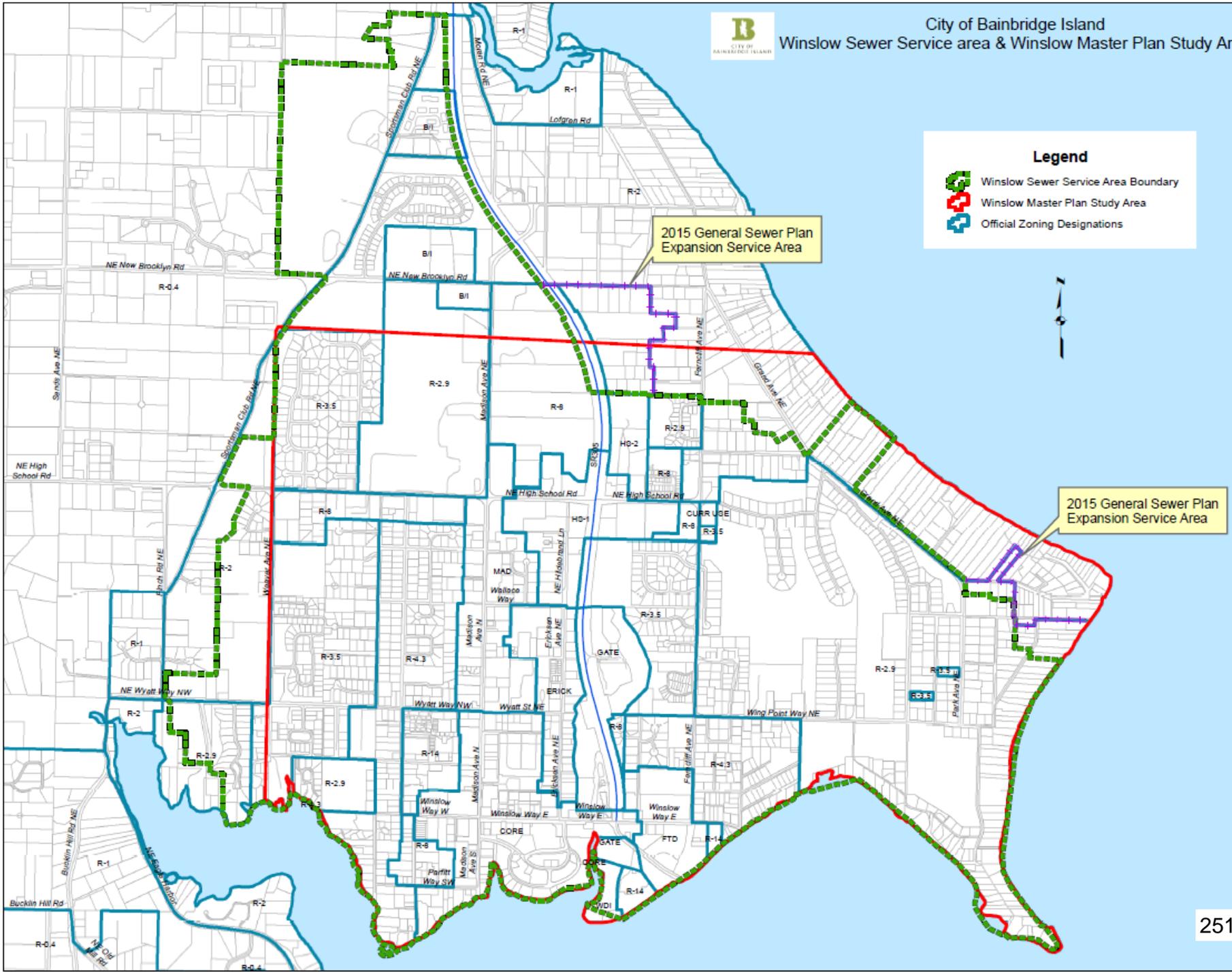
Housing Design Demonstration Project (HDDP) Program

OVERVIEW

- **2009 3-year Pilot Program applies in the greater Winslow area Revised in 2013; Revised in 2016 to reflect LID requirements, extended until 2019.**
- **Promotes green building, sustainable site development, and housing diversity & affordability using development standard flexibility & density incentives**
- **4 Tiers: Density incentives scaled to amount of Green Building and Infrastructure, and Housing Diversity**
- **1,600 square foot maximum dwelling unit size for all HDDP units**
- **2018 Recommendation by Planning Commission: Ordinance 2018-31 limited HDDP to those with 100% affordable housing until subdivision regulations updated.**

Legend

- Winslow Sewer Service Area Boundary
- Winslow Master Plan Study Area
- Official Zoning Designations



HDDP Program Available to Properties located:

- in the WMP Study Area
- or
- in the Winslow Sewer Service Area

Excerpt Table 2.16.020.Q-1: Housing Design Demonstration Project Scoring System

Density Incentives	Requirements to Receive Incentives	
	Green Building and Innovative Site Development	Housing Diversity
Tier 4		
2.5 x Base Density OR Max. Bonus Mixed-Use FAR	Living Building Challenge (ILFI) OR Passive House (Passive House Institute US/International)	Home size not greater than 1,600 sq. ft.
	30 Points in Innovative Site Development Practices	10 pts/10% of units affordable housing
Tier 3		
2.5 x Base Density OR Max. Bonus Mixed-Use FAR	LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development	50% affordable housing
	25 Points in Innovative Site Development Practices	Home size not larger than 1,600 sq. ft.
Tier 2		
1.5 x Base Density (R-8 and R-14); OR	LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development	Home size not larger than 1,600 sq. ft.
2.0 x Base Density not to exceed R-8 density (R-2, R-2.9, R-3.5, and R-4.3); OR		10% of units affordable housing
Max. Bonus Mixed-Use FAR	25 Points in Innovative Site Development Practices	Projects with ≥ 20 units must get 3 points in “Unit Type” category
Tier 1		
No Density Bonus	LEED Certification, BuiltGreen 4, or Evergreen Sustainable Development	•Home size not larger than 1,600 sq. ft.
		•4 points (projects with < 20 units) in “Housing Diversity” category
	14 Points in Innovative Site Development Practices	•5 points (projects with ≥ 20 units) in “Housing Diversity” category
		•Projects with ≥ 20 units must get 2 ₂₅₂ points in “Unit Type” category

Table 2.16.020.S-2 Housing Diversity Scoring Method

		Affordable Housing			Unit Size		Unit Type	
		Project includes a number of housing units that are designated affordable for a period of 50 years to the spectrum of income levels as defined by BIMC 18.36.030.16 and 18.21.020.A. Rental housing is encouraged by awarding more points for the creation of rental housing.			Project includes a variety of unit sizes, excluding garages, that provide for a broad mix of income levels and family size. In order to score a point in a unit size range, the project shall provide at least 10% of the total number of units in that range. For example, in a 40-unit development, at least 4 units sized between 1,001 and 1,200 ft ² would be needed to score points in that range.		Unit type: Project includes a variety of housing unit types (i.e., single-family style, townhouse, flat, age-in-place, ADUs, cottages) or innovative type of housing. In order to score points for different unit types, the project shall provide at least 10% of the total number units of that type. For example, in a 40-unit development of townhomes and duplexes, at least 4 units of townhomes would be needed to score points for having 2 different unit types.	
TIER	Total Housing Diversity Points Required	Affordable Units	Ownership Value	Rental Value	Unit Size Range	Value	Number of Different Unit Types	Value
		10%	10	12	< 800 ft ²	1	2	2
		11 – 15%	12	14	801 – 1,000 ft ²	1	3	3
		16 – 20%	14	16	1,001 – 1,200 ft ²	1	4	4
		21 – 25%	16	18	1,201 – 1,400 ft ²	1	5	5
		> than 25%	20	22	1,401 – 1,600 ft ²	1	Min. Pts. Required	
		Minimum % Required			Size Requirement	Min. Pts. Required	Min. Pts. Required	
4	10 pts	10%			Max. home size 1,600 ft ²	NA	NA	
3	20 pts	50%			Max. home size 1,600 ft ²	NA	NA	
2	12 pts (projects < 20 units) 15 pts (projects ≥ 20 units)	10%			Max. home size 1,600 ft ²	NA	Projects ≥ 20 units must get 3 pts in “unit type”	
1	4 pts (projects < 20 units) 5 pts (projects ≥ 20 units)	NA			Max. home size 1,600 ft ²	NA	Projects ≥ 20 units must get 2 pts in “unit type”	

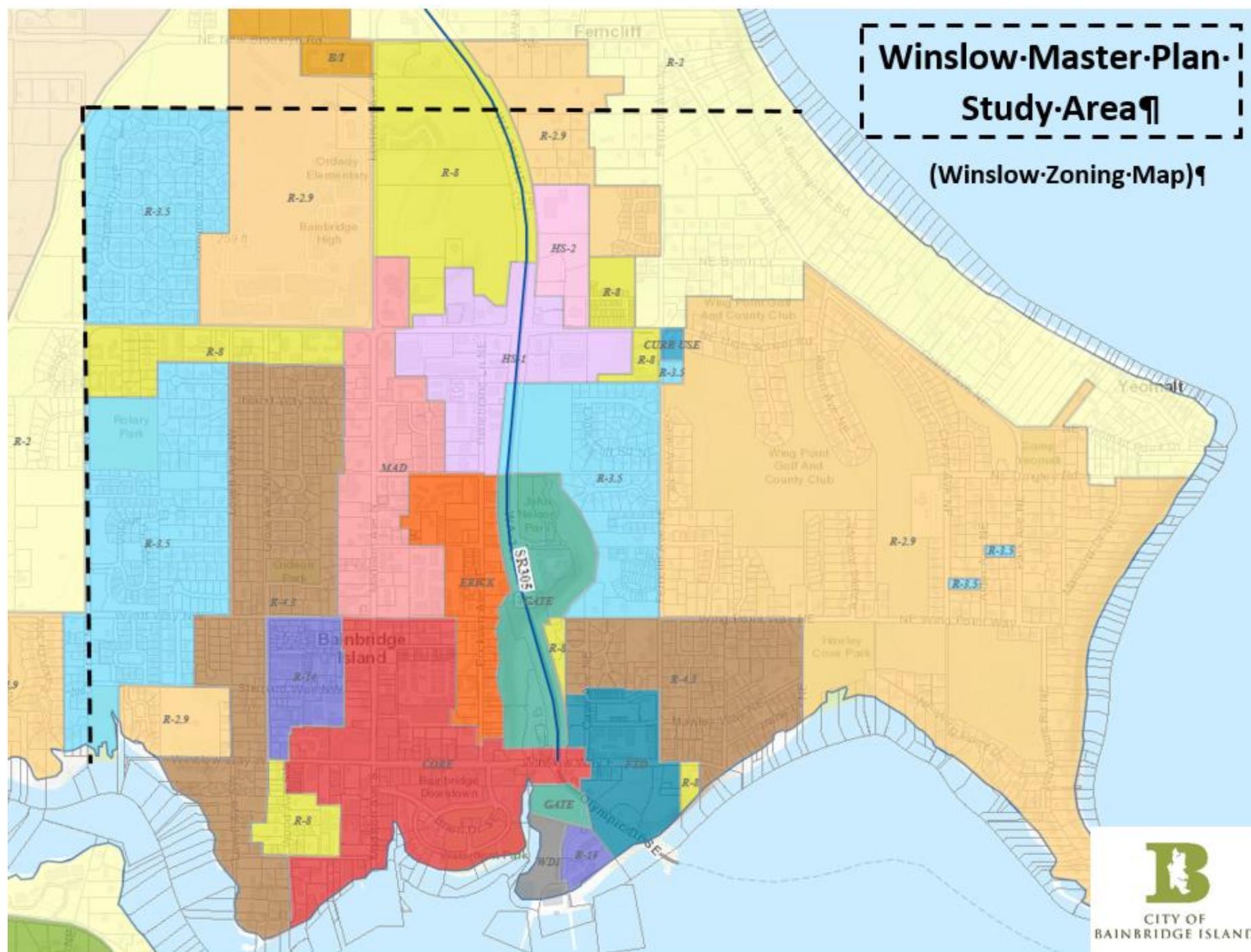
Table 2.16.020.S-3 Innovative Site Development Scoring Method

TIER	Minimum Site Development Point Requirement	WATER QUALITY & CONSERVATION		LANDSCAPING & OPEN SPACE			TRANSPORTATION																																				
		REQUIREMENT	VALUE	% OF OPEN SPACE	VALUE	VALUE IF PUBLIC	TRANSPORTATION COMPONENTS	VALUE																																			
		<p>Projects use methods to decrease water usage and improve stormwater runoff quality through an integrated approach to stormwater management such as greywater use, stormwater collection in cisterns, green roofs and covered parking. All HDDP projects will follow the stormwater manual adopted in Chapter 15.20 BIMC.</p>		<p>Project provides well-designed common open space, with at least 5 percent of the gross land area, set aside as open space and designed as an integrated part of the project rather than an isolated element. The common open space must be outside of critical areas and their buffers and required roadside buffers. Appropriate community amenities such as playgrounds, composting and neighborhood gardens promoting the production of locally grown food are encouraged. Resident neighborhood community gardens can be in common open space areas, and shall be appropriately located for solar exposure, and include water availability, soil amenities, and storage for garden tools. Required growing space for neighborhood gardens is 60 square feet per dwelling unit, not including any existing orchard area. Open space dedicated to the public pursuant to the standards of BIMC Sections 17.12.030. A1, A2, A3, A6 & A7 is encouraged.</p>			<p>Project design provides enhanced sensitivity to pedestrian and bicycle travel to promote the people getting around without a car, a reduced carbon footprint, improved health of humans, and lower pollution levels. Project internally preserves existing informal internal connection to external non-motorized facilities, furthering the Island-wide Transportation Plan (IWTP) and using such solutions as woonerfs, green streets, and natural trails and paths. Project reduces reliance on automobiles and trip counts, and promotes alternative transportation, such as integrating parking and charging facilities for electric cars, or bus shelters.</p>																																				
4	30	<p>Number of dwelling units that integrate greywater reuse components into building design:</p> <table border="1"> <tr><td>10%</td><td>1</td></tr> <tr><td>11-20%</td><td>2</td></tr> <tr><td>21-30%</td><td>3</td></tr> <tr><td>Over 31%</td><td>4</td></tr> </table>		10%	1	11-20%	2	21-30%	3	Over 31%	4	<table border="1"> <tr><td>5-10%</td><td>2</td><td>4</td></tr> <tr><td>11-15%</td><td>4</td><td>6</td></tr> <tr><td>16-20%</td><td>6</td><td>8</td></tr> <tr><td>21-25%</td><td>8</td><td>10</td></tr> <tr><td>Greater than 25%</td><td>10</td><td>12</td></tr> </table>			5-10%	2	4	11-15%	4	6	16-20%	6	8	21-25%	8	10	Greater than 25%	10	12	<table border="1"> <tr><td>Project preserves, creates or integrates internal and external non-motorized connections.</td><td>2</td></tr> <tr><td>Provides public walkways, separated paths, or bike lanes. No points for facilities required by IWTP.</td><td>3</td></tr> <tr><td>On-site car sharing program</td><td>1 per each car</td></tr> <tr><td>Electric vehicle charging stations for 3% of vehicle parking capacity.</td><td>3</td></tr> <tr><td>Covered, consolidated bike parking for subdivisions</td><td>3</td></tr> <tr><td>Bus Shelter</td><td>2</td></tr> </table>		Project preserves, creates or integrates internal and external non-motorized connections.	2	Provides public walkways, separated paths, or bike lanes. No points for facilities required by IWTP.	3	On-site car sharing program	1 per each car	Electric vehicle charging stations for 3% of vehicle parking capacity.	3	Covered, consolidated bike parking for subdivisions	3	Bus Shelter	2
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Covered, consolidated bike parking for subdivisions	3																																										
Bus Shelter	2																																										
3	25	<p>Percentage of total roof area qualifying as "green roofs":</p> <table border="1"> <tr><td>15-30%</td><td>2</td></tr> <tr><td>Over 31%</td><td>4</td></tr> </table>		15-30%	2	Over 31%	4	<p>Incorporates neighborhood garden</p> <table border="1"> <tr><td></td><td>2</td><td></td></tr> </table>				2																															
15-30%	2																																										
Over 31%	4																																										
	2																																										
2	25	<p>Project integrates cisterns: % of total roof area directed to cisterns:</p> <table border="1"> <tr><td>15-30%</td><td>2</td></tr> <tr><td>Over 31%</td><td>4</td></tr> </table>		15-30%	2	Over 31%	4	<p>Preserves tree that qualifies as a "Heritage tree" under City Program. The tree is not otherwise required to be preserved.</p> <table border="1"> <tr><td></td><td>2 per tree</td><td></td></tr> </table>				2 per tree																															
15-30%	2																																										
Over 31%	4																																										
	2 per tree																																										
1	14	<p>Percentage of total parking spaces that are covered (i.e. parking garage, carport):</p> <table border="1"> <tr><td>5-20%</td><td>1</td></tr> <tr><td>21-40%</td><td>2</td></tr> <tr><td>41-60%</td><td>3</td></tr> <tr><td>61-80%</td><td>4</td></tr> <tr><td>Over 81%</td><td>5</td></tr> </table>		5-20%	1	21-40%	2	41-60%	3	61-80%	4	Over 81%	5	<p>All Private yard areas ≤ 20% turf</p> <table border="1"> <tr><td></td><td>4</td><td></td></tr> </table>				4																									
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61-80%	4																																										
Over 81%	5																																										
	4																																										
				<p>Project landscaping integrates at least 60% native or drought tolerant plants</p> <table border="1"> <tr><td></td><td>4</td><td></td></tr> </table>				4																																			
	4																																										

Summary of HDDP Projects							
HDDP Project	Tier	Zone	Max. Base Density	# & Type of Dwelling units	Green Building Certification Requirement	# of Affordable (AH) Units	Status
**Ferntcliff Village (HRB)	3	R-3.5	20	40: Single-family (SF) & Townhomes (TH)	Evergreen Sustainable Development	40	Completed
**Grow Community	2	R-14	112	149: SF, Apartments (Apts.), Condos & Townhomes	Built Green 5	0	Mostly Built
Ericksen Urban Cottages	1	MUTC/ Ericksen	0.6 Res. FAR	16 SF	LEED Certified Required, Achieved LEED Platinum	0	Completed
Madrona Townhomes (The Walk)	1	MUTC/ Core	1.0 Res. FAR	52 SF TH & ADUs	LEED Certified	5	Under Construction
Bainbridge Landing	1	MUTC/ Ferry TD	1.1 Res. FAR	140: SF TH, Apts.& Age-in-Place	LEED Certified or Built Green 4	0	Under Construction
**Wallace Cottages	2	R-4.3	10	19 SF & Age-in-Place	LEED Silver or Built Green 4	2	Under Construction
Madison Place	1	MUTC/ Madison	0.6 Res. FAR	18 SF & Duplexes	LEED Certified or Built Green 4	0	Under Construction
Ericksen Gardens	1	MUTC/ Ericksen	0.6 Res. FAR	5 SF (including 1 ADU)	LEED Certified or Built Green 4	0	Under Construction
Total HDDP Units Permitted				439	Total Designated AH Units	47	255
**# of Bonus Units Achieved Through HDDP				66			

Winslow Master Plan Study Area

(Winslow Zoning Map)



October 24, 2019

Planning Commissioners:

I am speaking for myself and not on behalf the City Council.

Comments have been made that suggest that HDDP is not an appropriate program to use for the Suzuki project, or other affordable housing projects, and that is not correct. My familiarity with HDDP predates its adoption in 2009 and I think it's important for everyone who will be working on this to understand its origins. At our Council Meeting on Tuesday I provided some history of the HDDP program and I wanted to provide that to the Planning Commission as well.

Affordable housing was the impetus for the creation of the Housing Design Demonstration Project, more commonly known as HDDP. Back in 2007 there were two affordable housing developments being proposed. One of those was on a six-acre parcel on Ferncliff Avenue that had been donated by Lois Curtis. The other was a piece of City owned property at the corner of New Brooklyn and Sportsman Club; that property is referred to as the Suzuki property.

I'm going to provide you with an overview of the first "Suzuki Task Force" recommendations from 2008 because that is where this all started. The Task Force recommended that the City first rezone the Suzuki property to R-3.5 and then sell the it through an RFP process that included a scoring system that addressed community goals such as a varied housing mix, permanent affordability, green and sustainable construction, open space, community gardens, buffers and trails. Does any of this look familiar to you? If you have even a basic understanding of HDDP, it should.

The Task Force also recommended that the City not sell the property until an Inclusive Housing Ordinance, which would provide a density bonus for affordable housing, was adopted because the existing R-2 zoning made it economically infeasible to build affordable housing there. One proposal was to have a 15% affordable housing requirement, plus a 20% bonus.¹

In addition to discussing an Inclusive Housing Ordinance, the Task Force also suggested that the project could be developed under an Innovative Housing Demonstration Project ordinance. Hopefully, you realize at this point that this is the genesis of HDDP, because when you combine the concept of bonus density for affordable housing, the scoring matrix described above, and the name "Innovative Housing Demonstration Project", HDDP is what you get. In case it's not obvious yet – **Innovative** Housing [Design Demonstration Project](#).

The concept of HDDP really picked up steam in 2009. I was not a City Councilmember then, but I was paying attention and I was a critic. I fully supported the use of a program like HDDP to provide bonus density for affordable housing, but I did not like what it became. The bonus density allowed by HDDP caught the eye of for-profit developers and this program, which was intended to allow not-for-profit developers, like Housing Resources Bainbridge, to build communities like Ferncliff Village, quickly

¹ Under the R-3.5 zoning base that was recommended 83 units could have been built on the Suzuki property –49 market rate units and 34 affordable units. That is a lower ratio of affordable units than the 50% that was required as part of a Tier 3 HDDP project.

became something else. What was ultimately adopted allowed developers to choose between two paths to get their bonus density, green building and affordable housing. To those of us who were critical of HDDP, it didn't make sense to allow the bonus densities that HDDP allowed for green building, without an affordable housing component, for a couple of reasons. First, building and development regulations were already on track to require much of what was being incentivized. Second, green building was very trendy and a lot of developers on the Island were building green anyway because of its marketability. HDDP was revised in 2013 to eliminate the separate paths and require an affordability component for any tier that allowed a density bonus.

The majority of HDDP projects have used Tiers 1 (no affordable housing requirement) and 2 (10% affordable housing requirement) and it is true that those tiers have provided, or will provide, very few affordable units. So far, Ferncliff Village is the only community built using Tier 3 of HDDP. The 40 units of permanently affordable housing at Ferncliff Village is a significant number of affordable units for Bainbridge Island.

The fact that Ferncliff Village is the only development built using Tier 3 should not come as a surprise to anyone who understands HDDP. No developer is going to make any money using Tier 3, so they aren't going to use it and we won't get any affordable units from for-profit developers. However, a not-for-profit developer can use it to build a community that provides a significant number of affordable housing units. Why would you want to eliminate that possibility?

I hope this helps to address the question of whether HDDP is an appropriate tool for Suzuki, or other potential affordable housing projects. Really, it's coming full circle. HDDP started with Suzuki, why wouldn't it be appropriate to use it there.

I do not think that this is as complicated as some would like you to believe. In fact, I think there is a very simple solution that addresses everyone's concerns: Eliminate Tiers 1 and 2 completely but retain Tier 3 with a 50% affordability requirement.

I understand that there are concerns about HDDP and I understand why, but you can't deny its usefulness for not-for-profit development of affordable housing. I think that some of angst is about the Suzuki project. Because of that I think it's important for the Planning Commission to be aware of some recent developments. I don't want to go into that right now because I was hoping to keep this to one page, but I will be at your meeting tonight and I am happy to provide that update should you wish to hear it.

Thank you for taking the time to read this.

Sarah Blossom



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (8:45 PM) Resolution No. 2020-04 Amending the City's Fee Schedule to add a "Temporary Construction Staging Permit" Fee and a Deposit Fee for Third Party Review of Environmental Reports - Planning,

SUMMARY:

Resolution No. 2020-04 amends the City's Fee Schedule to add a "Temporary Construction Staging Permit" fee (a new use per Ordinance No. 2020-03) and an Environmental Report/Document Third Party Review Deposit (a new, on-call environmental review service).

AGENDA CATEGORY: Resolution

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION:

I move to forward Resolution No. 2020-04 for approval with the Consent Agenda on July 28, 2020.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

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

BACKGROUND:

Resolution No. 2020-04 amends the City's Fee Schedule to add a "Temporary Construction Staging Permit" fee of \$720. This is the same fee currently charged for the existing "Temporary Parking Lot Permit," which has a similar level of review; both permits are related to other, larger construction permits.

This new \$720 fee is a starting point. The City Department of Planning and Community Development is currently going through a fee study that is reviewing all fees. A resolution updating the City's fee schedule as a result of this study is expected to be completed in the third quarter and that could include updated fees for both of these temporary uses.

Resolution No. 2020-04 also adds a fee of \$3,500 for Environmental Report/Document Third Party Review Deposit. This fee will reimburse the City for all costs paid to engineers and consultants (including third party reviewers) that the City determines are necessary for processing an applicable application or performing any reviews or inspections in connection with such application. Examples of consultant environmental review that may be requested are related to:

- Habitat Management Plans
- Buffer Enhancement Plans
- Wetland Critical Areas Reports
- Wetland Mitigation Plans
- Aquifer Recharge Protection Area (ARPA) Stewardship Plans.

ATTACHMENTS:

[Resolution No. 2020-04 Amending Fee Schedule.pdf](#)

FISCAL DETAILS: N/A

Fund Name(s):

Coding:

RESOLUTION NO. 2020-04

A RESOLUTION of the City of Bainbridge Island, Washington, amending the City’s fee schedule to add a new fee for the new Temporary Construction Staging permit as established in Ordinance No. 2020-03 and to add a deposit for third party review of environmental reports and documents.

WHEREAS, on July 14, 2020, the City Council discussed a related measure, Ordinance No. 2020-03 that, among other changes, adds a new land use, *Temporary Construction Staging*, including BIMC 18.09.030.J.2., which establishes use specific standards to the new temporary construction staging permit; and

WHEREAS, the City Council approved Ordinance No. 2020-03 on July 28, 2020, and a fee is needed for the new temporary construction staging permit, and the City has determined that this new permit will require a similar amount of staff time and analysis as an existing permit, the “temporary parking lot permit,” which is similar in kind to this new permit; and

WHEREAS, the City’s fee schedule needs to be updated to reflect a fee for the new temporary construction staging permit; and

WHEREAS, BIMC 1.28.020.A.1. requires applicants to reimburse the City for all costs (plus 10 percent for administration) paid to engineers or consultants (including third party reviewers) that the City determines are necessary for processing applicable applications or performing any reviews or inspections in connection with such an application; and

WHEREAS, BIMC 2.16.020.K. requires, with limited exceptions, applicants to pay fees and charges established by ordinance or resolution before a land use permit or approval is issued; and

WHEREAS, the City is establishing through this resolution a deposit related to occurrences in which third party review is necessary for environmental reports and documents to ensure applicants pay for these services.

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

Section 1. A new subsection entitled “Temporary Construction Staging Permit” is added to Section 9, Building and Planning Fees, of the City’s Fee Schedule, as follows:

<u>TEMPORARY CONSTRUCTION STAGING PERMIT</u>	<u>\$720.00</u>
<u>(Ordinance No. 2020-03, Resolution No. 2020-04)</u>	

Section 2. Section 9, Building and Planning Fees, Critical Area Permit Fees, of the City’s Fee Schedule, last amended on March 27, 2018 by Resolution 2018-09, is hereby amended as follows:

CRITICAL AREA PERMIT FEES

(Resolution Nos. 2006-50, 2008-01, ~~and~~ 2018-09, and 2020-04

Buffer Enhancement Plan Review	\$1,526.00
Critical Area Site Investigation	Hourly Rate
Critical Area Permit - Major	\$1,526.00
Critical Area Permit - Minor	no fee
Geologically Hazardous Area Third Party Geotechnical Review Deposit	\$2,500.00

(An additional deposit is required when the estimated third party review cost will exceed previous deposits. Final balance of any unpaid geotechnical review service fees are due prior to issuance of building permits.)

Commented [PB1]: Informational Note:
This is added for clarity and is consistent with current practice.

<u>Environmental Report/Document Third Party Review Deposit</u>	<u>\$3,500.00</u>
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Environmental Reports/Documents may include, but are not limited to:

- Habitat Management Plans
- Buffer Enhancement Plans
- Wetland Critical Areas Reports
- Wetland Mitigation Plans
- Aquifer Recharge Protection Area (ARPA) Stewardship Plans

(This deposit is required only when the Director has determined that third party review is necessary. An additional deposit is required when the estimated third party review cost will exceed previous deposits. Final balance of any unpaid review service fees are due prior to issuance of permits.)

Reasonable Use Exception	
Single Family Residence	\$3,816.00
All Other	\$6,106.00

Critical area restoration and enhancement projects not required as project mitigation and meeting the criteria of BIMC 16.20.040.B.2 shall not be charged fees by the City for pre-application meetings, permit applications, or other review and authorization processes; provided, that this shall not apply to fees for the appeal of City decisions.

Section 3. Section 9, Building and Planning Fees, Shoreline Permits, of the City’s Fee Schedule, last amended on November 27, 2018 by Resolution 2018-35, is hereby amended as follows:

SHORELINE PERMITS

(Resolution Nos. 2006-50, ~~and~~ 2010-09, 2018-35 and 2020-04

Buoy (Programmatic Review)	\$450.00
Shoreline Exemption without SEPA	\$572.00
Shoreline Exemption with SEPA	\$1,908.00
Shoreline Substantial Development Permit	\$6,869.00

Shoreline Substantial Development Permit for Enlargement of Existing Structure	\$4,579.00
Shoreline Conditional Use Permit	\$8,014.00
Shoreline Conditional Use Permit for Enlargement of Existing Structure	\$5,342.00
Shoreline Variance:	
Administrative	\$5,724.00
Full process (Hearing Examiner)	\$8,014.00
Shoreline Clearing Permit	\$180.00
(Not applicable to removals of hazard trees as determined by an ISA TRAQ Arborist)	
<u>Environmental Report/Document Third Party Review Deposit</u>	<u>\$3,500.00</u>

Environmental Reports/Documents may include, but are not limited to:

- Habitat Management Plans
- Mitigation Plans, Monitoring Plans, & Monitoring Reports
- Violation Mitigation/Restoration Plans

(An additional deposit is required when the estimated third party review cost will exceed previous deposits. Final balance of any unpaid review service fees are due prior to issuance of permits.)

Fish and wildlife habitat restoration and enhancement projects within the jurisdiction of the City's Shoreline Management Master Program and meeting the criteria in WAC 173-27-040(2)(o) and (p) shall not be charged fees by the City for pre-application meetings, permit applications, or other review and authorization processes; provided, that this subsection shall not apply to fees for the appeal of City decisions.

Commented [PB2]: Informational Note:
This is to reflect [RCW 77.55.181](#) and associated changes to [WAC 173-27-040\(2\)](#).

Section 4. This resolution shall take effect immediately upon passage.

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

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

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK: July 9, 2020
PASSED BY THE CITY COUNCIL: _____, 2020
RESOLUTION NO. 2020-04



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 20 Minutes

AGENDA ITEM: (8:50 PM) Ordinance No. 2020-02 Relating to Accessory Dwelling Units (ADUs) - Planning,

SUMMARY: Ordinance No. 2020-02 modifies the Use Specific Standards or regulations for accessory dwelling units (ADUs), BIMC Section 18.09.030.I.5. The most substantial change made through this ordinance is to require that the single-family home and the ADU remain owned by the same persons or legal entity on the subject property. See new subsection 18.09.030.I.5.e. on page 2 of Ordinance No. 2020-02. This new regulation is prospective and will apply to ADUs permitted and constructed after Ordinance No. 2020-02 takes effect.

In addition to the common ownership requirement and some clarifying changes, Ordinance No. 2020-02 makes the following changes to the ADU regulations:

- Adds “shops” and “barns” as types of detached buildings that are appropriate to construct an ADU above (current regulations only refer to detached garages).
- Adds a regulation to prohibit ADUs from being used as short-term rentals unless a business license for short-term rental for the ADU was issued and in effect prior to the effective date of the ordinance. See new subsection 18.09.030.I.5.o. on page 3 of Ordinance No. 2020-02.

The City Council has options related to next steps related to Ordinance No. 2020-02, including:

- (1) Forward the ordinance for approval with the Council's July 28, 2020 Consent Agenda.
- (2) Forward the ordinance for additional discussion and consideration as part of the Unfinished Business portion of the Council's agenda for the July 28, 2020 meeting.
- (3) Consider scheduling a public hearing to be conducted by the Council at a future date. Such a hearing isn't required because the Planning Commission conducted a public hearing on the ordinance (on March 12, 2020), but the Council can choose to conduct another public hearing if it so chooses.

AGENDA CATEGORY: Ordinance

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION:

I move to forward Ordinance No. 2020-02 to the _____ [Unfinished Business] or [Consent Agenda] at the July 28, 2020 Council meeting.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

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

BACKGROUND: The current policy discussion on ADU regulations began on October 23, 2018 when the City Council was briefed by the City Attorney's office about the City's ADU regulations and the intersection between those regulations and state condominium law. See additional discussion below. This began a larger Council discussion on a variety of ADU and small-unit housing topics during 5 meetings over a 12-month period: October 23, 2018, June 18, July 23, September 10, and October 22, 2019. These Council meetings and materials can be read from the City's website. The Council's latest policy direction to the Planning Commission on amending ADU regulations occurred on October 22, 2019 and included:

- Require common ownership of new ADUs, such that sale or ownership of an ADU separate from the primary single-family dwelling is prohibited.
- To promote and facilitate construction of new ADUs, remove the "lot coverage" standard as a barrier to constructing ADUs for properties that are less than 40,000 square feet in size in residential zones.
- Acknowledge that residential subdivisions (and consequently, ADUs) are now permitted in the Mixed Use Town Center and High School Road zoning districts with approval of the new subdivision regulations (Ordinance No. 2019-03) by removing current BIMC 18.09.030.15.n.
- Integrate "tiny homes" into ADU regulations and add a new definition for "tiny home"- a dwelling smaller than 400 square feet.

The Planning Commission began discussing the City Council policy direction on December 12, 2019. The Commission continued to discuss amending the ADU regulations, Ordinance No. 2020-02, at meetings in January and February 2020. The Commission held a second public hearing on Ordinance No. 2020-02 on March 12, 2020, and after closing the public hearing, recommended approval of the ordinance to the Council. See attached staff memo for additional detail and the attached Planning Commission March 12, 2020 minutes.

ATTACHMENTS:

[20200714 Staff Memo on ADUs.docx](#)

[Ordinance No. 2020-02.docx](#)

[October 2018 Legal Memo on ADUs](#)

[031220 Planning Commission Minutes](#)

[Planning Commission Subcommittee Recommendations Regarding ADUs](#)

[ADU Use Specific Standards 18.09.030](#)

[Building Official Memo re Tiny Home Appendix Q Adoption](#)

FISCAL DETAILS: N/A

Fund Name(s):

Coding:

Memorandum

Date: July 9, 2020
To: City Manager
City Council
From: Jennifer Sutton, AICP
Senior Planner
Subject: Ordinance No. 2020-02: Common Ownership for Accessory Dwelling Units

I. Overview of Ordinance 2020-02

Ordinance No. 2020-02 modifies the Use Specific Standards or regulations for accessory dwelling units (ADUs), [BIMC 18.09.030.I.5](#). The most substantial change made through this ordinance is to require that the single-family home and the ADU remain owned by the same persons or legal entity. See new subsection 18.09.030.I.5.e. on page 2 of Ordinance No. 2020-02. This new regulation is prospective and will apply to ADUs permitted and constructed after Ordinance No. 2020-02 takes effect. In addition to the common ownership requirement and some clarifying changes, Ordinance No. 2020-02 makes the following changes to the ADU regulations:

- Adds “shops” and “barns” as types of detached buildings that are appropriate to construct an ADU above (current regulations only refer to detached garages).
- Adds a regulation to prohibit ADUs from being used as short-term rentals in the future. See new subsection 18.09.030.I.5.o. on page 3 of Ordinance No. 2020-02.

II. 2019 Council Policy Direction for Accessory Dwelling Unit (ADU) Regulations

The current policy discussion on ADU regulations began on October 23, 2018 when the City Council was briefed by the City Attorney's office about the City's ADU regulations and the intersection between those regulations and state condominium law. See additional discussion below. This began a larger Council discussion on a variety of accessory dwelling unit and small-unit housing topics during 5 meetings over a 12-month period: October 23, 2018, June 18, July 23, September 10, and October 22, 2019. These Council meetings and materials can be viewed from the [City's website](#). The Council's most recent policy direction to the Planning Commission on amending ADU regulations occurred on October 22, 2019 and included:

- Require common ownership of new ADUs, such that sale or ownership of an ADU separate from the primary single-family dwelling is prohibited.
- To promote and facilitate construction of new ADUs, remove the “lot coverage” standard as a barrier to constructing ADUs for properties that are less than 40,000 square feet in size in residential zones.
- Acknowledge that residential subdivisions (and consequently, ADUs) are now permitted in the Mixed Use Town Center and High School Road zoning districts with approval of the new subdivision regulations (Ordinance No. 2019-03) by removing current BIMC 18.09.030.I.5.n.

- Integrate “tiny homes” into ADU regulations and add a new definition for “tiny home” - a dwelling smaller than 400 square feet.

Additional background information about these topics and why the Council integrated such changes into the initial ordinance that was forwarded to the Planning Commission is below.

Common Ownership Requirement for ADU & Primary Residence

On October 23, 2018, the City Council was briefed by the City Attorney's office about the City's ADU regulations and state condominium law. The City currently allows ADUs as an accessory use to single-family residences ([BIMC Table 18.09.020](#)) and applies additional regulations to ADUs in [BIMC 18.09.030.I.5](#). The Council had requested the briefing from the City Attorney's office on the following question:

Can the City of Bainbridge Island prohibit, regulate, or otherwise discourage property owners from making condominiums out of accessory dwelling units (ADUs) located on their property?

Brief Answer: A local regulation directly prohibiting the creation of condominiums would likely be preempted by state law and impermissible. However, there are other avenues through which the City can address or mitigate unwanted effects of property owners making condominiums out of ADUs.

The City Council discussed these issues at their meeting on October 23, 2018. At the end of the discussion, the Council voted to direct staff to bring back an ordinance to require common ownership of ADUs. See page 2 of Ordinance No. 2020-02 that proposes to add new provision “e” to BIMC 18.09.030.I.5.

Relaxing ADU Development Standards: Lot Coverage

The City Council has discussed the Affordable Housing Task Force final report and recommendations at several meetings and endorsed a City work plan to address the "Priority" and "Quick Win" recommendations. Priority Recommendation #3 is Adopt procedures to encourage ADUs. There has been a total of 225 ADU building permits issued since 1991, as far back as City electronic permit records go. The City will work toward accomplishing Priority Recommendation #3 goal in several different ways, including considering expedited permitting and fee reductions/waivers.

The 2019 Council policy direction to the Planning Commission was to modify ADU development regulations so that new ADU building footprints would not count toward overall lot coverage limits for residentially zoned properties smaller than 40,000 square feet in size. (Note: one acre equals 43,560 square feet in size.) This change could allow for construction of ADUs on smaller properties, such as properties and would not modify any other development standards such as setbacks, building height, aquifer recharge protection area, or stormwater management requirements for new hard surfaces.

For reference, see lot coverage definition below and lot coverage standards by zone.

Zone	Lot Coverage Standard (BIMC Table 18.12.020-2)
R-0.4	10%
R-1	15%
R-2	20%
R-2.9	25%
R-3.5	25%
R-4.3	25%
R-5	25%
R-8	25%
R-14	40%

[BIMC 18.12.050.K](#). "Lot coverage" means that portion of the total lot area covered by buildings, excluding up to 24 inches of eaves on each side of the building, any building or portion of building located below predevelopment and finished grade. Any portion of a slatted or solid deck located more than five feet above grade shall be counted towards lot coverage. Also excluded are ground-mounted accessory small wind energy generators, solar panels, composting bins, rain barrels/cisterns, and covers designed to shade ground-mounted heat pumps and air conditioners to increase their efficiency.

Tiny Homes

At its March 5, 2019 meeting, the City Council discussed tiny homes, and indicated that they wanted to consider whether to allow tiny homes with wheels to be approved as permanent residences. Tiny homes with wheels are currently classified as recreational vehicles ("RVs") and are not considered to be permanent residences, while tiny homes that are set on a foundation can be considered as a permanent residence. Current [ADU Use Specific Standards, BIMC 18.09.030.1.5.i](#), provide that RVs, and therefore tiny homes with wheels, shall not be ADUs. The Council directed staff to follow-up on two items as a separate effort than the ADU ordinance: 1) develop a permitting framework to allow or review RVs as dwellings; and 2) consider creating new tiny home community regulations. The previous City work plan had planned to bring these two topics forward in Q2 2020. The City's response to COVID-19 has necessitated pushing the work to later in the year.

Recent State Legislation related to Tiny Home & Tiny Home Communities ([ESSB 5383](#)): During the 2019 legislative session the Washington State Legislature approved [ESSB 5383](#), a bill which promotes tiny homes and tiny home communities as described below:

- Provides that tiny homes on wheels are allowed as primary residences in manufactured or mobile home communities;
- Added new Chapter 35.21 RCW to describe how a city or town may adopt an ordinance to regulate the creation of tiny house communities;
- Directs the State Building Council to adopt standards specific to tiny homes by December 31, 2019. The legislature expects the newly-issued IRC guidance to become the basis for these standards. Local governments, in turn, can amend their building codes to include these new provisions. In 2018, the International Code Council issued tiny house building standards in [Appendix Q](#) of the International Residential Code (IRC). The City will need to update our Building Code once the state updates its standards. Included with the City Council agenda materials for this agenda item is a memorandum from the City Building Official (dated July 18, 2019) which provides more detail related to Appendix Q.

With the state building code being updated for tiny homes (with or without wheels), Council direction to the Planning Commission was to update the City's zoning code to reflect this new type of housing. The City's building code, Chapter 15.04 BIMC, will be updated later this year.

On-site Septic, Sewer and Water: The Kitsap Public Health District will require the same water and sanitation standards for tiny homes (with or without wheels) as permanent residences as they do for ADUs. For properties served by on-site septic, this means having two bedrooms of a septic system allocated to the tiny home. If the property is served by sewer and/or a public water system, the tiny home may or may not need a separate sewer or water connection depending on the location of the utility lines and primary residence. If the property is served by a private well, then the well would need to be approved as a two-party (or more) well by the Health District. Like an ADU, a tiny home would count as a separate party.

III. PLANNING COMMISSION REVIEW

The Planning Commission began discussion of the City Council policy direction, captured in previous Ordinance No. 2019-09, on December 12, 2019 and then held a public hearing on the ordinance (renumbered Ordinance No. 2020-02) on January 9, 2020. After closing the public hearing on January 9, 2020, the Planning Commission further discussed tiny homes, potential limitations on short-term rentals, and the merits of removing the lot coverage barrier for lots smaller than 40,000 square feet.

The Planning Commission ended their discussion on January 9, 2020 by creating a temporary subcommittee to further discuss these topics and other ADU regulations. Commissioners Pearl, McCormick Osmond, and Doman agreed to serve on the subcommittee. The subcommittee submitted recommended changes to Ordinance No. 2020-02 at the February 13 Planning Commission meeting (see attached subcommittee recommendations). The Planning Commission as a whole directed staff to make the changes recommended by the subcommittee to Ordinance No. 2020-02. Substantive recommended changes by the subcommittee and affirmed by the whole Commission included:

- Remove any added reference to tiny homes. There is a separate recommendation that adding tiny homes to the building and zoning codes be considered through a separate ordinance.
- Related to the proposed common ownership regulations: add a sentence that a notice to title must be recorded to ensure ongoing compliance.
- Added "shops" and "barns" as type of buildings that are appropriate to construct an ADU above (current regulations only refer to detached garages).
- Added back the lot coverage requirement for properties less than 40,000 square feet in size; ADUs would continue to count toward lot coverage like any building. Policy direction from the Council had been to exempt ADUs from lot coverage requirements for properties less than 40,000 square feet in size as a way to promote ADU construction by eliminating a barrier for smaller lots.
- Added a regulation that in the future, ADUs can't be used as short-term rentals. See new subsection 18.09.030.I.5.o. on page 3 of Ordinance No. 2020-02.

The ordinance was revised to integrate the changes recommended by the subcommittee. The Planning Commission discussed and revised the ordinance again at a Study Session on February 27, 2020, recommending additional non-substantive revisions to the ordinance. The Planning Commission held a public hearing on Ordinance No. 2020-02 on March 12, 2020. There were five commenters (see attached Planning Commission March 12, 2020 meeting minutes). The Commission then recommended approval of Ordinance No. 2020-02 to the City Council.

The Planning Commission made a second motion recommending additional work on affordable housing to the City Council (see below and DRAFT March 12, 2020 minutes).

MOTION: We move to strongly recommend that the City Council consider and adopt a comprehensive affordable housing ordinance that may include as one of its elements incentivizing ADUs as a type of affordable housing. Incentives might include reducing impact fees and determining that an ADU would not count toward lot coverage as ways to encourage affordable housing. We'd also like to urge Council to move forward with drafting regulations to apply to short term vacation rentals to ensure that ADUs remain available as housing and rental properties.

McCormick Osmond/Pearl: Passed unanimously

IV. NEXT STEPS

The City Council is scheduled to discuss the Planning Commission's recommended Ordinance No. 2020-02 at the Council's July 14, 2020 meeting. As part of their review, the Council has various options going forward, including holding another public hearing on Ordinance No. 2020-02, or enacting the ordinance without holding another public hearing because such hearings have already been held on the ordinance by the Planning Commission.

Note: The common ownership requirements added through Ordinance No. 2020-02 are part of the Development Moratorium Workplan. On March 24, 2020, the City Council extended the Development Moratorium until October 3, 2020. Additional information and documents related to the ongoing Development Moratorium can be viewed here: <https://www.bainbridgewa.gov/968/Six-Month-Temporary-Building-Moratorium>.

ORDINANCE NO. 2020-02
(Formerly Draft Ordinance No. 2019-09)

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to accessory dwelling units and amending Section 18.09.030.I.5. and Section 18.36.030 of the Bainbridge Island Municipal Code.

WHEREAS, the City has permitted and regulated accessory dwelling units as an accessory use to single-family residences for many years; and

WHEREAS, the City is aware of a limited number of property owners who have turned an accessory dwelling unit into a condominium pursuant to Chapter 64.34 RCW, and some of those units may have been sold to a person other than the owner of the single-family residence (primary dwelling unit); and

WHEREAS, the City Council desires to increase the affordability of accessory dwelling units by limiting the ability to sell them separately from the primary dwelling unit, and the Council considered this topic as draft Ordinance No. 2019-09 through the summer and fall of 2019, and the Council provided policy direction to the Planning Commission on October 22, 2019 on this topic; and

WHEREAS, the City Council approved updated subdivision regulations, via Ordinance No. 2019-03, on September 24, 2019, and those new regulations now allow new single-family residences in the Mixed Use Town Center and High School Road zones and, therefore, accessory dwelling units are also allowed in those zones; and

WHEREAS, the Planning Commission discussed Ordinance No. 2020-02 (formerly Ordinance No. 2019-09) on December 12, 2019, held a public hearing on January 9, 2020, and after closing the public hearing, the Commission created a temporary subcommittee to further discuss the draft ordinance; and

WHEREAS, the subcommittee brought back their recommendations to the full Planning Commission on February 13, 2020 and the Planning Commission agreed to make the changes to the ordinance recommended by the subcommittee, and those changes were substantial enough to necessitate another public hearing of the Commission; and

WHEREAS, the Planning Commission considered revised Ordinance No. 2020-02 on February 27, and made additional revisions to the ordinance prior to holding another public hearing on March 12, 2020; and

WHEREAS, the Planning Commission conducted a public hearing regarding Ordinance No. 2020-02 on March 12, 2020, and after closing the public hearing on that date, the Commission recommended to the City Council approval of Ordinance No. 2020-02; and

WHEREAS, notice was given on March 17, 2020, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, the City Council considered Ordinance No. 2020-02 at its meetings on July 14 and July 28, 2020.

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

Section 1. Section 18.09.030.I.5. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

In addition to all other applicable location and use regulations in Titles 16, 17, and 18, the following regulations apply to accessory dwellings units (ADUs):

a. ~~An accessory dwelling unit (ADU)~~ may be created within, or detached from, any single-family dwelling, whether existing or new, as an accessory subordinate use, where permitted (“P”) by this chapter.

e. Sale or ownership of an ADU separate from the primary single-family dwelling is prohibited. This prohibition does not apply to an ADU that is owned in the condominium form of ownership prior to the effective date of this ordinance. Further, this prohibition does not apply to an ADU that was lawfully in existence prior to the effective date of this ordinance, or an ADU for which a complete building permit application has been submitted for that ADU prior to the effective date of this ordinance. The City shall enforce this requirement by recording a Notice to Title prior to issuing a building permit for new ADUs.

ef. One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling.

fg. ~~Accessory dwelling units shall be designed to maintain the appearance of the primary dwelling as a single family dwelling,~~ ADUs shall containing 900 square feet of floor area or less. However, if the accessory dwelling unit will be located within a building existing as of the approval date of Ordinance No. 2015-16 (for example, in a basement) the city may allow an increased size in order to efficiently use all floor area. If a separate outside entrance is necessary for an accessory dwelling unit located within the primary dwelling, that entrance must be located either on the rear or side of the building.

~~gh.~~ If an ADU accessory dwelling unit is constructed in conjunction with a garage, ~~shop, or barn~~, the square footage of the garage, ~~shop, or barn~~ shall not count towards the 900-square-foot limitation.

~~hi.~~ An ADU accessory dwelling unit not attached to the single-family dwelling may not contain any accessory use other than a garage, ~~shop, or barn~~.

~~ij.~~ No habitable space on wheels, including recreational vehicles, shall be an accessory dwelling unit.

~~jk.~~ When stairs utilized for the ADU are enclosed within the exterior vertical walls of the building, they shall not count towards the floor area of the ADU.

~~kl.~~ The ADU shall share a single driveway with the primary dwelling.

~~lm.~~ School impact fees and qualified exemptions from those fees as provided in Chapter 15.28 BIMC shall apply.

~~mn.~~ All other applicable standards including, but not limited to, setbacks, parking requirements, and health district or city requirements for water, sewer, and/or septic must be met.

o. ADUs cannot be used as a short-term rental unless a business license for short-term rental for the ADU was issued and in effect prior to the effective date of Ordinance No. 2020-02.

~~n. In the Mixed Use Town Center, new accessory dwelling units are only permitted as part of a housing design demonstration project single family subdivision approved pursuant to BIMC 2.16.020.S.~~

Section 2. Section 18.36.030 of the Bainbridge Island Municipal Code is hereby amended as follows:

18.36.030 Definitions

10. “Accessory dwelling unit” means a dwelling separate living quarters containing kitchen facilities, where the living quarters are contained within or detached from a single-family dwelling on a single lot.

Section 3. 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 4. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2020.

APPROVED BY THE MAYOR this _____ day of _____, 2020.

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	July 9, 2020
PASSED BY THE CITY COUNCIL:	
PUBLISHED:	
EFFECTIVE DATE:	
ORDINANCE NUMBER:	2020-02



CITY OF
BAINBRIDGE ISLAND

Office of the City Attorney
Memorandum

Date: 10/19/2018
To: City Council
From: Robbie Sepler, Deputy City Attorney
Re: Making Condominiums Out of Accessory Dwelling Units (ADUs)

1. Question Presented:

Can the City of Bainbridge Island prohibit, regulate, or otherwise discourage property owners from making condominiums out of accessory dwelling units (ADUs) located on their property?

2. Brief Answer:

A local regulation directly prohibiting the creation of condominiums would likely be preempted by state law and impermissible. However, there are other avenues through which the City can address or mitigate unwanted effects of property owners making condominiums out of ADUs.

3. Background

A. State Law Requires the City to Adopt ADU Regulations

As a code city with a population of more than 20,000, the City is required to have ADU regulations pursuant to RCW 36.70A.400 and RCW 43.63A.215. Specifically, the City is required to incorporate the model ordinance recommendations previously prepared by the Department of Commerce. While the recommendations must be adopted, RCW 43.63A.215(3) gives the City considerable flexibility to adapt the recommendations to local needs and preferences.

B. The City’s Current ADU Requirements

BIMC 18.36.030.10 defines “accessory dwelling unit” to mean:

separate living quarters containing kitchen facilities, where the living quarters are contained within or detached from a single-family dwelling on a single lot.

The City’s ADU regulations are contained in BIMC 18.09.030.I.5. Currently, ADUs may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use wherever single-family dwellings are a permitted use. However, in the shoreline jurisdiction, ADUs are a conditional use. Only one ADU may be created per parcel. The full text of BIMC 18.09.030.I.5 is included as **Attachment A** to this memo.

Nothing in BIMC 18.09.030.I.5 currently prevents a property owner from creating condominiums out of a primary dwelling and an ADU located on the same lot.

4. Analysis

This section analyzes several approaches that the City could take to address or mitigate unwanted effects of property owners making condominiums out of ADUs.

A. Can the City prohibit a property owner from creating condominiums in which the primary dwelling on the lot is one unit and the ADU on the lot is the second unit?

No. The key to this question is RCW 64.34.050(1), which states in relevant part:

A zoning, subdivision, building code, or other real property law, ordinance, or regulation may not prohibit the condominium form of ownership or impose any requirement upon a condominium which it would not impose upon a physically identical development under a different form of ownership. . . .

If a local regulation prohibited a property owner from making condominiums out of a primary dwelling and its associated ADU, then that local regulation would prohibit the “condominium form of ownership” of the primary dwelling and ADU and would therefore be preempted by RCW 64.34.050(1).

B. Can the City require common ownership of a primary dwelling and ADU located on the same lot?

Most likely. Again, the key to this question is RCW 64.34.050(1), which preempts local regulations that either:

1. Prohibit the condominium form of ownership; or
2. Impose any requirement upon a condominium which it would not impose upon a physically identical development under a different form of ownership.

A common ownership requirement would not prohibit the condominium form of ownership. While the term “condominium form of ownership” is undefined, the plain language of the statute is not ambiguous: it clearly refers to owning property as a condominium. A local regulation requiring common ownership does not prohibit a property owner from owning the primary dwelling and ADU as separate units of a condominium because nothing in state law requires separate ownership of all of the units of a condominium. In other words, the property owner would be free to make their primary dwelling and associated ADU into units of a condominium—they would just be required to own both units of the condominium, thus still allowing the condominium form of ownership.

Similarly, a local regulation requiring common ownership would not impose any requirement upon a condominium that it would not impose upon a physically identical development under a different form of ownership—regardless of how the ADU and primary dwelling were owned, the requirement of common ownership would apply the same.

Many cities in Washington have adopted local regulations requiring common ownership of primary dwellings and associated ADUs. Here are some examples:

Bellingham Municipal Code Section 20.28.100.B.8:

The [detached accessory dwelling unit] may not be divided from the property ownership of the primary dwelling.

Bellevue Municipal Code Section 20.20.120.A.1 (Mercer Island Municipal Code Section 19.02.030.B.3 and Redmond Municipal Code Section 20C.30.35-030.4 use substantially the same wording):

Accessory dwelling units may not be subdivided or otherwise segregated in ownership from the primary residence structure.

Enumclaw Municipal Code Section 19.34.080:

The accessory dwelling unit, or the land on which the accessory dwelling unit is located, shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit or the land on which the principal dwelling unit is located.

Sequim Municipal Code Section 18.66.060.A:

Sale or ownership of such [accessory dwelling unit] separate from the primary residential unit is prohibited.

C. Can the City require owner occupancy of the primary dwelling or the ADU?

Yes. Many cities and counties in Washington have adopted local regulations requiring owner occupancy of the primary dwelling or ADU. Here are some examples:

Bothell Municipal Code Section 12.06.140.B.4.a states:

Either the primary dwelling unit or the accessory dwelling unit shall be occupied by an owner of the property or by an immediate family member of the property owner. The owner must occupy one of the dwelling units on the property for more than six months of each calendar year.

Bremerton Municipal Code Section 20.46.010.k:

The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence for all twelve (12) months of the year.

Pierce County Code Section 18A.37.120.A.2:

An ADU shall be converted to another permitted use or shall be removed if one of the two dwelling units is not owner occupied.

Sammamish Municipal Code Section 21A.20.030.B.5.a.(3):

The primary dwelling unit or the accessory dwelling unit shall be owner occupied.

Some jurisdictions have also adopted additional requirements meant to ensure that the owner-occupancy requirement is followed. For example, Pierce County Code Section 18A.37.120.D requires that a property owner seeking to establish an ADU must complete the following:

- An affidavit affirming that the owner will occupy the principal dwelling or the ADU and agreeing to all the general ADU requirements contained in the county code; and
- Prior to issuance of Building Permits, the owner occupant must record a notice on the property title acknowledging the existence of the ADU with the Pierce County Auditor. Such notice must be in a specific form, and the current form used by Pierce County is included as **Attachment B** to this memo.

D. Can the City require new ADUs sold separately from the primary dwelling to be sold as affordable housing?

Most likely. The Department of Commerce’s ADU recommendations state that one of the purposes of allowing ADUs is to:

Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the (city/county).

The City is required by state law to adopt these recommendations, but is given considerable flexibility in tailoring the recommendations to fit Bainbridge Island’s unique needs. Arguably, limiting the sale of ADUs that have been subdivided or segregated from ownership of the primary dwelling to affordable housing would further an express purpose of ADUs: creating affordable housing. Such a limitation would need to be specifically tailored to the area in which it was to take effect. For example, BIMC 18.09.03.I.5.n currently limits new ADUs in the Mixed Use Town Center to only those permitted as part of a housing design demonstration project single-family subdivision. By way of illustration, the City could, arguably, similarly limit the sale of new ADUs sold separately from the primary dwelling in certain areas of the City to only those sold as affordable housing.

5. Conclusion

In summary, the City cannot adopt a local regulation prohibiting a property owner from making an ADU into a condominium. However, there are multiple avenues that the City can permissibly pursue to address or mitigate unwanted effects of such activity. These avenues include requiring:

- Common ownership of the primary dwelling and the ADU;
- Owner occupancy of the primary dwelling, ADU, or both; and
- ADUs sold separately from the primary dwelling be sold as affordable housing.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting March 12, 2020

Meeting Minutes

1) **CALL TO ORDER/ROLL CALL**

Chair William Chester called the meeting to order at 7:01 PM. Planning Commissioners in attendance were Mack Pearl, Jon Quitslund, Lisa Macchio, Kim McCormick-Osmond and Joe Paar. Commissioner Don Doman phoned in to the meeting from home.

The agenda was reviewed. There were not any conflicts of interest reported.

2) **PLANNING COMMISSION MEETING MINUTES**

- 2.a January 9, 2020 Minutes
- January 23, 2020 Minutes

[Cover Page](#)

[Planning Commission Minutes DRAFT 010920.pdf](#)

[Planning Commission Minutes DRAFT 012320.pdf](#)

Motion: I move approval of the minutes from the January 9 meeting 2020 as distributed, no corrections.

Quitslund/Paar: Passed Unanimously

Motion: I move approval of the minutes from the January 23 meeting 2020 moving them as distributed, no corrections.

Quitslund/Paar: Passed Unanimously

3) **PUBLIC COMMENT**

None.

4) **PUBLIC HEARING**

- 4.a Ordinance 2020-02 (formerly 2019-09) related to Accessory Dwelling Units

[Cover Page](#)

[20200312_Staff_Memo_on_ADUs \(1\).docx](#)

[20200312 Ordinance 2020-02 DRAFT.docx](#)

[Planning Commission Subcommittee Recommendations Regarding ADUs](#)

[ADU Use Specific Standards 18.09.030 Attachment A.pdf](#)

Senior Planner Jennifer Sutton provided an overview of the ordinance.

The public hearing was opened at 7:36 PM.

Ron Peltier spoke about the origins of the ADU ordinance they were working on.

Jane Rein spoke for ADUs as a way to have affordable housing.

Michael Pollock spoke as a citizen and for ADUs as a form of affordable housing and was not sure the ordinance as presented would actually increase the supply of affordable housing.

Bob Russell spoke for agricultural lands/farmers being allowed 2 ADUs for farm workers and the incentive of not having the ADU count toward lot coverage.

Joe Dunstan spoke as a citizen and about solving the problem of affordability and that density and affordability are separate. He stated that affordability needed to be subsidized.

The public hearing was closed at 7:54 PM.

MOTION: We move to recommend that Ordinance number 2020-02 be approved by the City Council with the following changes: Whereas sections number 2 and 4 are deleted; Section 18.09.030.I.5.e is modified to reinstate the language that currently is in strikeout; Section 18.09.030.I.5.o adds the following sentence “ADUs cannot be used as a short-term rental unless they have a business license for short term rental before the effective date of Ordinance 2020-02.

McCormick Osmond/Pearl: Passed Unanimously

MOTION: We move to strongly recommend that the City Council consider and adopt a comprehensive affordable housing ordinance that may include as one of its elements incentivizing ADUs as a type of affordable housing. Incentives might include reducing impact fees and determining that an ADU would not count toward lot coverage as ways to encourage affordable housing. We'd also like to urge Council to move forward with drafting regulations to apply to short term vacation rentals to ensure that ADUs remain available as housing and rental properties.

McCormick Osmond/Pearl: Passed unanimously

5) **NEW BUSINESS**

5.a FAR discussion.

Cover Page

[20200227 FAR Memo to PC .pdf](#)

[RES_2001-](#)

[54_DISTRIBUTION_OF_FUNDS_FROM_PURCHASE_OF_FLOOR_AREA_RATIO_BONUS](#)
[S.pdf](#)

[RES_2003-](#)

[25_FULL_CITY_COUNCIL_FOR_DECISION_MAKING_RE__FLOOR_AREA_RATIO_BONUS](#)
[ES.pdf](#)

[BIMC_18.12.030_FAR_BONUS_OPTIONS \(2\).docx](#)

[Comp Plan Goals & Policies Related to FAR.pdf](#)

[WMP Goals & Policies Related to FAR.pdf](#)

Planning & Community Development Director Heather Wright introduced the interim zoning control ordinance.

Public Comment

Michael Pollock spoke about the Council not intending the table to be a loophole but to facilitate historic preservation.

Ron Peltier spoke about vesting projects and bonus FAR and hoped they recommended to adopt the ordinance without the amendment.

Motion: I move that we recommend agreeance with the approval of Ordinance number 2020-10 with the deletion under section 2.B.3 under exclusions.

Paar/Quitslund: Passed Unanimously

Commissioner McCormick Osmond agreed to write an addendum explaining the rationale for the motion.

[5.b Planning Liaison to the DRB Bimonthly Update](#)
[Cover Page](#)

Chair Chester briefed Commissioners on the new monthly meeting between the chairs and vice-chairs of the Design Review Board and the Planning Commission.

6) UNFINISHED BUSINESS

6.a 2020 Workplan continued discussion.

[Cover Page](#)

[Memo to Council post PC Retreat.docx](#)

[2020 Workplan memo 3-5-20.pdf](#)

[Quitslund Memo 030920.pdf](#)

Deferred until the next meeting.

7) PLANNING DIRECTOR'S REPORT

8) ADJOURNMENT

The meeting was adjourned at 9:47 PM.

/s/
William Chester, Chair

/s/
Jane Rasely, Administrative Specialist

DRAFT

Planning Commission Preliminary Recommendations Regarding Ordinance No.
2020-02 (formerly 2019-09)

1. Remove all references to “tiny homes.” This ordinance relates to accessory dwelling units (ADUs). A “tiny home” is a dwelling less than 400 square feet and by definition could qualify as an ADU, which is 900 square feet or less, if it meets all other requirements for an ADU. References to “tiny home” throughout the current draft of the ordinance are unnecessary and confusing.
2. Revise the definition of an ADU in 18.36.030(10) as follows: “Accessory dwelling unit” means a dwelling containing 900 square feet of floor area or less that includes kitchen facilities, is an accessory use to a single-family dwelling on a single lot and is contained within or detached from the single-family dwelling on a single lot.”
3. Revise Section 18.09.030.I.5(a) to replace the words “a subordinate use” with “an accessory use.” All ADUs are accessory uses.
4. Revise Section 18.09.030.I.5(e) to require that all ADUs constructed after enactment of this ordinance must remain in common ownership. This requirement should be recorded on the title to the primary residence and the ADU to ensure that the ADU remains in common ownership with the primary residence. The City Council should satisfy itself that this is a legally defensible position in light of existing state laws regarding condominiums and court decisions interpreting those laws.
5. Revise Section 18.09.030.I.5(h) as follows: “If an accessory dwelling unit is constructed in conjunction with a garage, shop or barn, the square footage of the garage, shop or barn shall not count towards the 900-square-foot limitation.” There is no rational reason for limiting this provision to garages.
6. Revise 18.09.030.I.5(i) as follows: “An accessory dwelling unit not attached to the single-family dwelling may not contain an internal connection to any accessory use other than a garage, shop or barn, but must instead use external stairs to access a second-story accessory dwelling unit.” There is no rational reason for limiting this provision to garages.
7. Revise 18.09.030.I.5(j) as follows: “No habitable space on wheels shall be an accessory dwelling unit.” The intent of this change is to make clear that a living space on wheels, by whatever name, is not an ADU.
8. Revise 18.09.030.I.5(n) as follows: “All other applicable standards including, but not limited to, lot coverage, setbacks, parking requirements, and health district or city requirements for water, sewer, and/or septic must be met.” We recommend that ADUs should not be excluded from lot coverage requirements to ensure that they are constructed on lots with adequate space for them.
9. Revise 18.36.030(80) to remove the words “provided a tiny home is considered a dwelling, however, a recreational vehicle or bus is not a dwelling or dwelling unit.”
10. Remove the definition of “tiny home” in 18.36.030(259).

11. Add a provision that all ADUs constructed after enactment of this ordinance must comply with any regulations enacted by the City, either currently or in future, to manage short-term vacation rentals.

Once a revised draft Ordinance No. 2020-02, incorporating these revisions, is brought back to the Planning Commission for its review, the Planning Commission will make a formal recommendation for submission to the City Council.

DRAFT

Planning Commission Recommendations Regarding Two New Ordinances
Addressing Tiny Homes and Vacation Rentals

1. Create a separate ordinance addressing “tiny homes” as a primary use on a lot zoned for single family residential use. This ordinance should be guided by the memorandum dated July 18, 2019 from Todd Cunningham, Building Official, to Heather Wright, PCD Director, and by recent revisions enacted on January 1, 2020 by the state under RCW 19.27 adopting International Residential Code (IRC) Appendix Q addressing “Tiny Homes.” Because Appendix Q does not become effective until July 1, 2020, the City has adequate time to review Appendix Q and determine whether it wants to adopt those provisions wholesale or make changes to address local conditions for tiny homes.
2. Create a separate ordinance to address/regulate short-term vacation rentals on Bainbridge Island, to ensure that the purposes for encouraging the construction of ADUs – to provide more affordable housing , housing for aging in place and housing for relatives and family members – are satisfied. Because ADUs are seen as a form of upzoning, community benefits should be received in exchange for the additional density that results from ADUs.

18.09.030.I.5. Accessory Dwelling Unit.

- a. An accessory dwelling unit (ADU) may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where permitted (“P”) by this chapter.
- b. In the shoreline jurisdiction, an accessory dwelling unit may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where conditional (“C”) pursuant to this chapter. See Chapter [16.12](#) BIMC for shoreline conditional use process.
- c. Only one accessory dwelling unit may be created per parcel.
- d. No variances shall be granted for an accessory dwelling unit.
- e. One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling.
- f. Accessory dwelling units shall be designed to maintain the appearance of the primary dwelling as a single-family dwelling, containing 900 square feet of floor area or less. However, if the accessory dwelling unit will be located within a building existing as of the approval date of Ordinance No. 2015-16 (for example, in a basement) the city may allow an increased size in order to efficiently use all floor area. If a separate outside entrance is necessary for an accessory dwelling unit located within the primary dwelling, that entrance must be located either on the rear or side of the building.
- g. If an accessory dwelling unit is constructed in conjunction with a garage, the square footage of the garage shall not count towards the 900-square-foot limitation.
- h. An accessory dwelling unit not attached to the single-family dwelling may not contain any accessory use other than a garage.
- i. No recreational vehicle shall be an accessory dwelling unit.
- j. When stairs utilized for the ADU are enclosed within the exterior vertical walls of the building, they shall not count towards the floor area of the ADU.
- k. The ADU shall share a single driveway with the primary dwelling.
- l. School impact fees and qualified exemptions from those fees as provided in Chapter [15.28](#) BIMC shall apply.
- m. All other applicable standards including, but not limited to, lot coverage, setbacks, parking requirements, and health district or city requirements for water, sewer, and/or septic must be met.
- n. In the Mixed Use Town Center, new accessory dwelling units are only permitted as part of a housing design demonstration project single-family subdivision approved pursuant to BIMC [2.16.020.S](#).

Memorandum

To: Heather Wright, PCD Director

From: Todd Cunningham, Building Official

Re: Tiny Homes

Date: 07-18-2019

At the June 18, 2019 meeting of the City Council, the Mayor and Council entered into a discussion related to allowing tiny homes to be placed on properties within the City. The Council provided staff direction to move forward with methodology to address this subject and the Council's desire to allow for the placement of tiny homes; staff has prepared this information in response.

Every three years, the construction code writing organizations update their respective technical and administrative codes. The Revised Code of Washington (RCW), Section 19.27, requires that jurisdictions within the State of Washington adopt these codes as required by RCW through the oversight of the Washington State Building Code Council (SBCC). The code cycle for the 2018 codes is currently active and moving toward finalization. As this takes place, the consideration for approval of tiny home construction was added to the draft language of the International Residential Code (IRC) as an appendix chapter, namely Appendix Q, "Tiny Homes." (See attached.)

Unlike any prior code/s, Appendix Q provides support for the construction of tiny homes allowing for a variation of alternate choices and code application for construction of these homes by allowing greater flexibility from previous IRC requirements while still maintaining a level of life-safety standards commensurate with past and current codes. As the current code adoption cycle moves forward, the state, through the enactment of ESSB 5383, has formalized the direction to develop a method in which to address and allow tiny home construction; Appendix Q does this.

The legislative directive included a deadline of December 31, 2019. It is anticipated that the State Building Code Council will have the formalized document in place and that jurisdictions across Washington State will begin to allow tiny home construction practices to take place as early as July 1, 2020, which is the effective date of the newly adopted codes. This will include both permanent ground constructed homes and chassis structures.

As the Council continues its interest in tiny homes, City staff encourages the Council to thoroughly consider the timeline and alignment of the state adoption process as it relates to the City's desire to move forward in allowing these homes. Under the City's current timeline, the City's process is not lining up well with the state's process because the City is on a path to take action prior to the

effective date of the new state code provisions. It is anticipated that the state codes will publish on January 1, 2020 and have an effective date of July 1, 2020, at which time tiny home construction can move forward without delay.

If the City implements new local regulations prior to the effective date of the new state regulations related to allowing for the construction of tiny homes, there would need to be some level of construction oversight developed by either using the current IRC or developing construction standards for tiny homes in the absence of chassis built standards or recreational vehicle standards already in place. An alternative approach might be to use the proposed Appendix Q, although it is not yet finalized by the state and revisions are still taking place. Taking such an alternative approach, however, could misalign construction standards by allowing tiny homes prior to official state adoption of the final document.

At the local level, if the Council moves forward earlier than state adoption of the new tiny home regulations, the earliest window for approval is estimated to be sometime around the end of October 2019, which is a couple of months prior to the publication date of the new state regulations. Because of this timing, staff recommends that the Council wait to implement provisions for the construction and placement of tiny homes while still allowing, as applicable, for land use review of applications for tiny homes to move forward through the land use process until such time as there are state-adopted standards in place for construction of tiny homes. This could be done as soon as January 2020 (the publication date) and would allow for:

1. Appendix Q to be published by the state, which would allow for greater consistency and guidance related to standards for the construction and installation of tiny homes throughout Washington, which would avoid a situation in which there would be no standards at all for do it yourself constructed units, or different local standards that do not align with codes or standards for recreational vehicles based on current regulations that are not in line with use of a tiny home as a permanent residence.
2. Safer built units in that there would be a set of code requirements in place specifically addressing the construction and safety of tiny homes. Additionally, options would be available for tiny home construction related to utilizing a code that allows for flexibility and cost savings.

If the Council chooses to adopt regulations prior to the state adoption of the IRC and which do not align with construction practices by allowing these units prior to the effective date of the new state codes and Appendix Q, the City may be allowing something different than what will be allowed under the new state regulations when they become effective. However, if the City waits until the new regulations are published on January 1, 2020, the City could move to implement Appendix Q before the July 1, 2020 effective date of the new state regulations and thereby allow Appendix Q to be the City's code six months earlier. The new state regulations, once published, are not likely to be revised, so the delay of two months as proposed above would be worth the wait from City staff's perspective.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (9:10 PM) Resolution No. 2020-14, Authorizing Use of Electronic Signatures in City Business - Executive,

SUMMARY:

During the 2020 regular session, the Washington State Legislature passed, and Governor Inslee signed, ESSB 6028, adopting the Uniform Electronic Transactions Act (UETA). UETA took effect on June 11, 2020, and authorizes the City to adopt a policy governing the extent to which the City will send and accept electronic signatures when conducting City business. If approved, Resolution No. 2020-14 would authorize the City Manager to adopt, and amend as necessary, a policy governing the use of electronic signatures during the transaction of City business.

The adoption of this policy will serve to support current, new City business processes that have been implemented due to COVID-19 concerns. Increasingly, City staff, customers, and vendors rely on the use of remote communication tools to conduct City business.

AGENDA CATEGORY: Resolution

PROPOSED BY: Executive

RECOMMENDED MOTION:

I move to forward Resolution No. 2020-14 for approval with the July 28, 2020 Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[Resolution No. 2020-14 Authorizing Use of Electronic Signatures](#)

FISCAL DETAILS: Resolution No. 2020-14 directs the City Manager to specify, in the adopted policy, one or more electronic signature platforms to be used by City employees when affixing electronic

signatures to electronic records relating to City business. The City likely will need to contract with an electronic signature platform (e.g., DocuSign, Adobe Sign) to facilitate the use of electronic signatures in City business, the cost of which is still to be determined.

Fund Name(s):

Coding:

RESOLUTION NO. 2020-14

A RESOLUTION of the City Council of Bainbridge Island, Washington, authorizing the City Manager to develop and adopt a policy governing the use of electronic signatures when transacting City business; Authorizing the Mayor and Deputy Mayor to use electronic signatures when conducting City business.

WHEREAS, during the 2020 Regular Session, the Washington State Legislature passed, and Governor Inslee signed, ESSB 6028, adopting the Uniform Electronic Transactions Act (UETA); and

WHEREAS, the purpose of the UETA is to facilitate the use of electronic signatures to conduct business through electronic transactions; and

WHEREAS, under the UETA, the City is authorized to adopt a policy governing the extent to which the City will send and accept electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic signatures in the transaction of City business; and

WHEREAS, on February 29, 2020, Governor Jay Inslee declared a state of emergency in response to the spread of COVID-19 in Washington State; and

WHEREAS, on March 9, 2020, the City Manager, as the executive head of the City for purposes of emergency management, issued a Proclamation of Emergency in response to the COVID-19 public health emergency; and

WHEREAS, on March 10, 2020, the City Council adopted Resolution No. 2020-06, affirming the Proclamation of Emergency; and

WHEREAS, to reduce the spread of COVID-19, many City employees have been telecommuting; and

WHEREAS, the adoption of a policy governing the use and acceptance of electronic signatures will facilitate the transaction of City business by employees who are telecommuting; and

WHEREAS, the Mayor, and in their absence the Deputy Mayor, signs certain records, including approved ordinances and resolutions, and an option to sign such records electronically may reduce face-to-face interactions during the COVID-19 public health emergency; and

WHEREAS, the adoption of a policy governing the use and acceptance of electronic signatures will also increase the effectiveness and efficiency of the City's business processes.

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

Section 1. The City Council finds it to be in the public interest to allow the use of electronic signatures in City business to the fullest extent allowed by law.

Section 2. The City Council recognizes that whenever the use of a written, affixed by hand, or “wet” signature created when a person physically marks a record with the intent to sign the record is authorized or required, an electronic signature may be used with the same force and effect, except as otherwise required by law.

Section 3. The City Council authorizes and directs the City Manager to adopt, and periodically amend as necessary, a policy governing the use of electronic signatures during the transaction of City business. The policy shall be consistent with this resolution and the provisions of ESSB 6028, as either may be amended. The policy adopted shall specify one or more electronic signature platforms to be used by City employees when affixing an electronic signature to electronic records relating to City business.

Section 4. The Mayor and Deputy Mayor are hereby authorized to affix electronic signatures to electronic records relating to City business, except as otherwise required by law, using one of the electronic signature platforms specified in the policy adopted by the City Manager pursuant to Section 3 of this resolution.

Section 5. This resolution shall take effect immediately upon passage.

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

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

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

By: _____
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK: July 10, 2020
PASSED BY THE CITY COUNCIL:
RESOLUTION NO. 2020-14



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (9:15 PM) Agreement with the Kitsap Public Health District for Network Improvements, Security Consultation, and Training - Executive,

SUMMARY: To reduce the spread of COVID-19, many members of City staff have been authorized to telecommute from home. To accommodate the sudden increase in the percentage of staff telecommuting, the City is exploring how to increase the capacity and efficiency of the City's IT infrastructure, including network design and security. City staff are proposing a mutual aid arrangement with the Kitsap Public Health District (KPHD) to access their significant in-house staff expertise in network design and security. In this time of emergency, KPHD is willing to provide such expertise to the City at a reduced rate.

AGENDA CATEGORY: Interlocal Agreement **PROPOSED BY:** Executive

RECOMMENDED MOTION: I move to forward the Agreement with the Kitsap Public Health District for Network Improvements, Security Consultation, and Training for approval with the July 28, 2020 Consent Agenda and to direct staff to include this increase in a future budget amendment ordinance.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	\$12,000
Ongoing Cost:	
One-Time Cost:	\$12,000
Included in Current Budget?	No

BACKGROUND: The City has significantly increased the use of telecommuting arrangements due to the COVID-19 pandemic. This increase has led to the City exploring how to increase the capacity and efficiency of the City's IT infrastructure, including network security. The City has sought outside resources to assist with this highly-specialized work. After researching various options, City staff are proposing a mutual aid arrangement with the Kitsap Public Health District (KPHD) to access their significant in-house staff expertise in network design and security. In this time of emergency, KPHD is willing to provide such expertise to the City at a reduced rate.

.Areas to be reviewed include:

- Upgrade of the virtual private network (vpn) for remote workers – increasing capacity, efficiency, and security
- advanced threat protection – detecting potential security threats
- addition of an intrusion prevention system (IPS) – monitoring network for signs of an attack
- Network Access Control (NAC) – keeping unauthorized users out
- firewall security upgrade – monitoring and controlling incoming and outgoing traffic
- Security Information and Event Logging Management (SIEM) – identification, reporting, and alert of security incidents

Under Section 15.2 of the Procurement Policy, all interlocal and interagency agreements must be approved by City Council, except for amendments to interlocal agreements that simply extend the term of the agreement, which may be approved by the City Manger.

ATTACHMENTS:

[Bainbridge Island - Kitsap Public Health - Network Security Consultation and Training Agreement](#)

FISCAL DETAILS: The agreement contemplates a payment not to exceed \$12,000. This expense was not anticipated during budget development, and thus a budget increase is requested. The additional cost is currently an unbudgeted CARES eligible expense. The cost will be added to the second quarter budget amendment to the general fund and be reimbursed through the CARES grant.

Fund Name(s): General Fund

Coding:

**Agreement
for Network Security Consultation and Training**

THIS AGREEMENT (“Agreement”) is made and entered into by and between the City of Bainbridge Island, a Washington State municipal corporation, (“City”) and the Kitsap Public Health District, a Washington State municipal corporation, (“District”).

WHEREAS, on February 29, 2020, Governor Jay Inslee declared a state of emergency in response to the spread of COVID-19 in Washington State; and

WHEREAS, on March 9, 2020, the City Manager, as the executive head of the City for purposes of emergency management, issued a Proclamation of Emergency in response to the COVID-19 public health emergency; and

WHEREAS, on March 10, 2020, the City Council adopted Resolution No. 2020-06, affirming the Proclamation of Emergency; and

WHEREAS, to reduce the spread of COVID-19, many members of City staff have been authorized to telecommute from home; and

WHEREAS, in order to accommodate the sudden increase in the percentage of staff telecommuting, the City is exploring how to increase the capacity and efficiency of the City’s IT infrastructure, including network security; and

WHEREAS, the District has significant in-house staff expertise in network security and is willing to provide such expertise to the City at a reduced rate.

NOW, THEREFORE, in consideration of the mutual commitments set forth in this Agreement, the City and the District (the “Parties”) agree as follows:

1. SERVICES PROVIDED. Subject to the terms and conditions of this Agreement, the District shall provide network security consultation and training services to the City as time permits. When the City desires the District to provide such services, the City shall submit a request to the District and the Parties will negotiate a mutually agreeable time and place for such services to be provided. All network security consultation and training services provided under this Agreement shall be performed by the District’s Network Administrator, Nii Nortey Quist-Therson, or alternative approved by the City.

2. PAYMENT. The City shall pay the District hourly at the rate of \$100.00 per hour, plus travel expenses, but not more than a total of twelve thousand dollars (\$12,000.00). Travel expenses shall be reimbursed at the IRS standard mileage rate for business use in effect at the time the expenses were incurred. The District shall submit, in a format acceptable to the City, monthly invoices for services performed in a previous calendar month.

3. **TERM.** This Agreement shall become effective upon execution by both parties and shall continue in full force and effect for a period of five years, unless terminated earlier by either party as provided below.

4. **TERMINATION.** This Agreement may be terminated by either party without cause upon thirty (30) days' written notice to the other party. The Administrator of the District, at their discretion, may provide such notice on behalf of the District. The City Manager of the City, at their discretion, may provide such notice on behalf of the City.

5. **INDEPENDENT CONTRACTOR.** The District and the City understand and expressly agree that the District is an independent contractor in the performance of each and every part of this Agreement. The District expressly represents, warrants, and agrees that the District's status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195. The District, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The District shall make no claim of City employment nor shall the District claim any related employment benefits, social security, and/or retirement benefits. The District shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the District shall pay the same before it becomes due.

6. **INDEMNIFICATION.**

A. The District shall defend, indemnify, and hold harmless the City, its officers, officials, employees, and volunteers from any and all claims, injuries, damages, losses, or suits, including attorney fees, arising out of or resulting from the acts, errors, or omissions of the District in performance of this Agreement, except for injuries and damages caused by the negligence, criminal acts, or willful misconduct of the City. If such claims, injuries, damages, losses, or suits, including attorney fees, are caused by or result from the concurrent negligence of the City, its officers, agents, employees, or volunteers, then this indemnity provision shall be valid and enforceable only to the extent of the negligence of the District.

B. The City shall defend, indemnify, and hold harmless the District, its officers, officials, employees, and volunteers from any and all claims, injuries, damages, losses, or suits, including attorney fees, arising out of or resulting from the acts, errors, or omissions of the City in performance of this Agreement, except for injuries and damages caused by the negligence, criminal acts, or willful misconduct of the District. If such claims, injuries, damages, losses, or suits, including attorney fees, are caused by or result from the concurrent negligence of the District, its officers, agents, employees, or volunteers, then this indemnity provision shall be valid and enforceable only to the extent of the negligence of the City.

C. It is further specifically and expressly understood that the indemnification provided herein constitutes each party's waiver of immunity under industrial insurance, Title 51 RCW, solely to carry out the purposes of this indemnification clause. The parties further acknowledge that they have mutually negotiated this waiver.

D. The provisions of this section shall survive the expiration of this Agreement and shall also survive and remain in effect in the event that a court or other entity with jurisdiction determines that this Agreement or any portion thereof is not enforceable.

7. INTERLOCAL AGREEMENT. To the extent that, to be enforceable, this Agreement is required to be an interlocal agreement entered into pursuant to the authorization of Chapter 39.34 RCW, the following provisions are set forth in accordance with the provisions of RCW 39.34.030:

A. No separate legal or administrative entity is created by this Agreement.

B. The cooperative undertakings of the City and the District shall be financed as provided in this Agreement. Each party shall be responsible for its own budget.

C. No administrator or joint board shall be responsible for administering the undertakings. To the extent that RCW 39.34.030 requires an administrator for this Agreement, the City Manager, on behalf of the City, and the Administrator, on behalf of the District shall jointly administer this Agreement.

D. No joint property shall be acquired, held, or disposed of. Any real or personal property used in the joint or cooperative undertaking shall be considered to be and remain the property of the party who purchased such real or personal property.

8. SAFEGUARDING OF PERSONAL INFORMATION

The District shall not use or disclose Personal Information, as defined in RCW 19.255.010, in any manner that would constitute a violation of federal law or applicable provisions of Washington State law. The District agrees to comply with all federal and state laws and regulations, as currently enacted or revised, regarding data security and electronic data interchange of Personal Information.

The District shall protect any Personal Information collected, used, or acquired in connection with the Agreement, against unauthorized use, disclosure, modification, or loss. Where Personal Information is used under this Agreement, the District shall ensure its directors, officers, employees, subcontractors, or agents use Personal Information solely for the purposes of accomplishing the services set forth in the Agreement.

The District agrees not to release, divulge, publish, transfer, sell, or otherwise make Personal Information known to unauthorized persons without the express written consent of the City or as otherwise authorized by law.

The District agrees to implement physical, electronic, and managerial policies, procedures, and safeguards to prevent unauthorized access, use, or disclosure of Personal Information.

The District shall certify the return or destruction of any Personal Information obtained under this Agreement upon expiration or termination of the Agreement and the District shall retain no copies. If the District and the City mutually determine that return or destruction is not feasible, the District shall not use the Personal Information in a manner other than those permitted or authorized by state and federal laws.

The District shall notify the City in writing immediately upon becoming aware of any unauthorized access, use, or disclosure of Personal Information. The District shall take necessary steps to mitigate the harmful effects of such use or disclosure. The District is financially responsible for notification of any unauthorized access, use or disclosure. The details of the notification must be approved by the City. Any breach of this clause may result in termination of the Agreement and the demand for return of all Personal Information.

9. GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

10. VENUE. The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Kitsap County, Washington.

11. COUNTERPARTS. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

12. AUTHORIZATION. In signing this Agreement, the undersigned individuals attest that they are authorized to execute this Agreement on behalf of their public agency.

IN WITNESS WHEREOF, the City and the District have executed this Agreement as of the later of the signature dates included below.

KITSAP PUBLIC HEALTH DISTRICT

CITY OF BAINBRIDGE ISLAND

Date: _____

Date: _____

By: _____

By: _____

Keith Grellner, Administrator

Morgan Smith, City Manager



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 15 Minutes

AGENDA ITEM: (9:20 PM) Potential Process for Time Limits for Speaking at Council Meetings - Councilmember Hytopoulos,

SUMMARY: At the July 7, 2020 study session, Councilmember Hytopoulos asked to discuss a potential process for time limits for Council members for speaking at Council meetings.

AGENDA CATEGORY: Discussion

PROPOSED BY: City Council

RECOMMENDED MOTION: Discussion.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 20 Minutes

AGENDA ITEM: (9:35 PM) Options for a Council Discussion on Conduct and Process - Councilmember Hytopoulos,

SUMMARY: At the July 7, 2020 study session, Councilmember Hytopoulos requested a discussion on options for a Council discussion on conduct and process.

AGENDA CATEGORY: Discussion

PROPOSED BY: City Council

RECOMMENDED MOTION: Discussion.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (9:55 PM) Agenda Bill for Consent Agenda,

SUMMARY: Consider approval of the following Consent Agenda items:

- B. Accounts Payable and Payroll
- C. City Council Study Session Minutes, June 16, 2020
- D. Special Joint City Council and Planning Commission Meeting Minutes, June 22, 2020
- E. City Council Regular Business Meeting Minutes, June 23, 2020
- F. Special City Council Meeting Minutes, June 30, 2020
- G. Sportsman Club and New Brooklyn Intersection Improvements Supplemental Agreement No. 2
- H. Design Review Board Appointments
- I. Ordinance No. 2020-14 Relating to 2020 1st Quarter Budget and Updated Capital Improvement Plan Amendments
- J. Cost Allocation Methodology Overview for Budget Preparation
- K. Resolution No. 2020-09, Updating the City's Debt Policy
- L. Resolution No. 2020-11, Establishing Equipment Rental and Revolving Fund Policy
- M. Resolution No. 2020-15, Updating the Governance Manual

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Executive

RECOMMENDED MOTION: I move to approve the Consent Agenda, as presented.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME:

AGENDA ITEM: Accounts Payable and Payroll

SUMMARY: Consider approval of payroll and accounts payable.

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Executive

RECOMMENDED MOTION: Approve with consent agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[Payroll.pdf](#)

[AP Report to Council of Cash Disbursements 07-15-20.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

PAYROLL

PAYROLL CHECK RUN: 7 - 06 - 2020

Run Type	Run Date	Check # Sequence	Comments	Amount
Normal	7/6/2020	48304 - 48434	Regular check run (Direct Dep)	311,610.15
Normal	7/6/2020	109393 - 109395	Regular check run (Paper Checks)	3,512.22
Normal	7/6/2020	109396 - 109407	Vendor check run (Paper Checks)	335,080.15
EFTPS	7/6/2020	N/A	Federal Tax Electronic Transfer	115,653.28
			TOTAL:	765,855.80

Prepared and Reviewed by:  Date 7-2-20
 Brenda Landolt, Payroll Specialist

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Bainbridge Island, and that I am authorized to authenticate and certify to said claim.

 Date 7/2/20
 Kimberly M. Dunscombe, Budget Manager

ACCOUNTS PAYABLE REPORT TO CITY COUNCIL OF CASH DISBURSEMENTS

CHECK RUN: June 22, 2020 - July 13, 2020
CITY COUNCIL: June 23, 2020 - July 14, 2020

Last check from previous run: 353919 dated 06/17/2020 issued to City of Bainbridge Municipal Court for \$360.00.

Payment Type	Check Date	Check Number	Department/Vendor/Description	Amount
EFT	6/24/20	394	WA State DOR/Excise taxes - May 2020	11,650.95
ACH	6/24/20	395	COBI/Utility billing - June 2020	2,962.49
ACH	6/24/20	396	WA State DOL/Firearm permits - June 2020	219.00
VOID	7/15/20	354021	PW/USA Bluebook/Invoice amount error	N/A
Manual	6/24/20	353920	UB/Allen-Boudreaux/Refund for overpayment	1,200.00
Manual	6/24/20	353921	POL/AT&T/Wireless charges	1,688.71
Manual	6/24/20	353922	CenturyLink/Weaver PRV telemetry - June 2020	58.32
Manual	6/24/20	353923	Puget Sound Energy/Green Power contract - June 2020	849.33
Manual	6/24/20	353924	EX/Lisa Alex Sanso/Covid-19 mask graphic deposit	850.00
Manual	6/24/20	353925	POL/John Sutton/LEOFF1 reimbursement - May 2020	830.40
Manual	6/24/20	353926	PW/Thompson & Assoc/Waterfront park fence evaluation	1,500.00
Manual	6/24/20	353927	POL/Toshiba/Copier lease	234.42
Manual	7/1/20	353928	POL/Fabricare/Laundry service	180.67
Manual	7/1/20	353929	POL/David Newman/Homicide investigation training: Tovar	295.00
Manual	7/1/20	353930	POL/KC Sheriff/Prisoner Board - May 2020	521.06
Manual	7/1/20	353931	POL/Kitsap 911/Call center services	12,192.74
Manual	7/1/20	353932	PW/Toshiba/Copier lease	246.65
Manual	7/1/20	353933	WA Water Service/Decant facility water - June 2020	148.59
Manual	7/1/20	353934	PW/Woodbrook Native Plants/Plants for parks	569.71
Manual	7/8/20	353935	CenturyLink/Citywide telemetry - June 2020	2,856.39
Manual	7/8/20	353936	CRT/Toshiba/Copier lease	188.58
Manual	7/8/20	353937	PW/Island Hands/Janitorial, Covid-19 extra cleaning - June 2020	22,035.11

Total Manual Checks and Electronic Disbursements	61,278.12
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Regular Run	7/15/20	353938-354031		Total Regular Check Run	328,797.43
				Total Disbursements	390,075.55

Retainage Release	N/A	N/A			N/A
Travel Advance	N/A	N/A			N/A

Prepared and Reviewed by  Carrie Freitas, Senior Accounting Technician

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein and that the claim is a just, due, and unpaid obligation against the City of Bainbridge Island, and that I am authorized to authenticate and certify to said claim.



Karl R. Shaw, Accounting Manager

7/8/2020

Date

EFT-Excise May 2020

Ⓢ 6/24/20

06/24/2020 08:00 |CITY OF BAINBRIDGE ISLAND
cfreitas |A/P CASH DISBURSEMENTS JOURNAL

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CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
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INVOICE DTL DESC

394	06/24/2020	MANL	124 WA ST DEPT OF REVENU	241198	MAY20	05/31/2020	EFT-0520		11,650.95
			Invoice: MAY20		MAY 2020 EXCISE				
				66.61	91411341 553000	FINANCE - WATER EXTRNL TAXES			
				6,668.81	91421351 553000	FINANCE - SEWER - EXTRNL TAXES			
				7.28	91411341 553000	FINANCE - WATER EXTRNL TAXES			
				3,656.50	91431383 553000	FINANCE - SSWM - EXTRNL TAXES			
				4,533.39	91411341 553000	FINANCE - WATER EXTRNL TAXES			
				-4,533.39	91411341 553000	FINANCE - WATER EXTRNL TAXES			
				683.64	91421351 553000	FINANCE - SEWER - EXTRNL TAXES			
				-683.64	91421351 553000	FINANCE - SEWER - EXTRNL TAXES			
				1.20	63470586 542450	PCD-PLANNING-COMM OUTREACH			
				1.10	63470586 542450	PCD-PLANNING-COMM OUTREACH			
				162.58	73425358 531100	O&M-WWTP-SUPPLIES			
				232.50	81011881 548500	IT - C/E COMPUTER SUPPORT			
				854.37	81011881 548500	IT - C/E COMPUTER SUPPORT			
								CHECK 394 TOTAL:	11,650.95

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 11,650.95

	COUNT	AMOUNT
TOTAL MANUAL CHECKS	1	11,650.95

*** GRAND TOTAL *** 11,650.95

06/24/2020 08:00
cfreitas

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

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|apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER	JNL	SRC ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC	T OB	DEBIT	CREDIT
								LINE DESC			
2020	6	262									
APP	401-213000							ACCOUNTS PAYABLE		73.89	
			06/25/2020	EFT-0520	EXCISE			AP CASH DISBURSEMENTS JOURNAL			
APP	635-111100							CASH			11,650.95
			06/25/2020	EFT-0520	EXCISE			AP CASH DISBURSEMENTS JOURNAL			
APP	402-213000							ACCOUNTS PAYABLE		6,831.39	
			06/25/2020	EFT-0520	EXCISE			AP CASH DISBURSEMENTS JOURNAL			
APP	403-213000							ACCOUNTS PAYABLE		3,656.50	
			06/25/2020	EFT-0520	EXCISE			AP CASH DISBURSEMENTS JOURNAL			
APP	407-213000							ACCOUNTS PAYABLE		2.30	
			06/25/2020	EFT-0520	EXCISE			AP CASH DISBURSEMENTS JOURNAL			
APP	001-213000							GENERAL - ACCOUNTS PAYABLE		1,086.87	
			06/25/2020	EFT-0520	EXCISE			AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL										11,650.95	11,650.95
APP	631-130000							DUE TO/FROM CLEARING		11,650.95	
			06/25/2020	EFT-0520	EXCISE						
APP	401-130000							DUE TO/FROM CLEARING			73.89
			06/25/2020	EFT-0520	EXCISE						
APP	402-130000							DUE TO/FROM CLEARING			6,831.39
			06/25/2020	EFT-0520	EXCISE						
APP	403-130000							DUE TO/FROM CLEARING			3,656.50
			06/25/2020	EFT-0520	EXCISE						
APP	407-130000							DUE TO/FROM CLEARING			2.30
			06/25/2020	EFT-0520	EXCISE						
APP	001-130000							GENERAL - DUE TO/FROM CLEARING			1,086.87
			06/25/2020	EFT-0520	EXCISE						
SYSTEM GENERATED ENTRIES TOTAL										11,650.95	11,650.95
JOURNAL 2020/06/262 TOTAL										23,301.90	23,301.90

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
001 GENERAL FUND	2020 6	262	06/25/2020			
001-130000				GENERAL - DUE TO/FROM CLEARING		1,086.87
001-213000				GENERAL - ACCOUNTS PAYABLE	1,086.87	
				FUND TOTAL	1,086.87	1,086.87
401 WATER OPERATING FUND	2020 6	262	06/25/2020			
401-130000				DUE TO/FROM CLEARING		73.89
401-213000				ACCOUNTS PAYABLE	73.89	
				FUND TOTAL	73.89	73.89
402 SEWER OPERATING FUND	2020 6	262	06/25/2020			
402-130000				DUE TO/FROM CLEARING		6,831.39
402-213000				ACCOUNTS PAYABLE	6,831.39	
				FUND TOTAL	6,831.39	6,831.39
403 STORM & SURFACE WATER FUND	2020 6	262	06/25/2020			
403-130000				DUE TO/FROM CLEARING		3,656.50
403-213000				ACCOUNTS PAYABLE	3,656.50	
				FUND TOTAL	3,656.50	3,656.50
407 BUILDING & DEVELOPMENT FUND	2020 6	262	06/25/2020			
407-130000				DUE TO/FROM CLEARING		2.30
407-213000				ACCOUNTS PAYABLE	2.30	
				FUND TOTAL	2.30	2.30
631 CLEARING FUND	2020 6	262	06/25/2020			
631-130000				DUE TO/FROM CLEARING	11,650.95	
635-111100				CASH		11,650.95
				FUND TOTAL	11,650.95	11,650.95

06/24/2020 08:00
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|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
001 GENERAL FUND		1,086.87
401 WATER OPERATING FUND		73.89
402 SEWER OPERATING FUND		6,831.39
403 STORM & SURFACE WATER FUND		3,656.50
407 BUILDING & DEVELOPMENT FUND		2.30
631 CLEARING FUND	11,650.95	
	<u>11,650.95</u>	<u>11,650.95</u>
TOTAL	11,650.95	11,650.95

** END OF REPORT - Generated by Carrie L. Freitas **

ACH-UB June 2020

CF 6/24/20

06/24/2020 08:01 | CITY OF BAINBRIDGE ISLAND
 cfreitas | A/P CASH DISBURSEMENTS JOURNAL

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 | apcshdsb

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET

395	06/24/2020	MANL	103 CITY OF BAINBRIDGE I	241199	10717JUN20	06/01/2020		ACHUB06	8.18
	Invoice: 10717JUN20								
				8.18	91011722 547500	1270 MADISON			
						GG-C/E-LIBRARY-COBI WTR/SWR			
241200	10727JUN20					06/01/2020		ACHUB06	485.29
	Invoice: 10727JUN20								
				485.29	91011722 547500	1270 MADISON			
						GG-C/E-LIBRARY-COBI WTR/SWR			
241201	11015JUN20					06/01/2020		ACHUB06	427.47
	Invoice: 11015JUN20								
				427.47	91425358 547500	1220 DONALD PL			
						GG-WWTP-WATER/SEWER			
241202	11122JUN20					06/01/2020		ACHUB06	363.75
	Invoice: 11122JUN20								
				363.75	91011215 547500	625 WINSLOW WAY			
						GG-C/E-PD-COBI WTR/SWR			
241203	11762JUN20					06/01/2020		ACHUB06	24.04
	Invoice: 11762JUN20								
				24.04	91011768 547500	WINSLOW WAY DRINKING FNTN			
						GG-C/E-PARKS-WTR/SWR			
241204	11805JUN20					06/01/2020		ACHUB06	20.87
	Invoice: 11805JUN20								
				20.87	91011768 547500	HIGH SCHOOL & MADISON			
						GG-C/E-PARKS-WTR/SWR			
241205	11806JUN20					06/01/2020		ACHUB06	11.55
	Invoice: 11806JUN20								
				11.55	91011768 547500	MADISON & HIGH SCHOOL			
						GG-C/E-PARKS-WTR/SWR			
241206	11982JUN20					06/01/2020		ACHUB06	664.30
	Invoice: 11982JUN20								
				664.30	91011189 547500	280 MADISON AVE N			
						GG-C/E-CITY HALL-COBI WTR/SWR			
241207	11983JUN20					06/01/2020		ACHUB06	213.89
	Invoice: 11983JUN20								
				213.89	91011189 547500	280 MADISON AVE N			
						GG-C/E-CITY HALL-COBI WTR/SWR			
241208	12754JUN20					06/01/2020		ACHUB06	105.91
	Invoice: 12754JUN20								
				105.91	91011768 547500	WINSLOW WAY E			
						GG-C/E-PARKS-WTR/SWR			
241209	12893JUN20					06/01/2020		ACHUB06	485.29
	Invoice: 12893JUN20								
				485.29	71011183 54750000724	8804 MADISON AVE N			
						PD/COURT BLDG NON CAP-WTR/SWR			
241210	12894JUN20					06/01/2020		ACHUB06	57.94
	Invoice: 12894JUN20								
				57.94	71011183 54750000724	8804 MADISON AVE N			
						PD/COURT BLDG NON CAP-WTR/SWR			
241211	13145JUN20					06/01/2020		ACHUB06	65.47
	Invoice: 13145JUN20								
				65.47	91111262 547500	HWY 305-STO			
						GG-STREETS-TRAILS-CITY WTR/SWR			

06/24/2020 08:01
 cfreitas

CITY OF BAINBRIDGE ISLAND
 A/P CASH DISBURSEMENTS JOURNAL

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 apcshdsb

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER	JNL				ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT	JNL DESC	REF 1	REF 2	REF 3	LINE DESC			
2020 6	263							
APP 001-213000					GENERAL - ACCOUNTS PAYABLE		2,441.01	
	06/25/2020 ACHUB06	UB			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100					CASH			2,962.49
	06/25/2020 ACHUB06	UB			AP CASH DISBURSEMENTS JOURNAL			
APP 402-213000					ACCOUNTS PAYABLE		427.47	
	06/25/2020 ACHUB06	UB			AP CASH DISBURSEMENTS JOURNAL			
APP 101-213000					STREETS - ACCOUNTS PAYABLE		94.01	
	06/25/2020 ACHUB06	UB			AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL							2,962.49	2,962.49
APP 631-130000					DUE TO/FROM CLEARING		2,962.49	
	06/25/2020 ACHUB06	UB						
APP 001-130000					GENERAL - DUE TO/FROM CLEARING			2,441.01
	06/25/2020 ACHUB06	UB						
APP 402-130000					DUE TO/FROM CLEARING			427.47
	06/25/2020 ACHUB06	UB						
APP 101-130000					STREETS - DUE TO/FROM CLEARING			94.01
	06/25/2020 ACHUB06	UB						
SYSTEM GENERATED ENTRIES TOTAL							2,962.49	2,962.49
JOURNAL 2020/06/263 TOTAL							5,924.98	5,924.98

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2020	6	263	06/25/2020			
001-130000					GENERAL - DUE TO/FROM CLEARING		2,441.01
001-213000					GENERAL - ACCOUNTS PAYABLE	2,441.01	
					FUND TOTAL	2,441.01	2,441.01
101 STREET FUND	2020	6	263	06/25/2020			
101-130000					STREETS - DUE TO/FROM CLEARING		94.01
101-213000					STREETS - ACCOUNTS PAYABLE	94.01	
					FUND TOTAL	94.01	94.01
402 SEWER OPERATING FUND	2020	6	263	06/25/2020			
402-130000					DUE TO/FROM CLEARING		427.47
402-213000					ACCOUNTS PAYABLE	427.47	
					FUND TOTAL	427.47	427.47
631 CLEARING FUND	2020	6	263	06/25/2020			
631-130000					DUE TO/FROM CLEARING	2,962.49	
635-111100					CASH		2,962.49
					FUND TOTAL	2,962.49	2,962.49

06/24/2020 08:01
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|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

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|apcshdsb

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		2,441.01
101	STREET FUND		94.01
402	SEWER OPERATING FUND		427.47
631	CLEARING FUND	2,962.49	
	TOTAL	2,962.49	2,962.49

** END OF REPORT - Generated by Carrie L. Freitas **

ACH-FA June 2020

Ⓢ 6/24/20

06/24/2020 08:01 |CITY OF BAINBRIDGE ISLAND
cfreitas |A/P CASH DISBURSEMENTS JOURNAL

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|apcshdab

CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

396 06/24/2020 MANL 969 DEPARTMENT OF LICENS 241219 JUN20 06/19/2020 ACH-FA06 219.00
Invoice: JUN20 JUN20 FIREARMS: CPL
219.00 41654860 586000 GUN PERMIT OUT

CHECK 396 TOTAL: 219.00

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 219.00

COUNT AMOUNT

TOTAL MANUAL CHECKS 1 219.00

*** GRAND TOTAL *** 219.00

06/24/2020 08:01
cfreitas

|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

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|apcshdab

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER	JNL	SRC ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T OB	DEBIT	CREDIT
2020	6	264									
APP 650-213000			06/25/2020	ACH-FA06	FA			ACCOUNTS PAYABLE AP CASH DISBURSEMENTS JOURNAL		219.00	
APP 635-111100			06/25/2020	ACH-FA06	FA			CASH AP CASH DISBURSEMENTS JOURNAL			219.00
GENERAL LEDGER TOTAL										219.00	219.00
APP 631-130000			06/25/2020	ACH-FA06	FA			DUE TO/FROM CLEARING		219.00	
APP 650-130000			06/25/2020	ACH-FA06	FA			DUE TO/FROM CLEARING			219.00
SYSTEM GENERATED ENTRIES TOTAL										219.00	219.00
JOURNAL 2020/06/264 TOTAL										438.00	438.00

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
631 CLEARING FUND	2020	6	264	06/25/2020			
631-130000					DUE TO/FROM CLEARING	219.00	
635-111100					CASH		219.00
FUND TOTAL						219.00	219.00
650 AGENCY FUND	2020	6	264	06/25/2020			
650-130000					DUE TO/FROM CLEARING		219.00
650-213000					ACCOUNTS PAYABLE	219.00	
FUND TOTAL						219.00	219.00

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JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM

631 CLEARING FUND		219.00	
650 AGENCY FUND			219.00
	TOTAL	219.00	219.00

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CASH ACCOUNT: 635	111100	CASH	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
CHECK NO	CHK DATE	TYPE VENDOR NAME						
INVOICE DTL DESC								
353920	06/24/2020	PRTD 9499 ALLEN, TAMI R & CLAU	241213	87188	06/22/2020	M062420		1,200.00
		Invoice: 87188						
			1,200.00	411 122100				
					UB 10024 871 WYATT WAY NW			
					WATER ACCOUNTS RECEIVABLE			
					CHECK	353920	TOTAL:	1,200.00
353921	06/24/2020	PRTD 6420 AT&T MOBILITY	241220	287287004732X062020	06/11/2020	M062420		1,688.71
		Invoice: 287287004732X062020						
					POL, IT/WIRELESS CHARGES			
			56.67	91011189 542100	GG-C/E-CITY HALL-PHONE			
			1,632.04	91011215 542100	GG-C/E-PD-PHONE			
					CHECK	353921	TOTAL:	1,688.71
353922	06/24/2020	PRTD 551 CENTURYLINK	241221	6124JUN20	06/16/2020	M062420		58.32
		Invoice: 6124JUN20						
			58.32	91411891 542100	WEAVER PRV WATER TELEMETRY			
					GG-WTR-FAC-PHONE			
					CHECK	353922	TOTAL:	58.32
353923	06/24/2020	PRTD 1205 PUGET SOUND ENERGY	241214	4376JUN20	06/18/2020	M062420		849.33
		Invoice: 4376JUN20						
			849.33	91011189 547101	JUN2020 GREEN POWER CONTRACT			
					ELECTRIC-GREEN POWER			
					CHECK	353923	TOTAL:	849.33
353924	06/24/2020	PRTD 9500 LISA ALEX SANSO	241215	061920-DEP	06/19/2020	M062420		850.00
		Invoice: 061920-DEP						
			850.00	31011572 54245001069	EX/MASK GRAPHIC 50% DEP			
					COVID19-OUTREACH			
					CHECK	353924	TOTAL:	850.00
353925	06/24/2020	PRTD 4271 JOHN SUTTON	241216	05/18/20	05/18/2020	M062420		830.40
		Invoice: 05/18/20						
			830.40	91029211 521500	LEOFF1 MEDICAL REIMB MAY2020			
					POLICE - INS ADD MEDICAL COSTS			
					CHECK	353925	TOTAL:	830.40
353926	06/24/2020	PRTD 8959 THOMPSON & ASSOC	241218	06/10/20	06/10/2020	21900026 M062420		1,500.00
		Invoice: 06/10/20						
			1,500.00	73011768 54110000915	WATERFRONT PARK-FENCE EVALUATI			
					WFP PLAYGROUND FENCE PRF SVC			
					CHECK	353926	TOTAL:	1,500.00

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CASH ACCOUNT: 635 111100 CASH
 CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

353927	06/24/2020	PRTD	6714 TOSHIBA FINANCIAL SE	241222	27239451	06/15/2020		M062420	234.42
			Invoice: 27239451			POL/COPIER LEASE			
			234.42	51011211	545000	PD-C/E-ADMIN RENTS/LEASE			
								CHECK 353927 TOTAL:	234.42

NUMBER OF CHECKS 8 *** CASH ACCOUNT TOTAL *** 7,211.18

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	8	7,211.18

*** GRAND TOTAL *** 7,211.18

JOURNAL ENTRIES TO BE CREATED

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YEAR PER	JNL	SRC ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC	T OB	DEBIT	CREDIT
								LINE DESC			
2020	6	261									
APP	401-213000		06/24/2020	M062420	062420			ACCOUNTS PAYABLE		1,258.32	
								AP CASH DISBURSEMENTS JOURNAL			
APP	635-111100		06/24/2020	M062420	062420			CASH			7,211.18
								AP CASH DISBURSEMENTS JOURNAL			
APP	001-213000	/	06/24/2020	M062420	062420			GENERAL - ACCOUNTS PAYABLE		5,952.86	
								AP CASH DISBURSEMENTS JOURNAL			
										-----	-----
GENERAL LEDGER TOTAL										7,211.18	7,211.18
APP	631-130000		06/24/2020	M062420	062420			DUE TO/FROM CLEARING		7,211.18	
APP	401-130000		06/24/2020	M062420	062420			DUE TO/FROM CLEARING			1,258.32
APP	001-130000		06/24/2020	M062420	062420			GENERAL - DUE TO/FROM CLEARING			5,952.86
										-----	-----
SYSTEM GENERATED ENTRIES TOTAL										7,211.18	7,211.18
										-----	-----
JOURNAL 2020/06/261 TOTAL										14,422.36	14,422.36

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JOURNAL ENTRIES TO BE CREATED

FUND	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2020	6	261	06/24/2020			
001-130000					GENERAL - DUE TO/FROM CLEARING		5,952.86
001-213000					GENERAL - ACCOUNTS PAYABLE	5,952.86	
					FUND TOTAL	5,952.86	5,952.86
401 WATER OPERATING FUND	2020	6	261	06/24/2020			
401-130000					DUE TO/FROM CLEARING		1,258.32
401-213000					ACCOUNTS PAYABLE	1,258.32	
					FUND TOTAL	1,258.32	1,258.32
631 CLEARING FUND	2020	6	261	06/24/2020			
631-130000					DUE TO/FROM CLEARING	7,211.18	
635-111100					CASH		7,211.18
					FUND TOTAL	7,211.18	7,211.18

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JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
001 GENERAL FUND		5,952.86
401 WATER OPERATING FUND		1,258.32
631 CLEARING FUND	7,211.18	
	<hr/>	<hr/>
	TOTAL	7,211.18

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CASH ACCOUNT: 635	111100	CASH	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET	
CHECK NO	CHK DATE	TYPE VENDOR NAME							
INVOICE DTL DESC									
353928	07/01/2020	PRTD 212 FABRICARE 02 - PLANT	241298	06/01/20	06/01/2020	M070120		180.67	
Invoice: 06/01/20									
			35.33	51011211 520000	POL/LAUNDRY SERVICE				
			81.48	52011212 520000	PD-C/E ADMIN-BENEFITS				
			63.86	52011212 520000	POLICE - C/E INVEST BENEFITS				
							CHECK 353928 TOTAL:	180.67	
353929	07/01/2020	PRTD 9498 DAVID NEWMAN	241299	06/17/20	06/17/2020	M070120		295.00	
Invoice: 06/17/20									
			295.00	53011212 443410	POL/HOMICIDE INV TRNG: TOVAR				
							CHECK 353929 TOTAL:	295.00	
353930	07/01/2020	PRTD 338 KITSAP COUNTY SHERIF	241300	20200033	06/23/2020	M070120		521.06	
Invoice: 20200033									
			521.06	51011236 551000	POL/PRISONER BOARD MAY				
							CHECK 353930 TOTAL:	521.06	
353931	07/01/2020	PRTD 8546 KITSAP 911 PUBLIC AU	241301	BIPD2020-07	06/15/2020	M070120		12,192.74	
Invoice: BIPD2020-07									
			8,534.92	53011286 551000	POL/CALL CENTER SVCS				
			3,657.82	52011286 551000	POLICE - C/E PATROL CENCOM				
							CHECK 353931 TOTAL:	12,192.74	
353932	07/01/2020	PRTD 6714 TOSHIBA FINANCIAL SE	241302	27239450	06/15/2020	M070120		246.65	
Invoice: 27239450									
			246.65	73637891 545000	PW/COPIER LEASE				
							CHECK 353932 TOTAL:	246.65	
353933	07/01/2020	PRTD 5271 WASHINGTON WATER SER	241316	4815979187-JUN20	06/18/2020	M070120		148.59	
Invoice: 4815979187-JUN20									
			148.59	91435838 547500	JUN20 DECANT FACILITY WATER				
							CHECK 353933 TOTAL:	148.59	
353934	07/01/2020	PRTD 8550 WOODBROOK NATIVE PLA	241303	213733NN	04/14/2020	20200013 M070120		569.71	
Invoice: 213733NN									
			569.71	73011768 531100	NATIVE PLANTS FOR PARKS				
							CHECK 353934 TOTAL:	569.71	

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NUMBER OF CHECKS 7 *** CASH ACCOUNT TOTAL *** 14,154.42

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	7	14,154.42

*** GRAND TOTAL *** 14,154.42

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JOURNAL ENTRIES TO BE CREATED

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YEAR PER	JNL				ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT	JNL DESC	REF 1	REF 2	REF 3	LINE DESC			
EFF DATE								
2020	7		4					
APP 001-213000					GENERAL - ACCOUNTS PAYABLE		13,759.18	
07/01/2020	M070120	070120			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100					CASH			14,154.42
07/01/2020	M070120	070120			AP CASH DISBURSEMENTS JOURNAL			
APP 631-213000					ACCOUNTS PAYABLE		246.65	
07/01/2020	M070120	070120			AP CASH DISBURSEMENTS JOURNAL			
APP 403-213000					ACCOUNTS PAYABLE		148.59	
07/01/2020	M070120	070120			AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL							14,154.42	14,154.42
APP 631-130000					DUE TO/FROM CLEARING		13,907.77	
07/01/2020	M070120	070120						
APP 001-130000					GENERAL - DUE TO/FROM CLEARING			13,759.18
07/01/2020	M070120	070120						
APP 403-130000					DUE TO/FROM CLEARING			148.59
07/01/2020	M070120	070120						
SYSTEM GENERATED ENTRIES TOTAL							13,907.77	13,907.77
JOURNAL 2020/07/4 TOTAL							28,062.19	28,062.19

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JOURNAL ENTRIES TO BE CREATED

FUND	ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001	GENERAL FUND	2020 7	4	07/01/2020			
	001-130000				GENERAL - DUE TO/FROM CLEARING		13,759.18
	001-213000				GENERAL - ACCOUNTS PAYABLE	13,759.18	
					FUND TOTAL	13,759.18	13,759.18
403	STORM & SURFACE WATER FUND	2020 7	4	07/01/2020			
	403-130000				DUE TO/FROM CLEARING		148.59
	403-213000				ACCOUNTS PAYABLE	148.59	
					FUND TOTAL	148.59	148.59
631	CLEARING FUND	2020 7	4	07/01/2020			
	631-130000				DUE TO/FROM CLEARING	13,907.77	
	631-213000				ACCOUNTS PAYABLE	246.65	
	635-111100				CASH		14,154.42
					FUND TOTAL	14,154.42	14,154.42

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JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
-----	-----	-----
001 GENERAL FUND		13,759.18
403 STORM & SURFACE WATER FUND		148.59
631 CLEARING FUND	13,907.77	
	-----	-----
TOTAL	13,907.77	13,907.77

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CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

353935	07/08/2020	PRTD	551 CENTURYLINK	241431	0399JUN20	06/23/2020	M070720	2,856.39
			Invoice: 0399JUN20			CITYWIDE TELEMETRY JUN 2020		
				1,545.91	91425358 542100	GG-WWTP-TELEPHONE/FAX		
				752.01	91411891 542100	GG-WTR-FAC-PHONE		
				72.02	91011755 542100	GG-C/E-COMMONS-PHONE		
				145.68	91011189 542100	GG-C/E-CITY HALL-PHONE		
				216.18	91011897 542100	GG-C/E-O&M YARD FAC-PHONE		
				69.69	91011255 542100	GG-C/E-COURT BLDG-PHONE		
				54.90	91011215 542100	GG-C/E-PD-PHONE		

CHECK 353935 TOTAL: 2,856.39

353936	07/08/2020	PRTD	6714 TOSHIBA FINANCIAL SE	241432	27277821	06/22/2020	M070720	188.58
			Invoice: 27277821			CRT/COPIER LEASE		
				188.58	21011125 545000	COURT - RENTS & LEASES - OPER		

CHECK 353936 TOTAL: 188.58

NUMBER OF CHECKS 2 *** CASH ACCOUNT TOTAL *** 3,044.97

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	2	3,044.97

*** GRAND TOTAL *** 3,044.97

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JOURNAL ENTRIES TO BE CREATED

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YEAR PER	JNL	SRC ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC	LINE DESC	T OB	DEBIT	CREDIT
2020	7	78										
APP	402-213000		07/08/2020	M070720	070820			ACCOUNTS PAYABLE			1,545.91	
								AP CASH DISBURSEMENTS JOURNAL				
APP	635-111100		07/08/2020	M070720	070820			CASH				3,044.97
								AP CASH DISBURSEMENTS JOURNAL				
APP	401-213000		07/08/2020	M070720	070820			ACCOUNTS PAYABLE			752.01	
								AP CASH DISBURSEMENTS JOURNAL				
APP	001-213000		07/08/2020	M070720	070820			GENERAL - ACCOUNTS PAYABLE			747.05	
								AP CASH DISBURSEMENTS JOURNAL				
GENERAL LEDGER TOTAL											3,044.97	3,044.97
APP	631-130000		07/08/2020	M070720	070820			DUE TO/FROM CLEARING			3,044.97	
APP	402-130000		07/08/2020	M070720	070820			DUE TO/FROM CLEARING				1,545.91
APP	401-130000		07/08/2020	M070720	070820			DUE TO/FROM CLEARING				752.01
APP	001-130000		07/08/2020	M070720	070820			GENERAL - DUE TO/FROM CLEARING				747.05
SYSTEM GENERATED ENTRIES TOTAL											3,044.97	3,044.97
JOURNAL 2020/07/78 TOTAL											6,089.94	6,089.94

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JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
001 GENERAL FUND	2020 7	78	07/08/2020			
001-130000				GENERAL - DUE TO/FROM CLEARING		747.05
001-213000				GENERAL - ACCOUNTS PAYABLE	747.05	
				FUND TOTAL	747.05	747.05
401 WATER OPERATING FUND	2020 7	78	07/08/2020			
401-130000				DUE TO/FROM CLEARING		752.01
401-213000				ACCOUNTS PAYABLE	752.01	
				FUND TOTAL	752.01	752.01
402 SEWER OPERATING FUND	2020 7	78	07/08/2020			
402-130000				DUE TO/FROM CLEARING		1,545.91
402-213000				ACCOUNTS PAYABLE	1,545.91	
				FUND TOTAL	1,545.91	1,545.91
631 CLEARING FUND	2020 7	78	07/08/2020			
631-130000				DUE TO/FROM CLEARING	3,044.97	
635-111100				CASH		3,044.97
				FUND TOTAL	3,044.97	3,044.97

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JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
001 GENERAL FUND		747.05
401 WATER OPERATING FUND		752.01
402 SEWER OPERATING FUND		1,545.91
631 CLEARING FUND	3,044.97	
	<hr/>	<hr/>
TOTAL	3,044.97	3,044.97

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CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

CHECK RUN

NET

INVOICE DTL DESC

353937 07/08/2020 PRD 8646 ISLAND HANDS 241452 17484 06/30/2020 M070820 13,665.11
Invoice: 17484

2020-2023 JANITORIAL CONTRACT
13,225.16 73011183 54110000269 JANITORIAL CONTRACT-PRO SVCS
439.95 73425358 54110000269 JANITORIAL CONTRACT-PRO SVCS

Invoice: 17486

241453 17486 06/30/2020 M070820 5,130.00
EMERGENCY JANITORIAL- COVID-19
4,976.10 73011183 54810101069 COVID19-EXTRA JANITORIAL
153.90 73425358 54810101069 COVID19-EXTRA JANITORIAL

Invoice: 17485

241454 17485 06/30/2020 M070820 3,240.00
EMERGENCY JANITORIAL- COVID-19
3,142.80 73011183 54810101069 COVID19-EXTRA JANITORIAL
97.20 73425358 54810101069 COVID19-EXTRA JANITORIAL

CHECK 353937 TOTAL: 22,035.11

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 22,035.11

COUNT AMOUNT

TOTAL PRINTED CHECKS 1 22,035.11

*** GRAND TOTAL *** 22,035.11

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JOURNAL ENTRIES TO BE CREATED

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YEAR PER	JNL				ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT	JNL DESC	REF 1	REF 2	REF 3	LINE DESC			
EFF DATE								
2020	7	80						
APP 001-213000					GENERAL - ACCOUNTS PAYABLE		21,344.06	
07/08/2020	M070820	070820			AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100					CASH			22,035.11
07/08/2020	M070820	070820			AP CASH DISBURSEMENTS JOURNAL			
APP 402-213000					ACCOUNTS PAYABLE		691.05	
07/08/2020	M070820	070820			AP CASH DISBURSEMENTS JOURNAL			
GENERAL LEDGER TOTAL							22,035.11	22,035.11
APP 631-130000					DUE TO/FROM CLEARING		22,035.11	
07/08/2020	M070820	070820						
APP 001-130000					GENERAL - DUE TO/FROM CLEARING			21,344.06
07/08/2020	M070820	070820						
APP 402-130000					DUE TO/FROM CLEARING			691.05
07/08/2020	M070820	070820						
SYSTEM GENERATED ENTRIES TOTAL							22,035.11	22,035.11
JOURNAL 2020/07/80						TOTAL	44,070.22	44,070.22

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JOURNAL ENTRIES TO BE CREATED

FUND	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2020	7	80	07/08/2020			
001-130000					GENERAL - DUE TO/FROM CLEARING		21,344.06
001-213000					GENERAL - ACCOUNTS PAYABLE	21,344.06	
FUND TOTAL						21,344.06	21,344.06
402 SEWER OPERATING FUND	2020	7	80	07/08/2020			
402-130000					DUE TO/FROM CLEARING		691.05
402-213000					ACCOUNTS PAYABLE	691.05	
FUND TOTAL						691.05	691.05
631 CLEARING FUND	2020	7	80	07/08/2020			
631-130000					DUE TO/FROM CLEARING	22,035.11	
635-111100					CASH		22,035.11
FUND TOTAL						22,035.11	22,035.11

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JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001 GENERAL FUND			21,344.06
402 SEWER OPERATING FUND			691.05
631 CLEARING FUND		22,035.11	
	TOTAL	22,035.11	22,035.11

** END OF REPORT - Generated by Carrie L. Freitas **

Regular
 (CF) 7/8/20

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 cfreitas | A/P CASH DISBURSEMENTS JOURNAL

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CASH ACCOUNT: 635	111100	CASH	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET	
CHECK NO	CHK DATE	TYPE VENDOR NAME							

INVOICE DTL DESC									
353938	07/15/2020	PRTD	5	ACE HARDWARE	241223	46760/1	06/11/2020	07/12/20	54.43
Invoice: 46760/1									
			54.43	73425358 531100			PW/WWTP MX SUPPLIES		
							O&M-WWTP-SUPPLIES		
			241224	46766/1			06/12/2020	07/12/20	26.11
Invoice: 46766/1									
			26.11	73011183 531100			PW/CH BLDG MX SUPPLIES		
							O&M-C/E-CH FAC-SUPPLIES		
			241225	46769/1			06/15/2020	07/12/20	13.06
Invoice: 46769/1									
			13.06	73011215 531100			PW/ANT CONTROL SUPPLIES		
							O&M-C/E-POLICE FAC-SUPPLIES		
			241226	46775/1			06/15/2020	07/12/20	27.01
Invoice: 46775/1									
			27.01	73011252 53110001069			PW/BULLETIN BOARD, CLIPBOARD		
							COVID19-SUPPLIES		
			241317	46754/1			06/11/2020	07/12/20	17.42
Invoice: 46754/1									
			17.42	73411345 531100			PW/UTIL KNIFE, BLADES		
							OFFICE SUPPLIES		
			241318	46763/1			06/11/2020	07/12/20	34.86
Invoice: 46763/1									
			34.86	73421355 531100			PW/SHOP TOWELS		
							WIN COLL-SUPPLIES		
			241336	46881/1			06/29/2020	07/12/20	40.31
Invoice: 46881/1									
			40.31	53011212 531100			POL/ARMORY SUPPLIES		
							PD-C/E-PATROL SUPPLIES		
			241373	46827/1			06/23/2020	07/12/20	7.78
Invoice: 46827/1									
			7.78	73637945 531100			PW/KEYS		
							O&M ALLOC-SWEEPER-SUPPLIES		
			241375	46829/1			06/23/2020	07/12/20	65.39
Invoice: 46829/1									
			65.39	73011256 531100			PW/POWER CORD 50'		
							O&M-C/E-DIS PREP-SUPPLIES		
			241376	46857/1			06/25/2020	07/12/20	283.38
Invoice: 46857/1									
			283.38	73411345 531100			PW/WRENCH SET, MECH TOOLSET		
							OFFICE SUPPLIES		
			241377	46864/1			06/26/2020	07/12/20	28.29
Invoice: 46864/1									
			28.29	73111427 531100			PW/GRAFFITI RMVL MX SUPPLIES		
							OFFICE SUPPLIES		
			241378	46866/1			06/26/2020	07/12/20	14.69
Invoice: 46866/1									
			14.69	73111261 531100			PW/HOSE, THREAD SEAL TAPE		
							OFFICE SUPPLIES		
			241379	46871/1			06/26/2020	07/12/20	10.89
Invoice: 46871/1									
			10.89	73421355 531100			PW/CABLE TIES		
							WIN COLL-SUPPLIES		

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CASH ACCOUNT: 635	111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
INVOICE DTL DESC									
								CHECK 353947 TOTAL:	24.34
353948	07/15/2020	PRTD	54 BAINBRIDGE RENTAL IN	241234	CON#62951	06/16/2020		07/12/20	14.70
			Invoice: CON#62951						
				14.70	73011189 531100				
				241286	CON#63058	06/18/2020		07/12/20	43.58
			Invoice: CON#63058						
				43.58	73111427 531100				
				241390	CON#63413	06/25/2020		07/12/20	140.76
			Invoice: CON#63413						
				140.76	73431835 531100				
								CHECK 353948 TOTAL:	199.04
353949	07/15/2020	PRTD	55 SOUND PUBLISHING, IN	241235	BIR899902	06/05/2020		07/12/20	61.00
			Invoice: BIR899902						
				61.00	63470586 544000				
				241319	BIR900570	06/12/2020		07/12/20	59.03
			Invoice: BIR900570						
				59.03	11011113 544000				
								CHECK 353949 TOTAL:	120.03
353950	07/15/2020	PRTD	9501 DIMITRI BALASHOV	241236	LIC FEE REBATE 2020	06/19/2020		07/12/20	10.00
			Invoice: LIC FEE REBATE 2020						
				10.00	17131 317600				
								CHECK 353950 TOTAL:	10.00
353951	07/15/2020	PRTD	5412 BENEFIT ADMINISTRATI	241287	2006509	06/22/2020		07/12/20	248.60
			Invoice: 2006509						
				27.35	21011125 520000				
				44.75	31011131 520000				
				39.78	41011141 520000				
				27.35	51011211 520000				
				22.37	61011581 520000				
				79.55	71011321 520000				
				7.45	81011881 520000				
								CHECK 353951 TOTAL:	248.60
353952	07/15/2020	PRTD	50 BAINBRIDGE ISLAND EL	241389	20200033	06/25/2020		07/12/20	835.63
			Invoice: 20200033						
				835.63	73421355 548100				

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CASH ACCOUNT: 635 111100 CASH
 CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
									CHECK 353952 TOTAL: 835.63
353953	07/15/2020	PRTD	2476 BISSC	241344	Q2-2020 BIRD	07/02/2020		07/12/20	2,625.00
			Invoice: Q2-2020 BIRD						
				2,625.00	31017690 54110100297	2019-20		COMMUNITY SERVICES FUN	
								SEN CENTER-BAIN RES NETWORK PR	
									11,250.00
			Invoice: Q2-2020 HSF	241345	Q2-2020 HSF	07/02/2020		07/12/20	11,250.00
				11,250.00	31017690 54110000297	2019-20		COMMUNITY SERVICES FUN	
								SEN CENTER-OPER SUPPORT	
									1,250.00
			Invoice: Q2-2020	241346	Q2-2020	07/02/2020		07/12/20	1,250.00
				1,250.00	31011732 54110000297	Q2 2020		COMMUNITY SERVICES	
								EX-GF-CULTURAL ARTS & SCIENCES	
									CHECK 353953 TOTAL: 15,125.00
353954	07/15/2020	PRTD	64 BAINBRIDGE ISLAND AR	241391	1992	06/19/2020		07/12/20	3,000.00
			Invoice: 1992						
				3,000.00	31024759 54110200297	2018-2020		PAC ADMIN SUPPORT	
								PUBLIC ART-MNGT SVCS	
									CHECK 353954 TOTAL: 3,000.00
353955	07/15/2020	PRTD	1341 BLUE SKY PRINTING	241347	622	06/23/2020		07/12/20	43.32
			Invoice: 622						
				43.32	53011212 531100	POL/BUSINESS CARDS: MD			
								PD-C/E-PATROL SUPPLIES	
									CHECK 353955 TOTAL: 43.32
353956	07/15/2020	PRTD	9262 BOULDER PARK INC	241237	3298	06/11/2020		07/12/20	7,008.20
			Invoice: 3298						
				7,008.20	73425358 54790100551	BOIDOLIDS MANAGEMENT/DISPOSAL			
								BIOSOLIDS WASTE DISPOSAL	
									CHECK 353956 TOTAL: 7,008.20
353957	07/15/2020	PRTD	8595 BRUCE TITUS FORD, IN	241320	67098091	06/09/2020		07/12/20	1,714.05
			Invoice: 67098091						
				1,714.05	73425358 548100	PW/VEH 253 MP INSP			
								O&M-WWTP-REPAIRS	
									CHECK 353957 TOTAL: 1,714.05
353958	07/15/2020	PRTD	360 BUILDERS FIRSTSOURCE	241289	81304606	06/16/2020		07/12/20	28.33
			Invoice: 81304606						
				28.33	73011189 531100	PW/HANDRAIL			
								O&M - C/E FACIL OFC SUPPLIES	
				241290	81325869	06/18/2020		07/12/20	32.69

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CASH ACCOUNT: 635 111100 CASH
 CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE

INV DATE PO

CHECK RUN

NET

INVOICE DTL DESC

2,390.00 73011370 54110000261 VINCENT RD DUMP-PROF SVCS

CHECK 353977 TOTAL: 2,870.00

353978 07/15/2020 PRD 9503 FRIENDS OF BAINBRIDG 241239 603061261 06/23/2020 07/12/20 5.00
 Invoice: 603061261 B&O PENALTY REFUND

5.00 01131 316100 B&O TAX

CHECK 353978 TOTAL: 5.00

353979 07/15/2020 PRD 5062 FRIENDS OF THE FARMS 241358 Q2 2020 07/01/2020 07/12/20 18,000.00
 Invoice: Q2 2020 Q2 2020 FARM MGMT SVCS

18,000.00 31011131 54110001019 FOTF-FARM MNGT SVCS

CHECK 353979 TOTAL: 18,000.00

353980 07/15/2020 PRD 513 GRAINGER 241241 9559516704 06/12/2020 07/12/20 209.84
 Invoice: 9559516704 PW/PUMP SHAFTS(2)

209.84 73425358 531100 O&M-WWTP-SUPPLIES

CHECK 353980 TOTAL: 209.84

353981 07/15/2020 PRD 8955 GRANICUS 241294 124590 03/27/2020 07/12/20 1,206.47
 Invoice: 124590 IT/PUB COMMENT APP FOR MEETINGS

1,206.47 81031881 53550000567 PEG CAP FUNDING-NON CAP ITEMS

CHECK 353981 TOTAL: 1,206.47

353982 07/15/2020 PRD 2096 GRAY & OSBORNE INC 241243 19648.00-8 06/22/2020 21700158 07/12/20 3,945.89
 Invoice: 19648.00-8 WATER SYSTEM DESIGN IMPRVMENTS

3,945.89 72413434 64110000819 WATER IMPR PROJECTS 2017-ENG

CHECK 353982 TOTAL: 3,945.89

353983 07/15/2020 PRD 4850 HOME DEPOT CREDIT SE 241295 1053780 06/05/2020 07/12/20 338.47
 Invoice: 1053780 PW/WWTP SUPPLIES

338.47 73425358 531100 O&M-WWTP-SUPPLIES

Invoice: 1091022 241296 1091022 06/05/2020 07/12/20 -65.36
 PW/WWTP SUPPLIES RETURN

-65.36 73425358 531100 O&M-WWTP-SUPPLIES

Invoice: 1024014 241401 1024014 06/15/2020 07/12/20 135.71
 PW/CABLE TIES, CONCRETE

135.71 73020769 531100 O&M-ROAD ENDS-SUPPLIES

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CASH ACCOUNT: 635	111100	CASH									
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET		
INVOICE DTL DESC											
									CHECK	353983 TOTAL:	408.82
353984	07/15/2020	PRTD	8027 INFORMATION STATION	241244	007-2001-E-A	06/16/2020		07/12/20	28.90		
			Invoice: 007-2001-E-A								
						EX/SALES TAX ON INV 007-2001-E					
						28.90 31011256 54500000830	EMERG AM RADIO STATION-RENTS				
									CHECK	353984 TOTAL:	28.90
353985	07/15/2020	PRTD	9507 INSIGHT PUBLIC SECTO	241403	1100740574	06/16/2020		07/12/20	725.51		
			Invoice: 1100740574								
						IT/SQL SERVER LIC: LASERFICHE UPGRADE					
						725.51 81011881 535100	IT - C/E COMPUTER SOFTWARE				
									CHECK	353985 TOTAL:	725.51
353986	07/15/2020	PRTD	9359 INTEGRAL CONSULTING	241247	0018147	06/16/2020		07/12/20	2,373.01		
			Invoice: 0018147								
						MANAGE SAMPLING DATA FOR WQFM					
						2,373.01 72637319 54110000809	WATER QUAL FLOW MONIT-PRO SVCS				
						241248 0018148	06/16/2020 07/12/20		2,618.51		
			Invoice: 0018148								
						MANAGE SAMPLING DATA FOR WQFM					
						2,618.51 72637319 54110000809	WATER QUAL FLOW MONIT-PRO SVCS				
						241249 0018150	06/16/2020 07/12/20		738.50		
			Invoice: 0018150								
						MANAGE SAMPLING DATA FOR WQFM					
						738.50 72637319 54110000809	WATER QUAL FLOW MONIT-PRO SVCS				
									CHECK	353986 TOTAL:	5,730.02
353987	07/15/2020	PRTD	9502 ISLAND COOL LLC	241250	604315804	06/22/2020		07/12/20	15.82		
			Invoice: 604315804								
						B&O PENALTY REFUND					
						15.82 01131 316100	B&O TAX				
									CHECK	353987 TOTAL:	15.82
353988	07/15/2020	PRTD	1826 JOHNSON CONTROLS INC	241251	1-97028775045	06/17/2020		07/12/20	640.92		
			Invoice: 1-97028775045								
						PW/CH THERMOSTAT CONTROL REPAIRS					
						640.92 73011183 541100	O&M-C/E-CH FAC-PROF SVCS				
									CHECK	353988 TOTAL:	640.92
353989	07/15/2020	PRTD	4740 KITSAP COUNTY PUBLIC	241297	4495	05/30/2020		07/12/20	1,243.20		
			Invoice: 4495								
						PW/SODIUM FLOURIDE DISP					
						1,243.20 73411345 541100	PROFESSIONAL SERVICES				

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CASH ACCOUNT: 635	111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
INVOICE DTL DESC									
								CHECK 353989 TOTAL:	1,243.20
353990	07/15/2020	PRTD	4168 KITSAP COUNTY SHERIF	241359	2020-TSTFS	06/18/2020		07/12/20	2,500.00
			Invoice: 2020-TSTFS					POL/TRAFFIC SAFETY SUPPORT	
				2,500.00	53011217 551000			PD-C/E-TRAF PATROL-INTERGOVERN	
								CHECK 353990 TOTAL:	2,500.00
353991	07/15/2020	PRTD	1971 KELLEY CONNECT	241360	IN694130	07/02/2020		07/12/20	2,134.22
			Invoice: IN694130					PCD/COPIER LEASE & OVERAGE	
				2,134.22	61470581 545000			PCD - DEV ADMIN RENTS & LEASES	
				241362	IN694131	07/02/2020		07/12/20	1,114.68
			Invoice: IN694131					PCD/COPIER LEASE & OVERAGES	
				1,114.68	61470581 545000			PCD - DEV ADMIN RENTS & LEASES	
								CHECK 353991 TOTAL:	3,248.90
353992	07/15/2020	PRTD	1971 KELLEY CONNECT	241252	27277822	06/22/2020		07/12/20	283.78
			Invoice: 27277822					ENG/COPIER LEASE	
				283.78	72011321 545000			ENG - C/E ADMIN RENTS & LEASES	
								CHECK 353992 TOTAL:	283.78
353993	07/15/2020	PRTD	8398 KITSAP COMMUNITY RES	241405	Q2-2020	07/06/2020		07/12/20	5,099.67
			Invoice: Q2-2020					2019-20 COMMUNITY SERVICES FUN	
				5,099.67	31017654 54110000297			KITSAP COMM RESOURCES-HOMELESS	
								CHECK 353993 TOTAL:	5,099.67
353994	07/15/2020	PRTD	309 KITSAP TIRE CENTER I	241304	INV049102	06/04/2020		07/12/20	775.19
			Invoice: INV049102					PW/TIRES	
				775.19	73431835 548100			REPAIRS & MAINTENANCE	
								CHECK 353994 TOTAL:	775.19
353995	07/15/2020	PRTD	6279 MENG ANALYSIS	241254	19902-106	04/30/2020		07/12/20	440.00
			Invoice: 19902-106					CITY HALL SIDING ANALYSIS	
				440.00	73011183 54110000911			CH SIDING REPAIR-PROF SVCS	
				241255	19902-107	06/05/2020		07/12/20	2,860.00
			Invoice: 19902-107					CITY HALL SIDING ANALYSIS	
				2,860.00	73011183 54110000911			CH SIDING REPAIR-PROF SVCS	

CASH ACCOUNT: 635 111100 CASH
 CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

CHECK 353995 TOTAL: 3,300.00

353996 07/15/2020 PRD 7038 MOON SECURITY SERVIC 241363 1039178 06/30/2020 07/12/20 150.00
 Invoice: 1039178 CRT/HOUSE ARREST MONIT
 150.00 21011232 545000 COURT-ELECT HOME DET'N-EQ RENT

CHECK 353996 TOTAL: 150.00

353997 07/15/2020 PRD 9323 MURRAYSMITH, INC. 241305 19-2682.00-8 06/25/2020 07/12/20 1,533.73
 Invoice: 19-2682.00-8 WWTP UPGRADES STUDY
 1,533.73 72425352 54110001009 WWTP TERTIARY STUDY-PROF SVCS

CHECK 353997 TOTAL: 1,533.73

353998 07/15/2020 PRD 8545 MUTT MITT 241306 350072 06/24/2020 07/12/20 1,613.70
 Invoice: 350072 PW/DOG WASTE BAGS
 1,290.96 73011768 531100 O&M-C/E-PARKS-SUPPLIES
 322.74 73011189 531100 O&M - C/E FACIL OFC SUPPLIES

CHECK 353998 TOTAL: 1,613.70

353999 07/15/2020 PRD 2574 NATIONAL BARRICADE C 241307 286992 06/18/2020 07/12/20 3,558.88
 Invoice: 286992 PW/TRAFFIC CONTROL SIGNS
 3,558.88 990 141100 MERCHANDISE

Invoice: 286993 241308 286993 06/18/2020 07/12/20 2,167.15
 PW/TRAFFIC CONTROL SIGNS
 2,167.15 990 141100 MERCHANDISE

Invoice: 286994 241309 286994 06/18/2020 07/12/20 996.52
 PW/TRAFFIC CONTROL SIGNS
 996.52 73111264 531100 O&M-STREET-TRAF CONTROL-SUPPLY

CHECK 353999 TOTAL: 6,722.55

354000 07/15/2020 PRD 9505 O'GRADY CYCLEWORKS 241310 604566752 06/17/2020 07/12/20 65.00
 Invoice: 604566752 B&O APPLACTION FEE REFUND
 65.00 01132 321901 BUS LIC REV FROM STATE BLS

CHECK 354000 TOTAL: 65.00

354001 07/15/2020 PRD 4111 OLYMPIC SPRINGS INC 241364 330398 06/30/2020 07/12/20 54.18
 Invoice: 330398 POL/WATER SERVICES, SUPPLIES
 43.33 51011215 531100 POLICE - C/E FACIL SUPPLIES
 10.85 51011215 545000 POLICE - C/E FACIL RENTS

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CASH ACCOUNT: 635	111100	CASH							
CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET

								CHECK 354001 TOTAL:	54.18
354002	07/15/2020	PRTD	7925 OMNIPARK, INC	241365	121793	07/01/2020		07/12/20	379.32
			Invoice: 121793					POL/PARKING SYST SUPPORT	
				379.32	51011217 548500			PD-C/E-PARKING ENF-COMP SUPPOR	
								CHECK 354002 TOTAL:	379.32
354003	07/15/2020	PRTD	1754 OTIS ELEVATOR COMPAN	241311	100400022362	06/15/2020		07/12/20	2,363.88
			Invoice: 100400022362					PW/ELEVATOR MX Q3 2020	
				2,363.88	73011183 548100			O&M-C/E-CH FAC-REPAIRS	
								CHECK 354003 TOTAL:	2,363.88
354004	07/15/2020	PRTD	8544 PHILANTHROPY NORTHWE	241366	TGP 3629	05/31/2020		07/12/20	1,875.00
			Invoice: TGP 3629					EX/CULTURAL FUNDING MAY 2020	
				1,875.00	31017572 54110000297			EX-COMMUNITY FUNDING RESOURCES	
									150.00
			Invoice: TGP 3654					EX/HSF GRANTS WORK MAY 2020	
				150.00	31017572 54110000297			EX-COMMUNITY FUNDING RESOURCES	
									150.00
			Invoice: TGP 3655					EX/CULTURAL FUNDING MAY 2020	
				150.00	31017572 54110000297			EX-COMMUNITY FUNDING RESOURCES	
								CHECK 354004 TOTAL:	2,175.00
354005	07/15/2020	PRTD	1205 PUGET SOUND ENERGY	241369	CITY HALL JUN20	07/01/2020		07/12/20	1,311.69
			Invoice: CITY HALL JUN20					CITY HALL JUN20	
				1,311.69	91011189 547100			GG-C/E-CITY HALL-ELECTRIC	
								CHECK 354005 TOTAL:	1,311.69
354006	07/15/2020	PRTD	9440 QBSI-XEROX	241370	IN2352825	06/27/2020		07/12/20	48.69
			Invoice: IN2352825					CRT/COPIER LEASE	
				48.69	21011125 545000			COURT - RENTS & LEASES - OPER	
								CHECK 354006 TOTAL:	48.69
354007	07/15/2020	PRTD	7435 KAN MAN INC	241312	1914737	06/18/2020		07/12/20	180.00
			Invoice: 1914737					PW/EAGLE HARBOR CANS	
				180.00	73011768 545000			O&M-C/E-PARKS-OP LEASES	
									90.00
			Invoice: 1914738					PW/CREOSOTE CAN	

CASH ACCOUNT: 635	111100	CASH	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
CHECK NO	CHK DATE	TYPE	VENDOR NAME					

				90.00	73011768	545000	O&M-C/E-PARKS-OP LEASES	
Invoice: 1914739				241314	1914739		06/18/2020	90.00
							PW/VINCENT RD CAN	
				90.00	73435838	545000	O&M-DECANT-RENTS	
Invoice: 1914740				241315	1914740		06/18/2020	90.00
							PW/HIDDEN COVE CAN	
				90.00	73011897	545000	O&M-C/E-PWYD FAC-RENTS	
							CHECK	354007 TOTAL: 450.00
354008	07/15/2020	PRTD	394 RED'S ELECTRIC MOTOR	241325	36665		06/12/2020	324.82
			Invoice: 36665				PW/WELL SITE MX	
				324.82	73411345	531100	OFFICE SUPPLIES	
							CHECK	354008 TOTAL: 324.82
354009	07/15/2020	PRTD	8317 REID MIDDLETON, INC.	241259	2006028		06/18/2020	5,838.75
			Invoice: 2006028				PROFESSIONAL SVC-MCDONALD CREE	
				5,838.75	72433438	64110000823	EH@MCDONALD CR CULVERT-DES	
							CHECK	354009 TOTAL: 5,838.75
354010	07/15/2020	PRTD	8745 RELIABLE STORAGE BAI	241371	37440		07/02/2020	320.00
			Invoice: 37440				POL/STORAGE UNIT J28	
				320.00	53011212	545000	POLICE - C/E PATROL RENTS	
							CHECK	354010 TOTAL: 320.00
354011	07/15/2020	PRTD	9287 RIDGEBACK EXCAVATING	241326	PAYREQFINAL-851		06/05/2020	24,630.46
			Invoice: PAYREQFINAL-851				2019 WANNUAL DRAINAGE PROJECT	
				24,630.46	72431835	54810000851	2019 DRAIN/CULVERT RPR-R&M	
							CHECK	354011 TOTAL: 24,630.46
354012	07/15/2020	PRTD	2409 RIVER OAKS COMMUNICA	241406	062620		06/26/2020	2,447.50
			Invoice: 062620				EX/TELECOM CONSULTATION SVCS	
				2,447.50	32011152	54110001082	COMCAST FRANCHISE RENEWAL	
							CHECK	354012 TOTAL: 2,447.50
354013	07/15/2020	PRTD	7245 SAN DIEGO POLICE EQU	241407	643197		06/24/2020	369.27
			Invoice: 643197				POL/AMMO	
				369.27	53011212	531100	PD-C/E-PATROL SUPPLIES	

CASH ACCOUNT: 635 111100 CASH			VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
CHECK NO	CHK DATE	TYPE VENDOR NAME						
INVOICE DTL DESC								
							CHECK 354013 TOTAL:	369.27
354014	07/15/2020	PRTD 2035 SIX ROBBLEES INC	241260	2-733299	06/10/2020		07/12/20	567.58
Invoice: 2-733299					PW/BRAKE DRUM, SHOW BOX KIT			
			283.79	73111423 531100	OFFICE SUPPLIES			
			283.79	73111427 531100	OFFICE SUPPLIES			
			241261	2-733613	06/15/2020		07/12/20	370.16
Invoice: 2-733613					PW/BRAKE DRUM			
			185.08	73111423 531100	OFFICE SUPPLIES			
			185.08	73111427 531100	OFFICE SUPPLIES			
			241327	2-733615	06/16/2020		07/12/20	-330.51
Invoice: 2-733615					PW/BRAKE DRUM RETURN			
			-165.26	73111423 531100	OFFICE SUPPLIES			
			-165.25	73111427 531100	OFFICE SUPPLIES			
			241329	2-733815	06/16/2020		07/12/20	156.03
Invoice: 2-733815					PW/BRAKE CONTROLLER			
			78.01	73111423 531100	OFFICE SUPPLIES			
			78.02	73111427 531100	OFFICE SUPPLIES			
							CHECK 354014 TOTAL:	763.26
354015	07/15/2020	PRTD 8855 SOUND LAW CENTER	241412	2430	07/03/2020		07/12/20	927.50
Invoice: 2430					LEGAL/HEX SVCS JUN 2020			
			927.50	34470586 54111001071	HEX-CENTRAL HIGHLANDS (SLC)			
							CHECK 354015 TOTAL:	927.50
354016	07/15/2020	PRTD 8132 SPECTRA LABORATORIES	241330	20-03838	06/24/2020		07/12/20	20.70
Invoice: 20-03838					PW/ROCKAWAY FLOURIDE TESTING			
			20.70	73415345 54110000391	LAB SVCS-WATER ROCKAWAY			
			241331	20-03839	06/24/2020		07/12/20	62.10
Invoice: 20-03839					PW/FLOURIDE TESTING			
			62.10	73411345 54110000391	LAB SVCS-WATER			
			241332	20-03843	06/24/2020		07/12/20	311.00
Invoice: 20-03843					PW/QTRLY NPDES			
			311.00	73425358 54110000391	LAB & TESTING SVCS-WWTP			
			241413	20-03957	06/29/2020		07/12/20	114.00
Invoice: 20-03957					PW/BOD TESTING			
			114.00	73425358 54110000391	LAB & TESTING SVCS-WWTP			
			241414	20-04023	06/30/2020		07/12/20	124.00
Invoice: 20-04023					PW/WWTP TESTING			
			124.00	73425358 54110000391	LAB & TESTING SVCS-WWTP			

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CASH ACCOUNT: 635 111100 CASH
CHECK NO CHK DATE TYPE VENDOR NAME

VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
Invoice: 548975				241444	548975	06/12/2020		07/12/20	25.69
				9.35	990 141100	PW/FUEL FILTER, GLOVES			
				16.34	73638935 531100	MERCHANDISE			
						O&M-STD ALLOCATION-SUPPLIES			
						CHECK	354027	TOTAL:	454.79
354028	07/15/2020	PRTD	7046 WESTERN SYSTEMS	241446	0000043317	06/19/2020	20200020	07/12/20	299.49
			Invoice: 0000043317			NEW CROSSWALK POST AND SIGN			
				299.49	73111264 531100	O&M-STREET-TRAF CONTROL-SUPPLY			
						CHECK	354028	TOTAL:	299.49
354029	07/15/2020	PRTD	8759 WHISTLE WORKWEAR	241447	A23289	02/20/2020		07/12/20	371.82
			Invoice: A23289			PW/GLOVES			
				371.82	73637891 531100	OFFICE SUPPLIES			
						CHECK	354029	TOTAL:	371.82
354030	07/15/2020	PRTD	6920 COMCAST	241448	JUL20	06/20/2020		07/12/20	11.28
			Invoice: JUL20			POL/HD COVERTER BOX			
				11.28	51011211 545000	PD-C/E-ADMIN RENTS/LEASE			
						CHECK	354030	TOTAL:	11.28

NUMBER OF CHECKS 93 *** CASH ACCOUNT TOTAL *** 326,822.82

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	92	326,822.82
TOTAL VOIDED CHECKS	1	.00

*** GRAND TOTAL *** 326,822.82

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|A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER	JNL	SRC ACCOUNT	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC	T OB	DEBIT	CREDIT
EFF DATE	JNL DESC	REF 1	REF 2	REF 3	LINE DESC					
2020	7	85								
APP 402-213000						ACCOUNTS PAYABLE		13,757.96		
	07/08/2020	07/12/20	071520			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100						CASH			326,822.82	
	07/08/2020	07/12/20	071520			AP CASH DISBURSEMENTS JOURNAL				
APP 001-213000						GENERAL - ACCOUNTS PAYABLE		209,062.44		
	07/08/2020	07/12/20	071520			AP CASH DISBURSEMENTS JOURNAL				
APP 401-213000						ACCOUNTS PAYABLE		31,040.38		
	07/08/2020	07/12/20	071520			AP CASH DISBURSEMENTS JOURNAL				
APP 631-213000						ACCOUNTS PAYABLE		24,935.00		
	07/08/2020	07/12/20	071520			AP CASH DISBURSEMENTS JOURNAL				
APP 101-213000						STREETS - ACCOUNTS PAYABLE		4,793.77		
	07/08/2020	07/12/20	071520			AP CASH DISBURSEMENTS JOURNAL				
APP 403-213000						ACCOUNTS PAYABLE		32,771.50		
	07/08/2020	07/12/20	071520			AP CASH DISBURSEMENTS JOURNAL				
APP 407-213000						ACCOUNTS PAYABLE		4,237.40		
	07/08/2020	07/12/20	071520			AP CASH DISBURSEMENTS JOURNAL				
APP 171-213000						TBF-A/P		10.00		
	07/08/2020	07/12/20	071520			AP CASH DISBURSEMENTS JOURNAL				
APP 901-213000						ACCOUNTS PAYABLE		6,056.23		
	07/08/2020	07/12/20	071520			AP CASH DISBURSEMENTS JOURNAL				
APP 301-213000						ACCOUNTS PAYABLE		158.14		
	07/08/2020	07/12/20	071520			AP CASH DISBURSEMENTS JOURNAL				
GENERAL LEDGER TOTAL									326,822.82	326,822.82
APP 631-130000						DUE TO/FROM CLEARING		301,887.82		
	07/08/2020	07/12/20	071520							
APP 402-130000						DUE TO/FROM CLEARING			13,757.96	
	07/08/2020	07/12/20	071520							
APP 001-130000						GENERAL - DUE TO/FROM CLEARING			209,062.44	
	07/08/2020	07/12/20	071520							
APP 401-130000						DUE TO/FROM CLEARING			31,040.38	
	07/08/2020	07/12/20	071520							
APP 101-130000						STREETS - DUE TO/FROM CLEARING			4,793.77	
	07/08/2020	07/12/20	071520							
APP 403-130000						DUE TO/FROM CLEARING			32,771.50	
	07/08/2020	07/12/20	071520							
APP 407-130000						DUE TO/FROM CLEARING			4,237.40	
	07/08/2020	07/12/20	071520							
APP 171-130000						TBF-DUE TO/FROM CLEARING			10.00	
	07/08/2020	07/12/20	071520							
APP 901-130000						DUE TO/FROM CLEARING			6,056.23	
	07/08/2020	07/12/20	071520							
APP 301-130000						DUE TO/FROM CLEARING			158.14	
	07/08/2020	07/12/20	071520							

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JOURNAL ENTRIES TO BE CREATED

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT	
SRC ACCOUNT						LINE DESC				
EFF DATE	JNL DESC	REF 1	REF 2	REF 3						
-----							SYSTEM GENERATED ENTRIES TOTAL		301,887.82	301,887.82
							JOURNAL 2020/07/85 TOTAL		628,710.64	628,710.64

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	DEBIT	CREDIT
ACCOUNT	ACCOUNT DESCRIPTION				
001 GENERAL FUND	2020	7	85 07/08/2020		
001-130000			GENERAL - DUE TO/FROM CLEARING		209,062.44
001-213000			GENERAL - ACCOUNTS PAYABLE	209,062.44	
			FUND TOTAL	209,062.44	209,062.44
101 STREET FUND	2020	7	85 07/08/2020		
101-130000			STREETS - DUE TO/FROM CLEARING		4,793.77
101-213000			STREETS - ACCOUNTS PAYABLE	4,793.77	
			FUND TOTAL	4,793.77	4,793.77
171 TRANSP BEN FUND	2020	7	85 07/08/2020		
171-130000			TBF-DUE TO/FROM CLEARING		10.00
171-213000			TBF-A/P	10.00	
			FUND TOTAL	10.00	10.00
301 CAPITAL CONSTRUCTION FUND	2020	7	85 07/08/2020		
301-130000			DUE TO/FROM CLEARING		158.14
301-213000			ACCOUNTS PAYABLE	158.14	
			FUND TOTAL	158.14	158.14
401 WATER OPERATING FUND	2020	7	85 07/08/2020		
401-130000			DUE TO/FROM CLEARING		31,040.38
401-213000			ACCOUNTS PAYABLE	31,040.38	
			FUND TOTAL	31,040.38	31,040.38
402 SEWER OPERATING FUND	2020	7	85 07/08/2020		
402-130000			DUE TO/FROM CLEARING		13,757.96
402-213000			ACCOUNTS PAYABLE	13,757.96	
			FUND TOTAL	13,757.96	13,757.96
403 STORM & SURFACE WATER FUND	2020	7	85 07/08/2020		
403-130000			DUE TO/FROM CLEARING		32,771.50
403-213000			ACCOUNTS PAYABLE	32,771.50	
			FUND TOTAL	32,771.50	32,771.50
407 BUILDING & DEVELOPMENT FUND	2020	7	85 07/08/2020		
407-130000			DUE TO/FROM CLEARING		4,237.40
407-213000			ACCOUNTS PAYABLE	4,237.40	
			FUND TOTAL	4,237.40	4,237.40
631 CLEARING FUND	2020	7	85 07/08/2020		

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|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
631-130000				DUE TO/FROM CLEARING	301,887.82	
631-213000				ACCOUNTS PAYABLE	24,935.00	
635-111100				CASH		326,822.82
FUND TOTAL					326,822.82	326,822.82
901 CITY-WIDE REPORTING FUND	2020 7	85	07/08/2020			
901-130000				DUE TO/FROM CLEARING		6,056.23
901-213000				ACCOUNTS PAYABLE	6,056.23	
FUND TOTAL					6,056.23	6,056.23

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|A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001 GENERAL FUND			209,062.44
101 STREET FUND			4,793.77
171 TRANSP BEN FUND			10.00
301 CAPITAL CONSTRUCTION FUND			158.14
401 WATER OPERATING FUND			31,040.38
402 SEWER OPERATING FUND			13,757.96
403 STORM & SURFACE WATER FUND			32,771.50
407 BUILDING & DEVELOPMENT FUND			4,237.40
631 CLEARING FUND		301,887.82	
901 CITY-WIDE REPORTING FUND			6,056.23
	TOTAL	301,887.82	301,887.82

** END OF REPORT - Generated by Carrie L. Freitas **

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cfreitas |MODIFY INVOICES

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CLERK: cfreitas

INVOICE HEADER/DETAIL CHANGED

VENDOR DOCUMENT	CHECK RUNVOUCHER	DEPT	YR/PER	CASH ACCOUNT	TYPE	INV DATE	DISCOUNT AMOUNT	ERROR
					STAT	DUE DATE	INVOICE NET	
001152 87388		241427	410012020	06 635	111100 INV	05/28/2020	.00	
USA BLUE BOOK	RMT: 0 PW/WWTP	SUPPLIES			ACT	07/15/2020	1,837.11	
INVOICE: 250559								
73425358 531100	WWTP-SUPL			N 1		1,837.11		

** END OF REPORT - Generated by Carrie L. Freitas **

07/08/2020 13:55 |CITY OF BAINBRIDGE ISLAND
 cfreitas |MODIFY INVOICES

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 |apinvmt

CLERK: cfreitas

YEAR PER	JNL					ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	LINE DESC			
2020 7	86								
APM 73425358-531100						O&M-WWTP-SUPPLIES		1,797.83	
	07/08/2020	WRONG AMT	001152		87388	PW/WWTP SUPPLIES			
1 GENERAL LEDGER TOTAL								1,797.83	.00
APM 402-213000						ACCOUNTS PAYABLE			1,797.83
	07/08/2020	WRONG AMT	001152						
1 TOTAL								.00	1,797.83
SYSTEM GENERATED ENTRIES TOTAL								.00	1,797.83
JOURNAL 2020/07/86 TOTAL								1,797.83	1,797.83
2020 7	86								
APM 402-292200						EXPENDITURE CONTROL		1,797.83	
	07/08/2020	WRONG AMT	001152						

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|CITY OF BAINBRIDGE ISLAND
|MODIFY INVOICES

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|apinvmnt

FUND	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
402	2020	7	86	07/08/2020	SEWER OPERATING FUND		
					402-213000 ACCOUNTS PAYABLE		1,797.83
					402-292200 EXPENDITURE CONTROL	1,797.83	
FUND TOTAL						1,797.83	1,797.83

** END OF REPORT - Generated by Carrie L. Freitas **

Regular - reprint
 (CF) 7/8/20

07/08/2020 14:00 | CITY OF BAINBRIDGE ISLAND
 cfreitas | A/P CASH DISBURSEMENTS JOURNAL

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 | apcshdeb

CASH ACCOUNT: 635 111100 CASH

CHECK NO CHK DATE TYPE VENDOR NAME VOUCHER INVOICE INV DATE PO CHECK RUN NET

INVOICE DTL DESC

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
354031	07/15/2020	PRTD	1152 USA BLUE BOOK	241424	257451	06/04/2020		07/12/20	96.28
	Invoice: 257451								
				96.28	73011897 531100				
				241425	270406	06/17/2020		07/12/20	488.00
	Invoice: 270406								
				488.00	73425358 531100				
				241426	280704	06/29/2020		07/12/20	16.09
	Invoice: 280704								
				16.09	73425358 531100				
				241427	250559	05/28/2020		07/12/20	1,837.11
	Invoice: 250559								
				1,837.11	73425358 531100				
				241428	250568	05/28/2020		07/12/20	-462.87
	Invoice: 250568								
				-462.87	73425358 531100				

CHECK 354031 TOTAL: 1,974.61

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 1,974.61

COUNT AMOUNT

TOTAL PRINTED CHECKS 1 1,974.61

*** GRAND TOTAL *** 1,974.61

JOURNAL ENTRIES TO BE CREATED

CLERK: cfreitas

YEAR PER	JNL	SRC ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T OB	DEBIT	CREDIT
2020	7	87									
APP	001-213000		07/08/2020	07/12/20	REPRNT			GENERAL - ACCOUNTS PAYABLE AP CASH DISBURSEMENTS JOURNAL		96.28	
APP	635-111100		07/08/2020	07/12/20	REPRNT			CASH AP CASH DISBURSEMENTS JOURNAL			1,974.61
APP	402-213000		07/08/2020	07/12/20	REPRNT			ACCOUNTS PAYABLE AP CASH DISBURSEMENTS JOURNAL		1,878.33	
GENERAL LEDGER TOTAL										1,974.61	1,974.61
APP	631-130000		07/08/2020	07/12/20	REPRNT			DUE TO/FROM CLEARING		1,974.61	
APP	001-130000		07/08/2020	07/12/20	REPRNT			GENERAL - DUE TO/FROM CLEARING			96.28
APP	402-130000		07/08/2020	07/12/20	REPRNT			DUE TO/FROM CLEARING			1,878.33
SYSTEM GENERATED ENTRIES TOTAL										1,974.61	1,974.61
JOURNAL 2020/07/87 TOTAL										3,949.22	3,949.22

JOURNAL ENTRIES TO BE CREATED

FUND	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
ACCOUNT						
001 GENERAL FUND	2020 7	87	07/08/2020			
001-130000				GENERAL - DUE TO/FROM CLEARING		96.28
001-213000				GENERAL - ACCOUNTS PAYABLE	96.28	
				FUND TOTAL	96.28	96.28
402 SEWER OPERATING FUND	2020 7	87	07/08/2020			
402-130000				DUE TO/FROM CLEARING		1,878.33
402-213000				ACCOUNTS PAYABLE	1,878.33	
				FUND TOTAL	1,878.33	1,878.33
631 CLEARING FUND	2020 7	87	07/08/2020			
631-130000				DUE TO/FROM CLEARING	1,974.61	
635-111100				CASH		1,974.61
				FUND TOTAL	1,974.61	1,974.61

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|CITY OF BAINBRIDGE ISLAND
|A/P CASH DISBURSEMENTS JOURNAL

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JOURNAL ENTRIES TO BE CREATED

FUND	DUE TO	DUE FROM
001 GENERAL FUND		96.28
402 SEWER OPERATING FUND		1,878.33
631 CLEARING FUND	1,974.61	
	<hr/>	<hr/>
TOTAL	1,974.61	1,974.61

** END OF REPORT - Generated by Carrie L. Freitas **



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME:

AGENDA ITEM: City Council Study Session Minutes, June 16, 2020

SUMMARY: Consider approval of meeting minutes.

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Executive

RECOMMENDED MOTION: Approve with Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[City Council Study Session Minutes June 16, 2020.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL STUDY SESSION
TUESDAY, JUNE 16, 2020

MEETING MINUTES

1) [CALL TO ORDER / ROLL CALL](#)

Deputy Mayor Nassar called the meeting to order at 6:00 p.m. on the Zoom webinar platform.

Deputy Mayor Nassar, Mayor Schneider, and Councilmembers Carr, Deets, Hytopoulos, Medina, and Pollock participated in the video conference.

2) [EXECUTIVE SESSION](#)

2.A Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.
[Cover Page](#)

Deputy Mayor Nassar adjourned the meeting to an executive session pursuant to RCW 42.30.110(1)(i) at 6:03 p.m. Council returned from executive session at 6:28 p.m., and Deputy Mayor Nassar reconvened the meeting.

3) [APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE](#)

Councilmember Hytopoulos proposed and Councilmember Medina seconded to amend the agenda to add a discussion on the promotion of face coverings. The addition was approved by unanimous consent. Councilmember Pollock moved and Councilmember Deets seconded to approve the agenda as modified. There were no conflicts of interest disclosed.

4) [MAYOR'S REPORT](#)

Mayor Schneider provided an update on the application for moving into Phase 3 and urged the use of face coverings.

5) [PRESENTATIONS](#)

5.A Proclamation Declaring June 19, 2020 as the "Day to Celebrate Juneteenth 2020" - Mayor Schneider
[Cover Page](#)
[Juneteenth_Proclamation_2020.docx](#)

Mayor Schneider read the proclamation.

6) FUTURE COUNCIL AGENDAS

6.A Future Council Agendas

[Cover Page](#)

[June 22 Special Joint City Council Meeting.pdf](#)

[June 23 City Council Regular Business Meeting.pdf](#)

[June 30 Special City Council Meeting.pdf](#)

Deputy City Manager Schroer reviewed the upcoming Council agendas. There was consensus to add an ordinance regarding face coverings to Council Discussion on June 23, 2020. Councilmember Carr requested placement of an aquaculture agenda item on a July meeting.

7) CITY COUNCIL DISCUSSION

7.A Affirm Council Priorities from March 6, 2020 Retreat - Mayor Schneider

[Cover Page](#)

[2020_City_Council_Priorities_March Revision.pdf](#)

[2021-2022_Council_Budget_Priorities - DRAFT.pdf](#)

Mayor Schneider introduced the agenda item.

MOTION: I move to forward the updated 2020 Council Priorities as amended to the June 23, 2020 Consent Agenda for consideration of approval.

Medina/Pollock: The motion carried unanimously, 7 – 0, as amended below.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

AMENDMENT: I make a motion to approve it as is, minus the Suzuki Affordable Housing project.

Pollock/Hytopoulos: The motion carried, 4 – 3.

AYES: Hytopoulos, Nassar, Pollock, Schneider

NOES: Carr, Deets, Medina

ABSENT: None

ABSTAIN: None

MOTION: I move to forward the Council priorities for the 2021-2022 Biennial Budget to the June 23, 2020 Consent Agenda for consideration of approval.

Medina/Pollock: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

7.B Formalize Process for Councilmembers to Add Items to Agendas - Mayor Schneider

[Cover Page](#)
[Policy for Council-directed agenda items \(revised\).pdf](#)

Mayor Schneider introduced the agenda item.

MOTION: I move to direct staff to incorporate the recommended clarifications to the agenda setting process to the Governance Manual and to bring the amended Governance Manual back to the Council for approval in a Consent Agenda.

Medina/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

8) UNFINISHED BUSINESS

8.A Self Service Storage Moratorium (Ordinance No. 2020-12) - Work Plan Discussion - Planning

[Cover Page](#)

[20200609_Memo_seeking_work_plan_direction_FINAL.docx](#)

[Ordinance No. 2020-12 Extending Moratorium on Self-Service Storage Facilities Approved 051220.pdf](#)

Planning Director Wright introduced the agenda item, and Council discussed the work plan. Council provided feedback and requested additional information on self-storage data and environmental impacts.

8.B Green Building Task Force Update and Next Steps - Planning

[Cover Page](#)

[Green Building Discussion Council 20200609.pdf](#)

[2020 01 28 CC Staff Memo January Update](#)

Planning Director Wright provided a presentation.

MOTION: I move to direct the Green Building Task Force to recommend a code off the shelf green building program or components of a program that will most help us with our green house gas emissions reduction goals to be implemented on an interim basis until a “Bainbridge” program is developed by October 20, 2020, the current expiration of the development moratorium.

Carr/Pollock: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

Deputy Mayor Nassar adjourned the meeting for a break at 8:28 p.m. and reconvened the meeting at 8:36 p.m.

8.C Farmers Market Improvements Discussion - Public Works

[Cover Page](#)

[Town Square Master Plan Presentation.pdf](#)

Engineering Project Manager Mark Epstein provided a presentation on Farmers Market improvements.

Betsy Wittick, a member of the Farmers Market Board, commented on the improvements and the need for a cover.

Council discussed the alternatives.

8.D Capital Improvement Plan Discussion, Continued - Public Works

[Cover Page](#)

[Presentation_-_2021-26_CIP_Discussion_JUNE2020_PT2.pdf](#)

Public Works Director Wierzbicki provided a presentation on the Capital Improvement Plan and addressed Council's questions.

9) NEW BUSINESS

9.A Appointments to the Planning Commission - Mayor Schneider

[Cover Page](#)

[Planning Commission \(Recommended Appointments\).pdf](#)

[Blossom - Planning Commission \(Redacted\).pdf](#)

[Dykeman - Planning Commission \(Redacted\).pdf](#)

[Gardiner - Planning Commission \(Redacted\).pdf](#)

[Marshall - Planning Commission \(Redacted\).pdf](#)

[McCormick Osmond - Planning Commission \(Redacted\).pdf](#)

[Weise - Planning Commission \(Redacted\).pdf](#)

Mayor Schneider introduced the agenda item, and Council discussed the appointments.

Planning Commission Chair Chester spoke in favor of the appointments.

MOTION: I move to forward for approval with the June 23, 2020 Consent Agenda the recommended reappointment of Kimberly McCormick Osmond to Position 1, and the appointment of Sarah Blossom to Position 2, of the Planning Commission as shown on the attached spreadsheet.

Schneider/Hytopoulos: The motion carried, 5 – 1.

AYES: Carr, Deets, Hytopoulos, Medina, Schneider

NOES: Nassar

ABSENT: None

ABSTAIN: Pollock

10) CITY COUNCIL DISCUSSION (CONTINUED)

10.A Update on Safe Streets/Grow Avenue Pilot Project - Councilmembers Pollock, Deets, and Medina

[Cover Page](#)

Councilmember Deets provided an update on the Safe Streets Grow Avenue pilot project.

10.B Promotion of Face Coverings [Added]

Councilmember Hytopoulos introduced the agenda item. Council discussed the topic and authorized the Council ad hoc committee to advise on signage.

11) FOR THE GOOD OF THE ORDER

Councilmember Carr will take Deputy Mayor Nassar's place as liaison to the Environmental Technical Advisory Committee.

12) ADJOURNMENT

Deputy Mayor Nassar adjourned the meeting at 11:47 p.m.

Leslie Schneider, Mayor

Christine Brown, CMC, City Clerk



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME:

AGENDA ITEM: Special Joint City Council and Planning Commission Meeting Minutes, June 22, 2020

SUMMARY: Council will consider approval of meeting minutes.

AGENDA CATEGORY: Minutes

PROPOSED BY: Executive

RECOMMENDED MOTION: Approve with Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[Special Joint City Council and Planning Commission Meeting Minutes June 22, 2020.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

SPECIAL JOINT CITY COUNCIL & PLANNING COMMISSION MEETING
MONDAY, JUNE 22, 2020

MEETING MINUTES

1) **CALL TO ORDER/ROLL CALL**

Mayor Schneider called the joint meeting to order at 5:01 p.m. on the Zoom webinar platform.

Mayor Schneider, Deputy Mayor Nassar, and Councilmembers Carr, Deets, Hytopoulos, Medina and Pollock and Planning Commissioners Chester (Chair), McCormick-Osmond, Macchio, Paar, Pearl, and Quitslund participated in the remote meeting. Planning Commissioner Doman was absent.

2) **APPROVAL OF AGENDA / CONFLICT OF INTEREST**

Mayor Schneider added a discussion item on next steps to the agenda. Councilmember Pollack moved and Councilmember Deets seconded to approve the agenda as modified by Mayor Schneider. The motion was approved unanimously. There were no conflicts of interest disclosed.

3) **CLARIFY APPROACH FOR AFFORDABLE HOUSING INITIATIVES, FLOOR AREA RATIO (FAR) REVISIONS, AND RELATED LAND USE POLICY INITIATIVES**

3.A Clarify Approach for Affordable Housing Initiatives, Floor Area Ratio (FAR) Revisions, and Related Land Use Policy Initiatives

[Cover Page](#)

[Presentation_Joint_Session 22 June 2020.pdf](#)

[Planning Commission Recommendations on FAR 06 | 120.pdf](#)

[List of Supporting Documents \(hyperlinks\)](#)

Planning Director Wright introduced the agenda item and provided a presentation with Senior Planner Sutton on affordable housing initiatives, including inclusionary zoning, multifamily tax exemption, transfer of development rights, and Floor Area Ratio revisions.

Planning Director Wright summarized some options for revisions to the land use policy initiatives, including a Winslow Master Plan Update.

4) **CLARIFY PRIORITIES FOR LAND USE CODE REVIEW**

4.A Land Use Code Priorities

[Cover Page](#)

[CM Hytopoulos, CM Carr, Mayor Schneider Land Use Priorities](#)

[CM Nassar Land Use Review PC CC Joint Meeting.docx](#)

[CM Pollock BIMC Land Use Code Update Process Proposal2.docx](#)

Council members and Planning Commissioners discussed their priorities and approach for land use code review.

5) **NEXT STEPS [ADDED]**

Council and Planning Commissioners discussed forming a subcommittee.

MOTION: I move to create a subcommittee comprised of three Councilmembers, Councilmember Carr, Councilmember Hytopoulos and Councilmember Pollock, and three Planning Commissioners to be determined at a future date by the Planning Commission for the purposes of providing recommendations to the Council on a process to clarify an approach for affordable housing initiatives as well as to develop a process and list for undertaking work on land use code priorities.

Nassar/Carr: The motion carried unanimously, 13 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider, Pearl, Macchio, McCormick-Osmond, Paar, Chester, Quitslund

NOES: None

ABSENT: None

ABSTAIN: None

6) **FOR THE GOOD OF THE ORDER**

7) **ADJOURNMENT**

Mayor Schneider adjourned the meeting at 7:46 p.m.

Leslie Schneider, Mayor

Christine Brown, CMC, City Clerk



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME:

AGENDA ITEM: City Council Regular Business Meeting Minutes, June 23, 2020

SUMMARY: Consider approval of meeting minutes.

AGENDA CATEGORY: Consent Agenda

PROPOSED BY: Executive

RECOMMENDED MOTION: Approve with Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[City Council Regular Business Meeting Minutes June 23, 2020.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, JUNE 23, 2020

MEETING MINUTES

1) CALL TO ORDER/ROLL CALL

Mayor Schneider called the remote meeting to order at 6:00 p.m. on the Zoom webinar platform.

Mayor Schneider, Deputy Mayor Nassar, and Councilmembers Carr, Deets, Hytopoulos, Medina and Pollock participated in the remote meeting.

2) EXECUTIVE SESSION

2.A Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.
[Cover Page](#)

Mayor Schneider adjourned the meeting to an executive session pursuant to RCW 42.30.110(1)(i) at 6:03 p.m. The executive session was extended by 5 minutes. Council returned from executive session at 6:33 p.m., and Mayor Schneider reconvened the meeting.

3) APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Councilmember Hytopoulos requested that item 11.B and Councilmember Deets requested that item 11.C, both related to face coverings be moved to the beginning of the meeting, and Council concurred. Deputy Mayor Nassar asked to pull item 12.K, Planning Commission Appointments, from the Consent Agenda and Councilmember Carr asked to pull item 12.I, Staffing Request for COVID-19 Response, from the Consent Agenda for further discussion. Councilmember Pollock moved and Councilmember Deets seconded to approve the agenda as amended. The motion was approved by unanimous consent. There were no conflicts of interest.

4) PUBLIC COMMENT

4.A Instructions for Providing Public Comment in Remote Meetings - City Clerk
[Cover Page](#)
[Instructions for Providing Public Comment at Remote Meetings.docx](#)

Larry Kida commented on the Landing Path and Harbor Square Fence.

Mary Clare Kersten commented on the Landing Path and Harbor Square Fence.

Ron Peltier spoke regarding ethics.

Bob Scales thanked Council on their work on the mask ordinance.

Sal deRosalia spoke regarding training on race equity and Planning Commission appointments.

Cindy Anderson spoke regarding enforcement of face coverings.

Hal Snow spoke regarding the amendments to the Shoreline Master Plan.

Ashley Mathews commented on the Planning Commission appointments.

Kevin Dwyer spoke regarding the face coverings.

5) [MAYOR'S REPORT](#)

Mayor Schneider commented on the success of the joint meeting with the Planning Commission.

6) [CITY MANAGER'S REPORT](#)

City Manager Smith provided information on moving into Phase 3.

7) [FUTURE COUNCIL AGENDAS](#)

7.A [Future Council Agendas](#)

[Cover Page](#)

[June 30 Special City Council Meeting.pdf](#)

[July 7 City Council Study Session.pdf](#)

[July 14 City Council Regular Business Meeting.pdf](#)

[July 21 City Council Study Session.pdf](#)

City Manager Smith reviewed future Council agendas. Councilmember Deets requested the addition of an item to discuss an appointment of a Council liaison to the business community to a future agenda, and Council concurred.

8) [PRESENTATION\(S\)](#)

8.A [Briefing on Process for City Manager Search – Ron Holifield, Strategic Government Resources](#)

[Cover Page](#)

Ron Holifield of Strategic Government Resources provided an overview of the process to select a new city manager. Council discussed the process.

MOTION: I move that we direct the City Manager to hire SGR to conduct the search for our new City Manager and to report back to the Council as soon as possible the timeline that SGR intends to follow.

Medina/Pollock: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

9) UNFINISHED BUSINESS

9.A Ordinance No. 2020-15 Requiring Face Coverings - Councilmembers Carr, Hytopoulos, and Pollock [MOVED UP]

[Cover Page](#)

[Ordinance No. 2020-15 - COVID-19 Face Covering Requirement](#)

[Findings of Mask Ordinance Subcommittee](#)

Councilmember Hytopoulos proposed that the Mask Ordinance Subcommittee review Governor Inslee's order on face coverings and add a discussion to the next Council meeting for any follow-up needed. Council concurred with her proposal.

9.B Face Mask Initiatives - Councilmember Deets [MOVED UP]

[Cover Page](#)

[Discussion & Recommendations on Promotion of Wearing of Masks on B.I..pdf](#)

[Poulsbo Safe Signage.jpg](#)

[Bainbridge Safe Poster.pdf](#)

Councilmember Deets introduced the agenda item, and Council discussed his proposal.

MOTION: I move that Council authorize an expenditure of up to \$10,000 to purchase a mix of disposable and reusable masks for distribution to local businesses.

Deets/Medina: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

9.C Sportsman Club & New Brooklyn Intersection Improvements Supplemental Agreement No. 2 - Public Works

[Cover Page](#)

[Supplemental Agreement_2.pdf](#)

[Supp Agmt_2 Exhibit A-2.pdf](#)

Public Works Director Wierzbicki introduced the agenda item.

MOTION: I move to forward, for approval with the July [14], 2020 Consent Agenda, Sportsman Club New Brooklyn Intersection Improvements Project Supplemental Agreement No. 2 with Skillings Connolly Inc., in the amount of \$101,857.00.

Nassar/Carr: The motion carried unanimously, 7 – 0

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

9.D Resolution No. 2020-07 and Core 40 Eagle Harbor Phase II Non-Motorized Improvements Project Grant Award and Budget Amendment - Public Works

Cover Page

EH PH 2 Slide Presentation Pt 2.pdf

2020 Contingency Supplemental Funding.xlsx

Resolution No. 2020-07 Accepting FHWA Grant Funding for Core 40 Eagle Harbor Phase II - rev CW 061920.docx

Public Works Director Wierzbicki provided a presentation on options for the proposed project, and Council discussed the options. Council selected Option 3.

MOTION: I move to approve Resolution No. 2020-07 to accept grant funding in the amount of \$700,000 from the Federal Highway Administration related to the Core 40 Eagle Harbor Drive Phase II Non-Motorized Improvements Project.

Schneider/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

MOTION: I move to authorize the City Manager to proceed with a future budget amendment in the amount of \$225,000 from the Capital Construction Fund, thereby increasing the spending authority for this Core 40 Eagle Harbor Drive Phase II Non-Motorized Improvements Project, as well as to proceed with a related future amendment to the Capital Improvement Plan to move the project from 2022 to 2020.

Deets/Hytopoulos: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

9.E City Hall Repairs Project Contract Award & Budget Amendment - Public Works

Cover Page

Contract-Colvos Construction LLC.docx

BID_FORM_City Hall Repairs.docx

Public Works Director Wierzbicki introduced the agenda item.

MOTION: I move to approve the City Hall Repairs contract award with Colvos Construction in the amount of \$259,978.44 and approve a budget amendment in the amount of \$31,500.00; thereby increasing the spending authority for this project.

Nassar/Medina: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

9.F Shoreline Master Program (SMP) Amendment for Critical Areas Ordinance Integration and Amendments to Nonconforming Uses, Structures, and Lots - Planning

[Cover Page](#)

[20200623_CC_Staff_Memo_SMP_Amendment_Summary_of_ECY_comments](#)

[Determination of Initial Concurrence from the WA Department of Ecology](#)

[Ecology Recommendations to Resolve Issues Identified as Required and Recommended](#)

[Resolution No. 2019-05, Jan 8, 2019](#)

[Draft SMP Amendment, Jan 8, 2019](#)

Planner Hillier introduced the agenda item and addressed Council's questions.

MOTION: I move that we direct staff to move forward with an ordinance that incorporates Ecology's required changes, our staff's recommended changes based on Ecology's recommended changes, and our staff's own recommended changes and schedule a public hearing for that at the end of the work.

Medina/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

10) NEW BUSINESS

10.A Information on Bainbridge Landing Path and Harbor Square Fence - Executive

[Cover Page](#)

[Harbor Square Bainbridge Landing Memo REV 06192020](#)

City Manager Smith provided information on the Bainbridge Landing Path and Harbor Square Fence.

Mayor Schneider adjourned the meeting for a break 10:11 p.m. and reconvened the meeting at 10:19 p.m.

COUNCIL DISCUSSION

11.A Consideration of Revisions to the City's Code of Conduct and Ethics Program

[Cover Page](#)

[Clean Copy KH Proposed Revisions to Res No. 2019-26 Updating the City's Ethics Program](#)

[Approved 112619_.pdf](#)

[Redlined Copy KH Proposed Revisions to Res No. 2019-26 Updating the City's Ethics Program](#)

[Approved 112619.pdf](#)

This agenda item was pulled from the agenda due to lack of time and was forwarded to the June 30, 2020 meeting.

11.D Appointment of Deputy Mayor for July through December, 2020

[Cover Page](#)

Mayor Schneider introduced the agenda item.

MOTION: I move to appoint Councilmember Deets as Deputy Mayor for July 1, 2020 through December 31, 2020.

Nassar/Pollock: The motion carried, 6 – 0.

AYES: Carr, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: Deets

11.E Appointments to the Design Review Board - Mayor Schneider

Cover Page
City Advisory Group Vacancies (Design Review Board).pdf
Marshall - Design Review Board (Redacted).pdf
Russell - Design Review Board (Redacted).pdf
Wilson - Design Review Board (Redacted).pdf

Mayor Schneider introduced the agenda item.

MOTION: I move to forward for approval with the July 14, 2020 Consent Agenda the recommended appointment of Bob Russell to Position 1, and the reappointment of Laurel Wilson to Position 2, to the Design Review Board as identified on the attached spreadsheet.

Deets/Nassar: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider
NOES: None
ABSENT: None
ABSTAIN: None

12.K Appointments to the Planning Commission - Mayor Schneider [PULLED FROM CONSENT AGENDA]

Planning Commission (Recommended Appointments).pdf
Blossom - Planning Commission (Redacted).pdf
Dykeman - Planning Commission (Redacted).pdf
Gardiner - Planning Commission (Redacted).pdf
Marshall - Planning Commission (Redacted).pdf
McCormick Osmond - Planning Commission (Redacted).pdf
Weise - Planning Commission (Redacted).pdf

Deputy Mayor Nassar proposed that Ashley Mathews be appointed to Position 2 on the Planning Commission in place of Sarah Blossom. Council discussed the appointment.

MOTION: I move that we appoint Kimberly McCormick Osmond to position 1 and Ashley Matthews to position 2 of the Planning Commission.

Nassar/Medina: The motion carried 6-1 with the amendment below incorporated.

AYES: Carr, Medina, Nassar, Pollock, Schneider, Deets
NOES: Hytopoulos
ABSENT: None
ABSTAIN: None

Mayor Schneider stated that she would support the motion if the appointment was forwarded to the next meeting to allow for more than one-touch and public comment.

AMENDMENT: A friendly amendment was made to amend the motion to forward the item to the June 30, 2020 Council meeting for approval.

Nassar/Deets: The amendment carried 6-1.

AYES: Carr, Medina, Nassar, Pollock, Schneider, Deets

NOES: Hytopoulos

ABSENT: None

ABSTAIN: None

12.1 Staffing Request for COVID-19 Response – Executive [PULLED FROM CONSENT AGENDA]

[Cover Page](#)

[Exec_Staffing_Request_for_Temporary_position_for CC 06092020](#)

Councilmember Carr requested additional funding information on the staffing request, and City Manager Smith responded to her questions.

MOTION: I move to approve the staffing request for COVID-19 response.

Medina/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

12) CONSENT AGENDA

12.A Agenda Bill for Consent Agenda

[Cover Page](#)

12.B Accounts Payable and Payroll

[Cover Page](#)

[AP Report to Council of Cash Disbursements 06-24-20.pdf](#)

[Payroll.pdf](#)

Payroll: normal direct deposit check sequence 48173 – 48303 = \$ 332,058.60; regular payroll check number 109383 – 109384 = \$3,354.54; vendor check run sequence 109385 – 109392 = \$125,462.29; Federal Tax Electronic Funds Transfer = \$ 125,309.89; ACH = \$237.50. Total disbursement = \$734,038.94.

Accounts Payable: check number 353807 from previous run = \$24,721.73; manual check number sequence 353808 – 353811 = \$70,246.66; regular check number sequence 353813 – 353918 = \$365,133.73. retainage 190 – 193 = \$27,818.28; Total disbursement = \$586,422.82.

12.C City Council Study Session Minutes, June 2, 2020

[Cover Page](#)

[City Council Study Session Minutes June 2, 2020.pdf](#)

12.D City Council Regular Business Meeting Minutes, June 9, 2020

[Cover Page](#)

[City Council Regular Business Meeting Minutes June 9, 2020.pdf](#)

12.E Annual Road Striping Contract - Public Works

[Cover Page](#)

[2020 Road Striping Contract](#)

[Road Marking List_Attachment D.xlsx](#)

[Bid Form.doc](#)

12.F Amendment No. 1 to Water & Sewer Telemetry Upgrade Professional Services Agreement - Public Works

[Cover Page](#)

[Amendment No. 1 to Water & Sewer Telemetry Upgrade Professional Services Agreement](#)

[Water & Sewer Telemetry Upgrade Professional Services Agreement \(Executed July 26, 2019\)](#)

12.G 2020 Asphalt Repair Project - Public Works

[Cover Page](#)

[2020 Asphalt Repair Project Bid Form](#)

[2020 Asphalt Repair Project Contract](#)

[2020 Asphalt Repair Map \(1\).pdf](#)

12.H 2020 Kitsap Regional Coordinating Council (KRCC) ILA Amendment - Executive

[Cover Page](#)

[KRCC ILA - 2020 Proposed Amendment - Clean](#)

[KRCC ILA 2020 Amendment - Redline](#)

12.J Affirm Council Priorities from March 6, 2020 Retreat - Mayor Schneider

[Cover Page](#)

[2020_City_Council_Priorities_June Revision.docx](#)

[2021-2022_Council_Budget_Priorities - DRAFT.pdf](#)

Councilmember Deets moved and Councilmember Pollock seconded to approve the Consent Agenda, as modified. The motion was approved unanimously, 7-0.

13) COMMITTEE REPORTS

There were no committee reports.

14) FOR THE GOOD OF THE ORDER

There were no comments for the good of the order.

15) ADJOURNMENT

Mayor Schneider adjourned the meeting at 11:41 p.m.

Leslie Schneider, Mayor

Christine Brown, CMC, City Clerk



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME:

AGENDA ITEM: Special City Council Meeting Minutes, June 30, 2020

SUMMARY: Consider approval of meeting minutes.

AGENDA CATEGORY: Minutes

PROPOSED BY: Executive

RECOMMENDED MOTION: Approve with Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[Special City Council Meeting June 30, 2020.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

SPECIAL CITY COUNCIL MEETING
TUESDAY, JUNE 30, 2020

MEETING MINUTES

1) [CALL TO ORDER/ROLL CALL](#)

Mayor Schneider called the remote meeting to order at 6:00 p.m. on the Zoom webinar platform.

Mayor Schneider, Deputy Mayor Nassar, and Councilmembers Carr, Deets, Hytopoulos, Medina and participated in the remote meeting. Councilmember Pollock joined the meeting at 6:15 p.m.

2) [APPROVAL OF AGENDA/CONFLICT OF INTEREST DISCLOSURE](#)

Councilmember Hytopoulos moved and Councilmember Deets seconded to approve the agenda as published. The motion was approved unanimously, 6-0, with Councilmember Pollock absent. There were no conflicts of interest disclosed.

3) [PUBLIC COMMENT](#)

3.A Instructions for Providing Public Comment in Remote Meetings - City Clerk

[Cover Page](#)

[Instructions for Providing Public Comment at Remote Meetings.docx](#)

Cynthia Bellas commented on race equity and the Planning Commission appointment.

Ashley Mathews commented on the appointment to the Planning Commission.

Scott Hamilton spoke regarding the process of appointing Planning Commissioners.

Ron Peltier spoke regarding appointments to the Planning Commission.

Savannah Rovelstad spoke regarding race equity.

Sal deRosalia spoke on the appointment to the Planning Commission.

Lisa Neal spoke on the Planning Commission appointment process.

4) [MAYOR'S REPORT](#)

There was no Mayor's Report.

5) FUTURE COUNCIL AGENDAS

5.A Future Council Agendas

[Cover Page](#)

[July 7 City Council Study Session.pdf](#)

[July 14 City Council Regular Business Meeting.pdf](#)

[July 21 City Council Study Session.pdf](#)

[July 28 City Council Regular Business Meeting.pdf](#)

City Manager Smith reviewed future Council agendas with Council. Deputy Mayor Nassar requested and Mayor Schneider seconded the addition of a discussion on noticing for special City Council meetings. Council concurred. Deputy Mayor Nassar requested and Councilmember Deets seconded to add a discussion on the process for adding items to task force or committee agendas. Council concurred. Deputy Mayor Nassar requested to add a discussion on the process for evaluating applicants to the Planning Commission, and Council concurred. Council agreed to cancel the July 21, 2020 meeting due to Council absences. Councilmember Deets noted that he is stepping down as liaison to the Race Equity Task Force.

6) NEW BUSINESS

6.A Monthly Update on 2020 Revenue and Expenses Forecasts - Executive

[Cover Page](#)

[Financial Presentation June Update for CC 06302020](#)

City Manager Smith provided a presentation with the monthly update on 2020 revenue and expense forecasts.

6.B Ordinance No. 2020-14 Relating to 2020 1st Quarter Budget and Updated Capital Improvement Plan Amendments - Finance

[Cover Page](#)

[2020 1st QTR BUA Transmittal Memo_Final.docx](#)

[ORD 2020-14 2020 1st QTR Budget and CIP Amendments.docx](#)

[Exhibit A to Ord_2020-14 - Q1_Budget_Amendments.pdf](#)

Finance Director Pitts introduced the agenda item.

MOTION: I move to forward for approval with the Consent Agenda on July 14, 2020, Ordinance No. 2020-14 and the accompanying Exhibit A, amending the City's 2020 modified budget and the related 2019-2024 update to the Capital Improvement Plan.

Nassar/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

6.C Cost Allocation Methodology Overview for Budget Preparation - Finance

[Cover Page](#)

[Cost Allocation Presentation CC 063020.pptx](#)

[Cost allocation Plan 2021 - 2022.pdf](#)

Budget Manager Dunscombe provided a presentation on cost allocation methodology and addressed Council's questions.

MOTION: I move to forward for approval with the July 14, 2020 Consent Agenda the cost allocation methodology as described in the Cost Allocation Manual as provided with this agenda item.

Deets/Carr: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

**7.A Feedback on Governor's Order Related to Face Coverings - Councilmembers
Hytopoulos, Pollock, Carr [MOVED]
Cover Page**

Due to a technical issue with the presentation materials for Item 6.D, this item was moved up. Councilmember Hytopoulos introduced the agenda item, and Council discussed the Governor's order, valve masks, and enforcement.

6.D Resolution No. 2020-08, Updating City Financial and Budget Policies - Finance

Cover Page

Financial Policies Presentation for CC 06302020.pdf

2020 Financial and Budget Policies Memo - Summary of changes.docx

Resolution No. 2020-08 Establishing Financial and Budget Policies.docx

Resolution No. 2019-24 Updating the City's Procurement Policy Approved 100819.pdf

RES 2016-20 Adopting a Municipal Securities Disclosure Policy Approved 082316.pdf

Resolution No. 2016-18 Amending Resolution No. 2009-02 Surplus Property Approved 082316.pdf

RES 93-52 - Investment Policy.pdf

Finance Director Pitts provided a presentation on updates to the City's financial and budget policies. Council discussed the resolution and expressed a desire to retain the existing general fund reserve policy language that requires the general fund reserve be maintained at 25% of revenues.

MOTION: I move to forward to Unfinished Business on July 14, 2020, Resolution No. 2020-08 amending and updating the City's financial and budget policies as presented.

Medina/Deets: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

6.E Resolution No. 2020-09, Updating the City's Debt Policy - Finance

Cover Page

Resolution No. 2020-09 - Updating the City Debt Policy

RES 2008-14 - Debt Policy.pdf

Exhibit A to Resolution No. 2020-09 - COBI Debt Policy.docx

Finance Director Pitts introduced the agenda item.

MOTION: I move to forward Resolution No. 2020-09 for approval with the July 14, 2020 Consent Agenda.

Hytopoulos/Medina: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

6.F Resolution No. 2020-11, Establishing Equipment Rental and Revolving Fund Policy - Finance

[Cover Page](#)

[Resolution No 2020-11 Establishing Equipment Rental and Revolving Fund Policy.docx](#)

[Exhibit A to Resolution No 2020-11 Equipment Rental and Revolving Policy.docx](#)

[Ord_2004-20_Approved.pdf](#)

[Ordinance No. 2017-09 Equipment Rental Fund Update Approved 050917.pdf](#)

Finance Director Pitts introduced the agenda item.

MOTION: I move to forward for approval with the Consent Agenda on July 14, 2020, Resolution No. 2020-11 establishing the City's Equipment Rental and Revolving Fund Policy as presented.

Nassar/Medina: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

6.G Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant Briefing and Grant Acceptance - Finance

[Cover Page](#)

[CARES Briefing Presentation for CC 06302020](#)

Finance Director Pitts provided a presentation on the CARES Act funding.

Council discussed the agenda item and approved staff's recommendation to allot \$475,000 for the City's expenditures and \$260,000 for the Park District, community partners, and business community.

MOTION: I move to accept and ratify the Federal Coronavirus Aid, Relief, and Economic Security Act grant from the Washington State Department of Commerce in the amount of \$735,600 as executed by the Acting City Manager on June 2, 2020.

Deets/Nassar: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

Mayor Schneider adjourned the meeting for a break at 8:57 p.m. and reconvened the meeting at 9:06 p.m.

7) CITY COUNCIL DISCUSSION

7.B Consideration of Revisions to the City's Code of Conduct and Ethics Program

[Cover Page](#)

[Redlined Copy KH Proposed Revisions to Res No. 2019-26 Updating the City's Ethics Program](#)

[Approved 112619 - For 6-30-2020 CM](#)

[Clean Copy KH Proposed Revisions to Res No. 2019-26 Updating the City's Ethics Program](#)

[Approved 112619 - For 6-30-2020 CM](#)

Councilmember Hytopoulos introduced the agenda item, and Council discussed the revised program.

MOTION: I move that we ask the City Attorney, Deputy City Attorney to come back with a final version of what you have been presented with today with minor formatting, etc. that needs to be done.

Hytopoulos/Medina: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

7.C Appointments to the Planning Commission - Mayor Schneider

[Cover Page](#)

[Planning Commission \(Recommended Appointments\).pdf](#)

[Blossom - Planning Commission \(Redacted\).pdf](#)

[Dykeman - Planning Commission \(Redacted\).pdf](#)

[Gardiner - Planning Commission \(Redacted\).pdf](#)

[Marshall - Planning Commission \(Redacted\).pdf](#)

[McCormick Osmond - Planning Commission \(Redacted\).pdf](#)

[Weise - Planning Commission \(Redacted\).pdf](#)

Mayor Schneider introduced the agenda item. She announced that with the resignation of Planning Commissioner Doman, there is an additional vacancy to fill.

MOTION: I move to reappoint Kim McCormick Osmond to a new term for Position 1 of the Planning Commission and for the Council to confirm that appointment.

Schneider/Medina: The motion carried unanimously, 7 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Pollock, Schneider

NOES: None

ABSENT: None

ABSTAIN: None

Council discussed the Position 2 appointment.

MOTION: I move to appoint Sarah Blossom to Position 2 of the Planning Commission and for the Council to confirm that appointment.

Schneider/Hytopoulos: The motion carried, 4 – 3.

AYES: Carr, Hytopoulos, Medina, Schneider
NOES: Deets, Nassar, Pollock
ABSENT: None
ABSTAIN: None

8) FOR THE GOOD OF THE ORDER

Council discussed the vacant Planning Commission position.

Mayor Schneider indicated that she would be signing a letter to the City of Bremerton regarding race equity, and no Councilmembers objected to her doing so.

Councilmember Carr will replace Councilmember Deets as liaison to the Sustainable Transportation Task Force.

9) ADJOURNMENT

Mayor Schneider adjourned the meeting at 11:38 p.m.

Leslie Schneider, Mayor

Christine Brown, CMC, City Clerk



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Sportsman Club & New Brooklyn Intersection Improvements Supplemental Agreement No. 2 - Public Works,

SUMMARY: Supplemental Agreement No. 2 to the Consultant Agreement with Skillings Connolly Inc., is needed for the redesign of intersection improvements as approved at the May 26, 2020 Council meeting.

AGENDA CATEGORY: Contract

PROPOSED BY: Public Works

RECOMMENDED MOTION:
Approve with Consent Agenda.

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

FISCAL IMPACT:

Amount:	\$101,857.00
Ongoing Cost:	
One-Time Cost:	\$101,857.00
Included in Current Budget?	Yes

BACKGROUND: The Sportsman Club New Brooklyn Intersection Improvements project consists of narrowed vehicle lanes, sidewalk and multi-use paths, pedestrian connections, and widened shoulders.

Supplemental Agreement No. 2 to the Consultant Agreement is needed for additional redesign work. City Council approved the original Sportsman Club New Brooklyn Intersection Improvements Agreement at their May 8, 2018 meeting in the amount of \$49,157.73 and Supplemental Agreement No. 1 in the amount of \$318,416.46 on December 7, 2018. Upon approval of Supplement No. 2 in the amount of \$101,857.00, the revised contract amount will be \$456,822.00.

Under Section 9.0 of the City's Procurement Policy, City Council approval is required before the City Manager may execute an amendment to a professional services agreement that provides for a cost increase exceeding 10% of the original contract cost (or \$50,000, whichever is greater), and is within the approved budget.

ATTACHMENTS:

[Supplemental Agreement 2.pdf](#)

[Supp Agrmt 2 Exhibit A-2.pdf](#)

FISCAL DETAILS: The revised project budget of \$650,000 (\$450K grant; \$250k City) was approved by Council on May 19th and is part of the first quarter budget amendment scheduled for discussion on June 30th. This expenditure of \$101,857 will be made entirely from the City's portion of the budget \$250,000, leaving \$148,143 remaining.

Fund Name(s): Streets Fund

Coding:



Supplemental Agreement Number _____		Organization and Address	
Original Agreement Number		Phone:	
Project Number	Execution Date	Completion Date	
Project Title	New Maximum Amount Payable		
Description of Work			

The Local Agency of _____ desires to supplement the agreement entered in to with _____ and executed on _____ and identified as Agreement No. _____

All provisions in the basic agreement remain in effect except as expressly modified by this supplement. The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: _____

III

Section V, PAYMENT, shall be amended as follows:

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the Appropriate spaces below and return to this office for final action.

By: _____ By: _____

Consultant Signature

Approving Authority Signature

Date

Exhibit "A"
Summary of Payments

	Basic Agreement	Supplement No 1	Supplement No 2	Total Cost
Direct Salary Cost	\$ 12,689.89	\$ 235,253.84	\$ 88,485.41	\$ 336,429.14
Reimbursable Expenses	\$ 892.68	\$ 3,584.40	\$ 762.20	\$ 5,239.28
Subconsultants	\$ 35,575.36	\$ 79,578.22	\$ -	\$ 115,153.58
Total	\$ 49,157.93	\$ 318,416.46	\$ 89,247.61	\$ 456,822.00

EXHIBIT A-2
SCOPE OF WORK
SUPPLEMENTAL AGREEMENT NO. 2
CITY OF BAINBRIDGE ISLAND
NE SPORTSMAN CLUB & NE NEW BROOKLYN
STOP CONTROLLED INTERSECTION IMPROVEMENTS
June 9, 2020

INTRODUCTION

Skillings Inc., (CONSULTANT) has been selected by the City of Bainbridge Island (CITY) to continue to provide engineering and permitting professional services for the intersection improvements at NE Sportsman Club & NE New Brooklyn Road on Bainbridge Island.

The previous improvements to the intersection were proposed to be a roundabout of which significant design and coordination work was completed prior to the stop work order on the roundabout design. The new improvements will be a stop-controlled intersection. There is work that has been completed that will be applicable to the current proposed improvements. The following is an update of these services:

- Topographic survey is complete for the project and the current survey limits are within the proposed stop-controlled intersection footprint. This survey will be utilized for design.
- Geotechnical field investigation was completed and is applicable to the current design. We will have the Geotech (Aspect) finalize the geotechnical report under their current contract.
- Cultural resources Section 106 has been completed to a draft report; therefore, we will have Tierra update and finalize their report under the current contract.

PROPOSED IMPROVEMENTS

The work consists of engineering design in support of intersection improvements at NE Sportsman Club & NE New Brooklyn Road on Bainbridge Island. The project will relieve current congestion and provide long-term transportation network viability to ensure mobility for the town center by improving the intersection, sidewalks, and bike lanes at the intersection. A major component of this project is to enhance pedestrian and bicycle safety.

The Work will include full reconstruction of the intersection to provide a four way stop controlled intersection with a right turn slip lane for westbound to northbound traffic. Full reconstruction or overlay limits are as follows:

- 150 feet north and 70 feet south on Sportsman
- 85 feet west and 200 east on New Brooklyn.
- See Exhibit 1, Conceptual Design for approximate limits of full width roadway reconstruction or overlay.

The remaining improvements include construction of the following:

- Sportsman to the north - construction of a sidewalk from the intersection to the middle school property along the west side of the existing road.
- New Brooklyn to the east - construction of a sidewalk to Northtown Drive along the north side of the existing roadway.
- Sportsman to the south - construction of a 5- to 7-foot wide asphalt shoulder to extend 500' from the intersection along the west side of the existing roadway.
- New Brooklyn to the west - construction of a 5- to 7-foot wide asphalt shoulder to extend 500 feet from the intersection along the north side of the existing road.

- See Exhibit 1, Conceptual Design for notes stating the limits of the shoulder and sidewalk improvements.

Improvements will also include the following: full pavement reconstruction, sidewalk/bike lane construction, storm drainage conveyance systems, pavement marking, signing, street lighting at the intersection, sidewalk ramps/ADA, right turn island.

See attached Exhibit 1 for conceptual design of the intersection, received from Chris Munter on May 20th, 2020 via email. The scope of work presented is based upon this conceptual design.

Designing the intersection and preparing the construction documents (PS&E) will include the following:

- Project Management
- Geometric/Channelization plan submittal.
- 100% Final PS&E and supporting documentation.
- Finalize Geotechnical and Cultural Resources Documents
- Bid Support Services
- Construction Support Services.

This project is currently funded through a federal grant administered through the Washington State Department of Transportation (WSDOT) and local agency funds.

PROJECT ASSUMPTIONS:

This scope of work is based on the following general assumptions:

GENERAL ASSUMPTIONS

- This is a time and materials contract with a not to exceed maximum, without prior written authorization. The level of effort for various tasks are estimates and may vary. The contract will be managed to the contract maximum, not the task level budgets.
- All work to be completed to be designed in conformance with City of Bainbridge Island applicable Standards/Ordinances and WSDOT requirements including those in the Standard Specifications, Design Manual, and Local Agency Guidelines.
- Project limits for the Sportsman/Brooklyn intersection improvements will follow the descriptions as included in this scope of work and the attached:
 - Exhibit 1 Conceptual Design
- All plan sheets will be prepared in AutoCAD v.2018 format.
- All roadway design will be completed using Civil3D v.2018 software
- All word documents, excel spreadsheets, project schedules will be completed using CONSULTANT's latest version of Microsoft WORD, Microsoft Excel, and Microsoft Project.
- It is assumed that there are no contaminated soils within the project limits.

SUPPORT SERVICES ASSUMPTIONS

- No public outreach assistance or effort has been included in this scope of work.
- No additional right-of-way or easements are required. There is limited existing right-of-way at the northern corner of the intersection however the intent is to design the improvements to fit within the existing right-of-way. No right-of-way assistance or support services are included in this scope of work.
- A certified right-of-way map is not required for this project as no right-of-way acquisition will occur.

- Pothole data completed by APS during previous project phase can be utilized for design. Additional potholes are not anticipated to complete the design.
- No traffic analysis or modeling is included in this scope of work. The intersection design concept was approved by the Bainbridge City Council.
- No tree impact or tree survey reports or information will be required for this project.
- Assumes no additional survey work will be required to complete this project. If specific survey is required to address a design issue/need that was not within the original scope of work, this work will be addressed through a supplement.

ENVIRONMENTAL PERMITTING ASSUMPTIONS

- City will prepare and submit the NEPA and SEPA for the project.
- It is expected that this project will be exempt therefore the City has agreed that the previous BE study that was completed is adequate for this project and no updates to the original report will be required. Assumes no further environmental work will be required and if so, will be provided by the CITY.
- It is assumed that the previously completed APE during the roundabout phase is sufficient for this project. If modifications or re-approval of the APE are required by WSDOT, this work will be completed by the CITY.
- All environmental clearance work will be completed by the CITY.

DESIGN ASSUMPTIONS

- No irrigation systems or design are included in this scope of work.
- Landscaping design as shown on the plans will include grass areas. If plants are requested by the CITY to be placed in the landscaping areas, plant species, spacing, and specifics will be provided by the CITY for inclusion into the PS&E plans.
- No retaining wall design is included in this scope of work.
- Lighting design includes intersection lighting only (generally the limits of the full reconstruction of the intersection) and will accommodate industry standard light levels for safe vehicle and pedestrian operation. Assumes new light poles will be required to meet light level requirements.
- CITY will coordinate with all utilities for all required utility relocations or removals required for the project. CONSULTANT will not coordinate utility removal/relocations with any utility purveyor. CONSULTANT will only identify the utilities impacted and provide that information to the CITY.

BID PACKAGE, BIDDING, AND ADVERTISMENT ASSUMPTIONS

- The project will be developed as a single package. Bid alternates, bid additives, or subsequent repackaging of the project is not included in this scope of work.
- CITY will prepare advertisement for bid, distribute bidding documents to all potential bidders, and review bids received.
- CITY will prepare all required addenda and distribute through Builder Exchange to contractors.
- CITY will prepare and submit any wage rate adjustment documents required during bidding.

CONSTRUCTION SUPPORT

- Material inspection is not included in this scope of work, it will be addressed through an agreement between the CITY and the contractor.
- All field inspections will be completed by the CITY.

SCHEDULE ASSUMPTIONS

- Anticipated Notice to Proceed on 24th June 2020 with Final PS&E completed by November 15th. The project must be obligated by December 31, 2020.

DESIGN STANDARDS

Skillings Inc. (CONSULTANT) will perform services set forth in this AMENDED SCOPE OF WORK on behalf of the City of Bainbridge Island (CITY) using procedures specified by the CITY and in compliance with the standards and requirements set forth in the following procedures, regulations and most current (at the time of execution of this agreement) adopted manuals which by reference, are made a part of this Agreement.

Current (as of the date of execution of the agreement) versions of the following publications and manuals will be applicable when specifically cited in the City of Bainbridge Island Road Standards or when required by state or federal funding authorities:

- Washington State Department of Transportation/American Public Works Association (WSDOT), Standard Specifications for Road, Bridge, and Municipal Construction (M41- 10), 2018 edition, as amended
- Local Agency General Special Provisions
- WSDOT/APWA, Standard Plans for Road, Bridge, and Municipal Construction, (M21-01)
- Materials Laboratory Outline
- Construction Manual
- Local Agency Guidelines Manual
- Design Manual (M22-01)
- Hydraulics Manual (M23-03)
- Highway Runoff Manual (M31-16)
- Right of Way Manual
- General Special Provisions
- Traffic Manual (M51-02)
- AASHTO (A Policy on Geometric Design of Highways and Streets)
- City of Bainbridge Island Engineering Design and Development Standards (including standard plans)
- MUTCD as revised by Washington State
- WSDOT Plans Preparation Manual

DOCUMENTS TO BE PROVIDED BY CITY OF BAINBRIDGE ISLAND

It is agreed that the CITY will provide the following documents and/or data if available:

- Roadway and utility as-built drawings

WORK ELEMENTS

Task 10 – PROJECT MANAGEMENT

This task includes CONSULTANT management of staff and Subconsultants, invoices and progress reporting, progress meetings, internal QA/QC, and internal staff team progress meetings.

Assumptions:

- The Project Schedule will be in Microsoft project.
- Meetings will be by phone or MS Teams video conferencing unless otherwise stated.

Tasks:

1. Develop a Project Schedule for the completion of the one hundred percent (100%) PS&E documents.
2. Schedule, prepare for, and take part in four (4) telephone conference calls with the City.
3. Schedule, prepare for, and take part in three (3) video conference calls with the City.

4. Provide quality control and in-house coordination.
5. CONSULTANT will manage Subconsultants (final completion of the Cultural Resource and Geotech reports).
6. CONSULTANT will prepare monthly billings with progress reports and include monthly Earned Value reports.

Deliverables:

- Project Schedule (pdf format) and updates if necessary.
- Monthly invoices, with status reports and earned value reports.
- Meeting Minutes (via email)

Task 20 –Utilities Coordination
--

There are several existing utilities within the project limits, that may be affected by the reconstruction of the intersection.

Assumptions:

- CITY will coordinate with all utilities for all required utility relocations or removals required for the project.
- CONSULTANT will not coordinate utility removal/relocations with any utility purveyor.
- CONSULTANT will only identify the utilities impacted and provide that information to the CITY.
- Pothole data completed by APS during previous project phase can be utilized for design to assess potential impacts. Additional potholes are not anticipated to complete the design.

Tasks:

1. CONSULTANT to provide information to the CITY showing the location of utilities impacts by the project.

Deliverables:

- Plans with utility conflicts noted to CITY (utility removal/relocation plans).

Task 30 – Geometric/Channelization Plans

This effort will include preparing the geometric and channelization plans for the project. Work will also include evaluation of the 2-foot buffer strip along the proposed shoulders described in the following.

Assumptions:

- Project limits and improvements will be based upon the CITY provided exhibit included as “Exhibit 1 Conceptual Design” and attached to this proposal.
- The intent of the Geometric/Channelization plan submittal task is to gain approval of the roadway geometrics and channelization prior to moving the plans to 100% PS&E.
- City will provide one set of comments on the geometric/channelization plans submittal.
- It is assumed that this submittal will include four (4) roadway geometric plans sheets and one (1) channelization plan.
- No vertical profiles or grading will be provided.

Tasks:

1. Prepare the roadway geometric plans.
2. Prepare the roadway channelization plans.
3. Evaluate bike shoulders along west and south legs of the intersection:
 - a. Evaluate increasing shoulder width from the proposed 5-foot wide asphalt shoulder to a 7-foot wide shoulder (5-foot asphalt with 2-foot striped buffer). This includes installation of flexible barriers in buffer.
 - b. Determine if there are any right-of-way impacts to this proposal.
 - c. Determine if there are any cost-prohibitive improvements associated with this proposal.
 - d. Discuss findings with the CITY.
 - e. Update geometric plans with widened shoulders if CITY approves concept.
4. Submit the roadway/channelization plans to the CITY.

Deliverables:

- One (1) half size plans and one (1) electronic set of the Roadway Geometric/Channelization Plans.

Task 40– Final Plans, Specifications, and Estimate (100% PS&E)

This effort will include advancing the geometric/channelization plans to complete 100% final PS&E.

Assumptions:

- CITY has reviewed the geometric/channelization plans and has provided one-set of CITY comments and provided direction to the CONSULTANT.
- CITY will provide their “boiler plate” format for bid package
- CONSULTANT will supply the bid proposal form for the bid package.
- CONSULTANT will provide only one update to any portion of the 100% PS&E package after the initial submittal of the 100% PS&E to the CITY.
- An Engineer’s Estimate for the Probable Cost to Construct will be prepared that lists all of the project bid items, showing contract item number, unit of measurement, estimated unit price, estimated quantity, and total estimated cost for each.
 - The total project cost will be shown on this estimate.
 - This estimate will be used as the basis of review for the lowest responsive responsible bidder.
- Engineer’s Estimate of Probable Costs to Construct will be prepared using WSDOT Unit Bid Price format.
- Stormwater design will be per the Department of Ecology’s *Stormwater Manual for Western Washington and BIMC*.
- Assumes no water quality or quantity facilities will be required for this project. It is expected that the increase in impervious area for the project will be less than 50% of the existing impervious areas therefore minimum requirements #6 through #9 will not apply. Assumes stormwater requirements #1 through #5 will be applicable.
- Contractor will apply and submit for the Notice of Intent (NOI) for coverage under Construction Stormwater General Permit (CSWGP) via Ecology’s NOI process using the on-line application portal
- Special provisions will be prepared utilizing WSDOT specifications format.
- Lighting design includes intersection lighting only (generally the limits of the full reconstruction of the intersection) and will accommodate industry standard light levels for safe vehicle and pedestrian operation. Assumes new light poles will be required to meet light level requirements.

- Landscaping design as shown on the plans will include grass areas. If plants are requested by the CITY to be placed in the landscaping areas, plant species, spacing, and specifics will be provided by the CITY for inclusion into the PS&E plans.

Tasks:

1. Respond to CITY comments on Geometric/Channelization plan submittal.
2. Complete Basis of Design Memo: The CONSULTANT shall prepare a basis of design Memo summarizing key design elements and decisions for the intersection of NE New Brooklyn Rd and Sportsman Club Rd NE.
3. Stormwater Analysis:
 - a. Determine threshold discharge areas (TDA) and prepare maps of TDA.
 - b. Determine the design storm and runoff volume.
 - c. Calculate area of new impervious and replaced hard surfaces.
 - d. Prepare final stormwater site plan.
 - e. Prepare and apply for coverage under Statewide General Stormwater Construction Permit via on-line application portal.
 - f. Prepare stormwater conveyance calculations and sizing.
 - g. Prepare final stormwater analysis memo.
 - h. Prepare final SWPPP
4. Inclusion of landscaping details provided by the City into final plans. See assumptions above.
5. Finalize details of pedestrian/bike access routes and ADA compliance.
6. Prepare final lighting design utilizing AGI 32 lighting design software.
7. Complete specifications package.
 - a. WSDOT Amendments and GSP “run list” and fill-ins.
 - b. Special Provisions.
 - c. Required Federal-aid documents.
 - d. State and Federal prevailing wage documents.
8. Final quantities and complete quantity calculations notebook
9. Final Engineer’s Estimate of Probable Costs to Construct.
10. Complete the following 100% plan sheets:

Plan Sheet	100% Submittal
Cover with Vicinity Map and Index	1
Construction Notes/Information	1
Horizontal Control and Right-of-Way Plan	1
Demolition, Utility Removal/Relocation Plans	2
TESC Plans	1
TESC Details	2
Roadway/Storm Plan and Profile Sheets	4
Typical Roadway Sections	1
Intersection Details	2
Roadway Details	2
Sidewalk Ramp Details	2
Illumination Plans	1
Illumination Details	1
Signing and Pavement Marking Plans	1
Signing Specifications	1
Signing and Pavement Marking Details	1
Temporary Traffic Control Plans	2

Plan Sheet	100% Submittal
Detour Plan	1

11. QA/QC and Constructability review by our experienced construction inspectors.
12. Review PS&E and deliverables with CITY via video conference call.
13. Submit 100% PS&E package and items noted as “Deliverables” below to the CITY for review.
14. Address CITY and WSDOT comments on 100% PS&E and deliverables. Assumes one set of review comments from the CITY and WSDOT.
15. Submit final PS&E package and supporting documentation (see Deliverables below).

Deliverables:

- Basis of Design Memo
- Final Stormwater Memo.
- Final SWPPP.
- Draft General Stormwater Construction Permit coverage application
- Final Quantities Notebook
- 100% Engineer’s Estimate of Probable Cost to Construct
- Final GSP’s and draft special provisions
- One (1) half size plans and one (1) electronic set of 100% PS&E to CITY for review.
- After WSDOT and CITY review, 2 half size plans package of Final Bid Package (100%PS&E) (pdfs, CAD files, Word files (.docx), and Estimate in Excel.)

Task 50 – BID SUPPORT SERVICES

CONSULTANT will assist the CITY during the bidding phase as noted.

Assumptions:

The CITY will:

- Prepare Advertisement for Bids.
- Advertise the project.
- Provide Bid Documents to Builders Exchange for distribution.
- Prepare any bid addenda documents and provide to Builders Exchange for distribution
- Host the bid opening.
- Prepare bid tabulation.
- Prepare notice of award.

The CONSULTANT will:

- Provide on-call assistance only to answer CITY questions.
- Not Attend Bid Opening
- Not Review Bid Tabulation.

Tasks:

1. CONSULTANT will provide assistance answering questions provided by the CITY per the work hours noted.

Task 60 – CONSTRUCTION SUPPORT

CONSULTANT will assist the CITY during the construction phase as noted.

Assumptions:

- Material inspection is not included in this scope of work, it will be addressed through an agreement between the CITY and the contractor.
- All field inspections and construction documentation will be completed by the CITY.
- Construction support services are limited to the tasks noted and the work hours estimated. If additional services are requested by the CITY, the additional work will be addressed as a supplement to the contract.

Tasks:

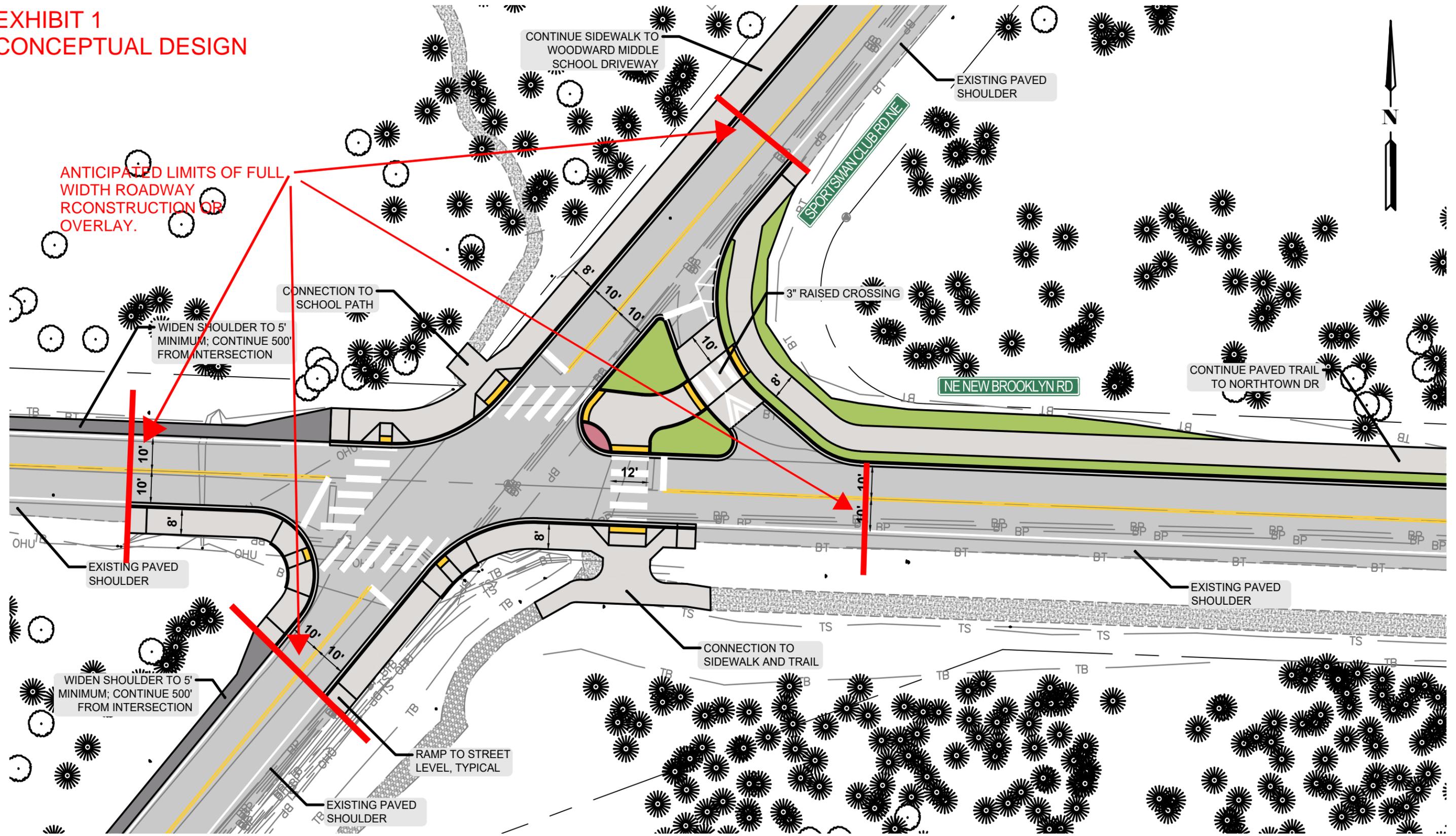
1. Review contractor schedule one (1) time, estimated at 1 hour.
2. Response to RFI's up to 20 hours.
3. Review material submittals up to 5 hours.

Deliverables:

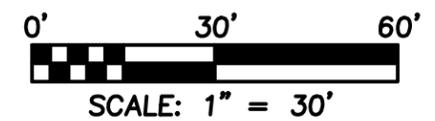
- Contractor schedule comments to CITY via email.
- RFI responses as noted.
- Material submittal review comments via email.

END SCOPE OF WORK

**EXHIBIT 1
CONCEPTUAL DESIGN**



SPORTSMAN CLUB RD & NEW BROOKLYN RD INTERSECTION IMPROVEMENTS
PROPOSED ALTERNATE
3/27/2020



PRELIMINARY CONCEPT - NOT FOR CONSTRUCTION

**EXHIBIT B-1
CONSULTANT COST COMPUTATION - MAN-HOURS**

PROJECT NO. 17248 SUPPLEMENTAL AGREEMENT NO. 2 CITY OF BAINBRIDGE ISLAND NE SPORTSMAN CLUB & NE NEW BROOKLYN STOP CONTROLLED INTERSECTION IMPROVEMENTS		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	PROJECT ENGINEER	ENGINEER	TECHNICIAN	INSPECTOR	PROJECT ADMINISTRATOR
TASK #	TASK DESCRIPTION							
ADJUSTED FOR RESCOPE FOR CHRIS M 6-9-20								
10 PROJECT MANAGEMENT								
1	Develop a Project Schedule for the completion of the 100% PS&E documents. (ONE TIME)		3					1
2	Schedule, prepare for, and take part in four (4) telephone conference calls with the City.	1	2					
3	Schedule, prepare for, and take part in three (3) video conference calls with the City.		3	3				
4	Provide quality control and in-house coordination.	2	4					
5	Consultant will manage Subconsultants (final completion of the Cultural Resource and Geotech Reports.		4					
6	Consultant will prepare monthly billings with progress reports and include monthly Earned Value reports.	1	4					7
20 UTILITIES COORDINATION								
1	Consultant to provide information to the City showing the location of utilities impacts by the project.			2				
30 GEOMETRIC/CHANNELIZATION PLANS								
1	Prepare Roadway Geometric Plans		4	4	16	24		
2	Prepare Roadway Channelization Plans		1					
3	Evaluate bike shoulders along west and south legs of the intersection.		2					
a	Evaluate increasing shoulder width from the proposed 5-foot wide asphalt shoulder to a 7-foot wide shoulder (5-foot asphalt with 2-foot striped buffer). This includes installation of flexible barriers in buffer.			4				
b	Determine if there are any right-of-way impacts to this proposal.			1				
c	Determine if there are any cost-prohibitive improvements associated with this proposal.			2				
d	Discuss findings with the City.							
e	Update geometric plans with widened shoulders if City approves concept.			6		8		
4	Submit Roadway Geometric and Channelization Plans to the City		1	1				
40 FINAL PLANS, SPECIFICATIONS, AND ESTIMATE (100% PS&E)								
1	Respond to City comments on Geometric/Channelization plan submittal.	1	1	4		8		

PROJECT NO. 17248 SUPPLEMENTAL AGREEMENT NO. 2 CITY OF BAINBRIDGE ISLAND NE SPORTSMAN CLUB & NE NEW BROOKLYN STOP CONTROLLED INTERSECTION IMPROVEMENTS ADJUSTED FOR RESCOPE FOR CHRIS M 6-9-20		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	PROJECT ENGINEER	ENGINEER	TECHNICIAN	INSPECTOR	PROJECT ADMINISTRATOR
TASK #	TASK DESCRIPTION							
2	Complete Basis of Design Memo summarizing key design elements and decisions for the intersection of NE Brooklyn Rd. and Sportsman Club Rd. NE		1	4				
3	Stormwater Analysis		2					
a	Determine Threshold Discharge Areas (TDA) and prepare maps of TDA.			1		1		
b	Determine the design storm and runoff volume.			1				
c	Calculate area of new impervious and replaced hard surfaces.			1		1		
d	Prepare Stormwater Site plan.			2		4		
e	Prepare and apply for coverage under Statewide General Stormwater Construction Permit via online application portal.			2				
f	Prepare stormwater conveyance calculations and sizing.			4				
g	Prepare final stormwater analysis memo		1	4				
h	Prepare final SWPPP		1	4				
4	Inclusion of landscaping details provided by the City into final plans. See Assumptions in Scope of Work.			1		2		
5	Finalize details of pedestrian/bike access routes and ADA compliance.		1	2	4	2		
6	Prepare final lighting design utilizing AGI 32 lighting design software.		1	2	4			
7	Complete Specifications package:		4					
a	WSDOT Amendments and GSP "run list" and fill-ins.			4	8			
b	Special Provisions.			4	8			
c	Required Federal-aid documents.			1	1			
d	State and Federal prevailing wage documents.				2			
8	Final quantities and complete quantity calculations notebook.			8	16			
9	Final Engineer's Estimate of Probable Cost		1	8	16			
10	Complete the following 100% plan sheets.		19	30	80	160		
a	Cover Vicinity Map and Index-1 sheet.							
b	Construction Notes/Information-1 sheet.							
c	Horizontal and Right of Way Plan - 1 sheet.							
d	Demolition, Utility Removal/Relocations Plans - 2 sheets.							
e	TEST Plans - 1 sheet.							
f	TESC Details - 2 sheets.							
g	Roadway/Storm Plan and Profile Sheets - 4 sheets.							

PROJECT NO. 17248 SUPPLEMENTAL AGREEMENT NO. 2 CITY OF BAINBRIDGE ISLAND NE SPORTSMAN CLUB & NE NEW BROOKLYN STOP CONTROLLED INTERSECTION IMPROVEMENTS ADJUSTED FOR RESCOPE FOR CHRIS M 6-9-20		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	PROJECT ENGINEER	ENGINEER	TECHNICIAN	INSPECTOR	PROJECT ADMINISTRATOR
TASK #	TASK DESCRIPTION							
h	Typical Roadway Sections - 1 sheet.							
i	Intersection Details - 2 sheet.							
j	Roadway Details - 2 sheets.							
k	Sidewalk Ramp Details - 2 sheets.							
l	Illumination Plans - 1 sheet.							
m	Illumination Details - 1 sheet.							
n	Signing and Pavement Marking plans. - 1 sheet.							
o	Signing Specifications - 1 sheet.							
p	Signing and Pavement Marking Details - 1 sheet.							
q	Temporary Traffic Control Plans - 2 sheets.							
r	Detour Plan - 1 sheet.							
11	QA/QC and Constructability Review by our experience construction inspectors.	2	1	12		4	2	
12	Review PS&E and deliverables with City via video conference call.		2	2				
13	Submit 100% PS&E to City for review.		1	2				
14	Address City and WSDOT comments on 100% PS&E submittal		1	8	16	16		
15	Submit final PS&E and supporting documentation		1	3				
50	BID SUPPORT SERVICES							
1	Consultant will provide assistance answering questions from the City.			4				
60	CONSTRUCTION SUPPORT							
1	Review contractor schedule one time.		1					
2	Responses to RFI's up to 20 hours.		4	16				
3	Review material submittals up to 5 hours.		1	4				
	HOURS PER DISCIPLINE	7	72	161	171	230	2	8

**EXHIBIT B-2
CONSULTANT COST COMPUTATION – SUMMARY**

NEGOTIATED HOURLY RATE (NHR):					
<u>Classification</u>	<u>Man Hours</u>	<u>X</u>	<u>Rate</u>	<u>=</u>	<u>Cost</u>
PRINCIPAL-IN-CHARGE	7	x	\$258.47	=	\$1,809.26
SENIOR PROJECT MANAGER	72	x	\$198.57	=	\$14,296.83
PROJECT ENGINEER	161	x	\$211.70	=	\$34,082.97
ENGINEER	171	x	\$131.28	=	\$22,449.56
TECHNICIAN	230	x	\$118.16	=	\$27,175.79
INSPECTOR	2	x	\$128.00	=	\$256.00
PROJECT ADMINISTRATOR	8	x	\$128.00	=	\$1,024.02
Total Hours =	651				Total NHR = \$101,094.42
REIMBURSABLES:					
Mileage	656	x	\$0.575	=	\$377.20
Miscellaneous Expenses	\$350.00	x	10%	=	\$385.00
					Total Expenses= \$762.20
SUBCONSULTANT COST (See Exhibit E):					
					Total Subconsultants = \$0.00
SUB-TOTAL (NHR + REIMBURSABLES + SUBCONSULTANTS):					
					Sub Total = \$101,856.62
MANAGEMENT RESERVE FUND:					
	SUB TOTAL =	\$101,856.62	x	=	MRF = \$0.00
GRAND TOTAL					
					GRAND TOTAL= \$101,857
<p>PREPARED BY: <u>Bill Lindauer, PE</u> DATE: <u>06/09/2020</u></p> <p>REVIEWED BY: <u>Thomas E. Skillings, PE</u> DATE: <u>06/09/2020</u></p>					

EXHIBIT B-3
CONSULTANT COST COMPUTATION – EXPENSES

Item	Description	Basis	Quantity	Rate	Total
1	Telephone	Month			\$0.00
2	Auto Rental	Each			\$0.00
3	Lodging	Day			\$0.00
4	Per Diem-Meal	Day			\$0.00
5	Photo Copies - Blk & White	Each		\$0.10	\$0.00
6	Photo Copies - Color	Each		\$0.35	\$0.00
7	Half Sized Prints	Each		\$0.50	\$0.00
8	Full Sized Prints	Each		\$6.00	\$0.00
9	Postage	Month			\$0.00
10	Shipping	Month			\$0.00
11	FAXs	Each			\$0.00
12	Miscellaneous Project Costs	Month	7	\$50.00	\$350.00
13	Miscellaneous Survey Costs	Estimated			\$0.00
14	Traffic Control	Estimated			\$0.00
	Total Miscellaneous Expenses				\$350.00
	Mileage	Per Mile	656	0.575	\$377.20
	Total Expenses				\$727.20
Assumptions					
1	Telephone	Estimated			
2	Auto Rental	Estimated trips			
3	Mileage	Estimated miles			
4	Lodging				
5	Per Diem-Meal				
6	Photo Copies - Blk & White	Estimated			
7	Photo Copies - Colored	Estimated			
8	Half Sized Prints				
9	Full Sized Prints				
10	Postage	Estimated			
11	Shipping	Estimated			
12	FAXs	Estimated			
13	Miscellaneous Project Costs	Estimated			
14	Miscellaneous Survey Costs	Estimated			
15	Purchase Order	Estimated			
Prepared by: Bill Lindauer, PE		June 9, 2020			



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Appointments to the Design Review Board - Mayor Schneider,

SUMMARY: A call for participation was issued for volunteers to serve on the Design Review Board. This agenda item includes completed applications and resumes where provided by the applicant. Interviews were conducted. Mayor Schneider recommends the appointments identified in the attached spreadsheet.

AGENDA CATEGORY: Appointment

PROPOSED BY: Executive

RECOMMENDED MOTION: Approve with Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[City Advisory Group Vacancies \(Design Review Board\).pdf](#)

[Marshall - Design Review Board \(Redacted\).pdf](#)

[Russell - Design Review Board \(Redacted\).pdf](#)

[Wilson - Design Review Board \(Redacted\).pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

Design Review Board

Interview Team	Recommended Appointments	Applications Received Alphabetically
<p>Mayor/Council Liaison Leslie Schneider</p> <p>Councilmember Christy Carr</p> <p>Chair Joe Dunstan</p>	<p>Design Review Board Position 1 – Bob Russell (June 2023) Position 2 – Laurel Wilson (June 2023) - Reappointment</p>	<p>Megan Marshall Bob Russell Laurel Wilson</p>

From: noreply@civicplus.com
To: [City Admin](#)
Subject: Online Form Submittal: City Advisory Group Application
Date: Thursday, May 7, 2020 9:18:27 AM

City Advisory Group Application

Step 1

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

Applicant Name	Megan Marshall
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Olson Kundig
Current Position	Architect
I am interested in serving on one of the following City advisory groups (select all that apply):	Design Review Board , Planning Commission
Experience & Qualifications	
Have you served on any City advisory groups in the past?	No
If so, please indicate which groups:	N/A
Please share your qualifications for this appointment (skills,	I am an architect currently employed at Olson Kundig, a Seattle-based architecture firm. Prior to Olson Kundig, I worked at Perkins+Will in their Seattle office. I have over nine years of

activities, training, education) if any:

professional experience with a wide range of project types spanning single-family residential, multi-family residential, hospitality, science and technology, healthcare, and campus planning. I have had the opportunity to work on projects sited all over the globe, which has provided me with a unique perspective on how different jurisdictions address the building review process (design, sustainability, accessibility, etc.).

I am passionate about identifying and implementing innovative ways of improving the built environment and its connection with the surrounding community, not only through project work, but also through participation in various committees. I served as co-director of Perkins+Will Seattle's Material Health Lab and was one of the first members of the Perkins+Will Seattle Resiliency Lab. At Olson Kundig I have been involved in creating new standards of design for multi-family and hospitality projects. My involvement in these groups has afforded me unique educational experiences, both as a learner and teacher, while also broadening my skill sets in specialized areas of project work.

I am a licensed architect in the state of Washington and a U.S. Green Building Council Leadership in Energy and Environmental Design, Building Design, and Construction accredited professional (LEED AP BD+C). I hold a Master of Architecture degree from the University of Southern California and a Bachelor of Science degree in architecture from Washington State University.

I grew up on Bainbridge Island and graduated from Bainbridge High School (2004). This community is dear to me, and I would be honored to offer my experience and expertise to help shape the future of the island. I hope to have the opportunity to discuss this opening further with you.

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

As I noted in the previous question, this community is dear to me, and I would be honored to offer my experience and expertise to help shape the future of the island. I have worked on a number of professional boards and have volunteered service for youth architecture education programs, but this would be my first time serving on a community-based board. (Please see attached resume.)

Feel free to attach your resume (optional):

Type the Year

2020

How did you hear about the volunteer opportunity?

City Website



MEGAN MARSHALL
AIA, LEED AP BD+C

Licensed Architect, WA

University of Southern California
Los Angeles, CA / 2008 - 2010
Master of Architecture

Washington State University
Pullman, WA / 2004 - 2008
Bachelor of Science, Architecture
Minor in Sociology

AIA Member
USGBC Member

OLSON KUNDIG / SEATTLE, WA / ARCHITECT / 2017-present

As a generalist architect I have experience working on projects large and small. My role is often to serve as the design lead, but I also enjoy jumping deeper into a project to assist in addressing more technical design issues. At Olson Kundig I have worked primarily on multi-family, residential, and hospitality project types.

PROJECT HIGHLIGHTS:

- . Project architect on a multi-family project consisting of 8 unique buildings situated on top of an existing garage in West Hollywood, CA. Responsibilities include working with the design principal, developer, and consultants from schematic design thru construction administration.
- . Project architect on a large multi-building resort in rural China. Experience working on an international team and with the local architect on a large project on an extremely complex site. Project scope includes schematic design thru construction documents.
- . Design and technical support on multiple high-end residential projects located in Seattle, San Francisco, Costa Rica, and Mexico.
- . Assisted in the design documentation for multiple commercial buildings and market hall in Walla Walla, WA.

PERKINS + WILL / SEATTLE, WA / ARCHITECT / 2010-2017

I began my career and seven-year tenure at Perkins+will as an intern architect, became a licensed architect in 2015, and then associate in 2016. During this time, I worked primarily on higher-education and science and technology projects.

PROJECT HIGHLIGHTS

- . Experience detailing exterior and interior conditions for complex building types including the UW Medicine Phase 3.1 Building in South Lake Union, a multi-building campus for Illumina in San Diego, and the UCSD Center for Novel Therapeutics building in San Diego.
- . Assisted in numerous spatial planning studies for science and technology as well as office workspaces
- . Creation and coordination of design and documentation for a master plan, as well as coordination of predesign report documents
- . Sustainability lead on a LEED-Platinum shell-and-core building and LEED-Silver laboratory building.

MAGRAW ZECHA / POULSBO, WA / GRAPHIC DESIGN / 2010-present

My role at Magraw Zecha began in 2010. I was responsible for creating a new marketing and graphic identity for Magraw Zecha which included a new logo, website, business cards, and marketing materials. I continue to maintain the website and advise on graphic and marketing materials as needed.

The owner of the Magraw Zecha, Scott Magraw, is my father.

From: noreply@civicplus.com
To: [City Admin](#)
Subject: Online Form Submittal: City Advisory Group Application
Date: Friday, April 24, 2020 3:55:03 PM

City Advisory Group Application

Step 1

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

Applicant Name Bob Russell

Email

Phone

Address

City Bainbridge Island

State WA

Zip 98110

Current Employer None

Current Position Sr Project Development Manager

I am interested in serving on one of the following City advisory groups (select all that apply): Design Review Board

Experience & Qualifications

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

If so, please indicate which groups: Though I do sit in on Design Review Board, Planning Commission, Council, and Island Center Sub-Area Plan committee meetings, and contribute my thoughts.

Please share your qualifications for this My family has been contributing members of the island's community for over 100 years. I provide a fresh set of eyes, practical and independent thinking, and have no preconceived

appointment (skills, activities, training, education) if any:

mindset. I have managed a wide variety of site and building projects throughout the U.S. and into Canada, from architect / engineer design through construction completion and turnover to customer, for my entire career.

I promote creative and innovative solutions with a strong emphasis on collaboration to resolve sticky issues. Earned a Bachelor of Science, Construction Management, University of Washington.

The Board uses the "Design Standards & Guidelines - Design for Bainbridge 2019" as its key reference, to review, question, and act on proposed projects presented to the Board. The use of these design parameters fall easily within my purview of expertise.

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

Presenting fresh and practical (make sense) recommendations to the COBI City Council, and other City advisory committees.

I have a strong interest in facilitating the best approaches to provide affordable housing on Bainbridge, and reducing the island's carbon footprint using Green Building practices. I also enjoy providing practical comments (both written and public testimony) to the City Council and City Advisory Committees, such as my recent testimony, and writing, to the Planning Commission, regarding the use of ADU's as part of a proposed City Ordinance revision.

Feel free to attach your resume (optional):

Type the Year

2020

How did you hear about the volunteer opportunity?

Other (please specify below)

Other

Chairperson DRB, and my own awareness



BOB RUSSELL

SENIOR PROJECT DEVELOPMENT MANAGER

EXECUTIVE SUMMARY

Proactive real estate development and construction management professional, wanting to use my personal energy, career-long experience and proven abilities to benefit the Bainbridge Island community, and the COBI. I thoroughly enjoy working and collaborating with people to arrive at thoughtful, practical solutions. I am well suited to perform design reviews for proposed projects of any type located anywhere on Bainbridge Island.

MY EXPERTISE

- Excellent communicator, relationship builder, and problem solver
- Knowledgeable construction and real estate development project manager
- Proficient building and site design reviewer, with due-diligence reporting
- Effective collaborator and consensus builder
- Strong planning, scheduling, budgeting, and reporting background
- Seeks out innovations that result in continuing customer benefits

COMMITTEES

- Housing and Human Service Committee - (Maui, Lanai, Molokai) - Wailuku, Maui
- Church lay re-development committee - Kehei, Maui

RELEVANT EXPERIENCE

Sr Project/Facility Manager, Corporate Real Estate

DHL Express, Seattle, WA - 1998-2018

- Developed distribution centers w/ 3rd party developers nationwide and construction of building expansions, renovations, and tenant improvements
- Researched and initiated nationwide facilities management platform; implemented energy savings program

Project Manager

Frontier Construction, Lynwood, WA - 1996-1998

- Multi-tenant retirement home, Safeway store

Superintendent (contract)

Gateway/Key/City of Seattle Tower, Seattle, WA - 1994-1996

- Build out 400,000 sf of high-end professional and commercial office space

Construction Manager (contract)

Boeing, Kent/Seattle, WA - 1989-1993

- Building cost estimator, R&D tenant improvements, corporate office building, wind tunnel, mountainous R&D geodesic dome, industrial mechanical and electrical improvements

Field Project Engineer, Superintendent, Construction Manager

Hawaiian Dredging & Construction, Honolulu, HI - 1974-1988

- High-rise apartment building, 3 resort hotels, 3 resort condominiums, major hospital expansion, water treatment plant, golf clubhouse / restaurant, prison campus, resort tennis clubhouse / courts

Field Cost Engineer

Haas & Hayne Corporation, Honolulu, HI - 1972-1973

- Federal Office and Courthouse Building

Field Project Engineer

Charles Pankow, Honolulu, HI - 1970-1972

- 2 mid-rise, low-cost housing apartment buildings

EDUCATION

University of Washington

Bachelor of Science, Construction Management

From: noreply@civicplus.com
To: [City Admin](#)
Subject: Online Form Submittal: City Advisory Group Application
Date: Thursday, May 7, 2020 8:25:00 PM

City Advisory Group Application

Step 1

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

Applicant Name laurel wilson

Email

Phone

Address

City bainbridge is

State Washington

Zip 98110

Current Employer self/Arcstudio

Current Position principal

I am interested in serving on one of the following City advisory groups (select all that apply): Design Review Board

Experience & Qualifications

Have you served on any City advisory groups in the past? Yes

If so, please indicate which groups: Current: DRB.
Past : Public Arts Council and site specific juries

Please share your qualifications for this appointment (skills, Licensed architect. Bainbridge resident for nearly 25 years.

activities, training,
education) if any:

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

Founding director, Space.City Forum for Art and Architecture

Feel free to attach your
resume (optional):

Field not completed.

Type the Year

Field not completed.

How did you hear
about the volunteer
opportunity?

Other

Other

Email reminder.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Ordinance No. 2020-14 Relating to 2020 1st Quarter Budget and Updated Capital Improvement Plan Amendments - Finance,

SUMMARY: This agenda item is for the City Council to consider amendments to the City's 2020 budget and the update to the 2019-2024 Capital Improvement Plan. The topic was previously discussed on June 9, 2020. The item was forwarded to this meeting in order to conclude the discussion on the Eagle Harbor Drive Phase 2 project which was finalized at the June 23rd Council meeting. Included with this item is a consolidated ordinance capturing decisions including the one made last week on the Eagle Harbor Drive Phase 2 project which have been made previously by the Council for the first quarter budget amendments and the related amendments to the Capital Improvement Plan.

AGENDA CATEGORY: Ordinance

PROPOSED BY: Finance & Administrative Services

RECOMMENDED MOTION: Approve with Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

Amount:	\$1,696,294
Ongoing Cost:	\$73,517
One-Time Cost:	\$1,622,777
Included in Current Budget?	No

BACKGROUND: Please see the attached transmittal memo for a detailed overview of all requested items. All items have been previously approved by the City Council, with the exception of the Bond Fund adjustment which is a technical adjustment.

ATTACHMENTS:

[2020 1st QTR BUA Transmittal Memo Final.docx](#)

FISCAL DETAILS: The total appropriation increase is \$1,696,294. Please see detailed attached memo and Exhibit A. Total by fund is as follows: General Fund: \$49,269: Street Fund: \$4,811: GO Bonds Fund: \$5,285: Capital Construction Fund: \$1,360,277: Water Fund: \$229,129: Sewer Fund: \$38,821: Stormwater Fund: \$3,672: Building and Development Services: \$5,031:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

Finance and Administrative Services Department

Memorandum

Date: June 30, 2020

To: City Council
Morgan Smith, City Manager

From: Kim Dunscombe, Budget Manager

Subject: 1st Quarter Budget Amendments

The Finance and Administrative Services Department brings budget adjustments to Council for consideration on a regular basis. Attached for Council's consideration is an ordinance with first quarter budget amendments. The proposed ordinance also includes an amendment to the 2019 – 2024 Capital Improvement Plan. The following six budget amendments are proposed:

Capital Requests – 5 items, Total of \$1,622,777

- Wyatt Way Reconstruction Project – On January 16, 2020 City Council approved budget amendments for the Wyatt Way Reconstruction Capital project. The Wyatt Way Reconstruction Project consists of roadway resurfacing, intersection capacity improvements at Wyatt and Madison, water system improvements, and sidewalks and bike lanes on each side of the roadway between Madison Avenue and Lovell Avenue. City staff is requesting two project budget increases, which will bring the total project budget to \$4,330,751.
 - The first is an increase of \$308,521 to the project's tax-supported budget. The current project construction estimates for work related to streets, sidewalks, drainage, and lighting, is very close to the current remaining budget. Therefore, City staff is seeking a project budget increase for costs associated with construction consultant support (engineering, materials testing, etc.), and a 10% contingency.
 - The second is an increase of \$172,500 to the project's water fund budget, which is related to three factors identified by the project management team. First, the current project design has been modified to include approximately 200 linear feet of additional water main replacement for facilities that are beyond their serviceable life. Additionally, City staff has revised and increased the cost estimate for the replacement of a water-related pressure release valve to reflect

an amount that is in line with other similar work recently completed by the City. Lastly, staff is requesting that the water fund element of the project budget be increased to capture a 10% contingency.

- Sportsman Club/New Brooklyn Intersection Project scope revision – On May 19, 2019, City Council approved a capital project scope revision and budget increase of \$126,756 to include only non-motorized improvements to the intersection. The revised scope reduces the overall cost of the project from \$1,216,072 to a new total of \$650,000. The reduction in the project budget results in a reduction in the grant amount (for construction only) from \$703,000 to \$400,000. There is a grant match of \$250,000 provided by the City. There is a balance of \$123,244 in previously approved spending for the project; a budget amendment of \$126,756 is required to complete the \$250,000 City funding match.
- SCADA Upgrades - SCADA is an acronym for supervisory control and data acquisition, the computer system for gathering and analyzing real time data from water, sewer and wastewater treatment plant facilities across the City. The SCADA equipment allows staff to maintain a remote understanding of how water treatment equipment, sewer pump stations and other critical facilities are functioning 24 hours a day, 7 days a week, so that malfunctions or emergencies can be immediately addressed. Public Works is managing an upgrade of all the SCADA system to meet modern technology standards. This budget amendment is anticipated to be the last request to ensure all design and installation needs are comprehensively addressed.
 - An increase of \$55,000 in the Water Fund to a total of \$260,000.
 - An increase of \$35,000 in the Sewer Fund to a total of \$300,000.
- Pritchard Park Outfall Replacement – This item amends the 2019 – 2024 Capital Improvement Plan to include a capital project for the Pritchard Park Outfall, previously budgeted in the operating budget. It does not increase project budget or overall SSWM Fund spending.
- Eagle Harbor Phase 2 – On June 23rd, the City Council accepted a Federal Highway Administration grant in the amount of \$700,000 with a \$225,000 City match for the design and installation of seven-foot road shoulder improvements on Eagle Harbor Drive. To be awarded the grant, funds must be obligated by July 15, 2020.

Operating Request – 2 items, \$68,232

- Janitorial Contract Services – This increase is related to janitorial services for City Hall, Police, Court, Wastewater Treatment Plant, Public Works Operations & Maintenance facility, and Waterfront Park restrooms for a period of three years. On March 24, 2020 City Council approved a three-year contract with Island Hands, LLC in the amount of \$504,455. The increase to the budget totals \$23,232.
- Senior IT Technician – The City's Information Technology division includes two Senior Information Technology Specialist positions, one of which is full-time and one of which is 0.6 FTE. The City has experienced an increase in their reliance on technology. Projects such as Laserfiche, the City's website, additional hardware, mobile technology, and an increase in information available to the public all resulted in an increased workload on

the IT department. This was approved by Council on December 10, 2019. The increase to the budget totals \$45,000.

Debt Service Correction – 1 item, \$5,285

- 2007 and 2008 Bond Refunding – At the time of developing the 2020 Modified Budget, 2007 and 2008 Refunding Debt Service expense was an estimate. Final totals were established mid-December. 1st Quarter Budget Amendments will align the 2020 Modified Budget with actual debt service expense.

Thank you for your consideration of these requests.

ORDINANCE NO. 2020-14

AN ORDINANCE of the City of Bainbridge Island, Washington, amending the 2019-2020 biennial budget and the associated provisions of the 2019-2024 Capital Improvement Plan and providing for uses not foreseen at the time the budget was adopted.

WHEREAS, on November 27, 2018, the City Council adopted the 2019-2020 biennial budget via Ordinance No. 2018-39; and

WHEREAS, on November 12, 2019, the City Council adopted a modified budget for 2020 via Ordinance No. 2019-28; and

WHEREAS, on October 22, 2019, the City Council adopted a modified budget for the Capital Improvement Plan via Ordinance No. 2019-29; and

WHEREAS, a number of situations have occurred during 2020 which require the City to expend money on items, projects, and categories not included in the 2020 budget and to adjust the 2019-2024 Capital Improvement Plan accordingly.

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

Section 1. Ordinance No. 2018-39 and the 2020 budget, as modified by Ordinance No. 2019-28, are amended as shown in the attached Exhibit A.

Section 2. In that some of the budget expenditures that are the subject of this ordinance directly relate to the City’s 2019-2024 Capital Improvement Plan, the 2019-2024 Capital Improvement Plan is hereby correspondingly amended as to the related expenditures that are the subject of this ordinance, as described and shown in the Attached Exhibit A.

Section 3. The City’s Finance Director is authorized and directed by this ordinance to make the necessary changes to the 2019-2020 biennial budget and the 2019-2024 Capital Improvement Plan. The Finance Director is further directed to make sufficient interfund equity transfers from the appropriate funds to cover the added amounts authorized by this ordinance.

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

PASSED by the City Council this ____ day of June 2020.

APPROVED by the Mayor this ____ day of June 2020.

Leslie Schneider, Mayor

ATTEST / AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	June 26, 2020
PASSED BY THE CITY COUNCIL:	___ __, 2020
PUBLISHED:	___ __, 2020
EFFECTIVE DATE:	___ __, 2020
ORDINANCE NO:	2020-14

Attached: Exhibit A

Exhibit A to Ordinance No. 2020-14

2020 BUDGET AMENDMENTS

Presented to City Council

Approved on June _____, 2020

SUBJECT	DESCRIPTION	FUND / Department	Change amount requested	Change to Appropriation	On-going
Janitorial Contract	This item increases appropriation authority in accordance with Council action and increased contract costs.	General Fund / Public Works	\$ 23,232	Increase	Yes
Senior IT Tech	This item increases appropriation authority in accordance with Council action taken December 2019 which increased the existing Senior IT Technician position from .6 FTE to 1.0 FTE.	General Fund / Information Tech	\$ 26,037	Increase	Yes
	TOTAL GENERAL FUND EXPENDITURE INCREASE		\$ 49,269		
Senior IT Tech	This item increases appropriation authority in accordance with Council action taken December 2019 which increased the existing Senior IT Technician position from .6 FTE to 1.0 FTE.	Street Fund / Information Tech	\$ 4,811	Increase	Yes
	TOTAL STREET FUND EXPENDITURE INCREASE		\$ 4,811		
Debt service - 2007 and 2008 GO Bond Refunding	This item increases appropriation authority in alignment with actual expenses.	Bond Fund	\$ 5,285	Increase	Yes
	TOTAL GO BOND FUND EXPENDITURE INCREASE		\$ 5,285		
Wyatt Way Reconstruction Project	This item increases appropriation authority and amends the CIP in alignment with Council-approved project budget increases.	Public Works / Capital Construction	\$ 308,521	Increase	No
Sportsman Club/New Brooklyn Intersection Project	This item increases appropriation authority and amends the CIP in alignment with Council-approved project budget changes.	Public Works / Capital Construction	\$ 126,756	Increase	No
Eagle Harbor Drive Phase 2	This item increases appropriation authority and amends the CIP in alignment with Council-approved project budget and grant acceptance.	Public Works / Capital Construction	\$ 925,000	Increase	No
	TOTAL CAPITAL CONSTRUCTION FUND EXPENDITURE INCREASE		\$ 1,360,277		
Wyatt Way Reconstruction Project	This item increases appropriation authority and amends the CIP in alignment with Council-approved project budget increases.	Public Works / Water Fund	\$ 172,500	Increase	No
SCADA	This item increases appropriation authority and amends the CIP in alignment with Council-approved project budget increases.	Public Works / Water Fund	\$ 55,000	Increase	No
Senior IT Tech	This item increases appropriation authority in accordance with Council action taken December 2019 which increased an existing Senior IT Technician position from .6 FTE to 1.0 FTE.	Water Fund / Information Tech	\$ 1,629	Increase	Yes
	TOTAL WATER FUND EXPENDITURE INCREASE		\$ 229,129		

SUBJECT	DESCRIPTION	FUND / Department	Change amount requested	Change to Appropriation	On-going
SCADA	This item increases appropriation authority and amends the CIP in alignment with Council-approved project budget increases.	Public Works / Sewer Fund	\$ 35,000	Increase	No
Senior IT Tech	This item increases appropriation authority in accordance with Council action taken December 2019 which increased an existing Senior IT Technician position from .6 FTE to 1.0 FTE.	Sewer Fund / Information Tech	\$ 3,821	Increase	Yes
	TOTAL SEWER FUND EXPENDITURE INCREASE		\$ 38,821		
Pritchard Park Outfall	This item increases appropriation authority and amends the CIP in alignment with Council-approved project budget increases.	Public Works / SSWM Fund	\$ -	None	No
Senior IT Tech	This item increases appropriation authority in accordance with Council action taken December 2019 which increased an existing Senior IT Technician position from .6 FTE to 1.0 FTE.	SSWM Fund / Information Tech	\$ 3,672	Increase	Yes
	TOTAL STORMWATER FUND EXPENDITURE INCREASE		\$ 3,672		
Senior IT Tech	This item increases appropriation authority in accordance with Council action taken December 2019 which increased an existing Senior IT Technician position from .6 FTE to 1.0 FTE.	BDS Fund / Information Tech	\$ 5,031	Increase	Yes
	TOTAL BUILDING AND DEVELOPMENT SERVICES FUND EXPENDITURE INCREASE		\$ 5,031		
	TOTAL CAPITAL PROJECT CHANGES		\$ 1,622,777		
	TOTAL EXPENDITURE INCREASE		\$ 1,696,294		



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Cost Allocation Methodology Overview for Budget Preparation - Finance,

SUMMARY: The Finance Department will discuss the cost allocation methodology that will be used in the 2021-2022 Budget preparation. Cost allocation is a financial best practice, used to distribute shared costs across projects, funds, and departments. Council review and approval of the City's cost allocation methodology is a first and fundamental step in budget development.

AGENDA CATEGORY: Discussion

PROPOSED BY: Finance & Administrative Services

RECOMMENDED MOTION: Approve with Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND: The City shares some costs across one or more of its operating funds because some activities provide benefit to more than one fund at the same time. The practice of sharing costs is called "cost allocation" and is used by many organizations, both public and private. Cost allocation is considered a best practice for municipal financial management and is consistent with the City's financial policies. There are a range of possible approaches to cost allocation; each organization must choose a methodology that matches its preferences while also complying with applicable guidance from regulatory agencies.

The City of Bainbridge Island has developed a cost allocation methodology to distribute certain costs across its operating funds, including shared costs such as insurance and space rent, personnel, and certain capital projects. It is the City's practice to use numerical proxies whenever possible as a basis to distribute costs. Examples of numerical proxies used in the City's methodology include operating expense by fund, voucher count by fund, and the number of cash receipts processed by fund.

The cost distribution calculated through the cost allocation methodology forms a basis for the City's budget, which is the reason for staff's presentation to Council tonight. It is important for the Council and staff to have a

mutual understanding of and agreement with the methodology so the resulting budget is built on shared expectations.

ATTACHMENTS:

[Cost Allocation Presentation CC 063020.pptx](#)

[Cost allocation Plan 2021 - 2022.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

Cost Allocation Methodology and Manual

June 30, 2020

JAN - MARCH

MAY

JUNE

JUL/AUG

SEPTEMBER

OCT/NOV

NOV/DEC

- Financial Policies
- Approval of cost allocation plan
- Con't CIP Discussions

- Staff finalizes balanced budget
- 2021-2022 Proposed Budget delivered to Council

- 2021-2022 Adopted Budget approved by Council

- Capital Improvement Plan (CIP) briefing

- Revenue forecast finalized
- Department budgets for 2021-2022 completed
- Planning commission review of CIP

- Budget discussions
- Property tax levy



Cost Allocation

What is Cost Allocation?

- ❖ Cost allocation provides a uniform method of funding and charging shared costs across projects, funds and departments
- ❖ Represents policy choices to share costs fairly
- ❖ Financial management best practice

What costs we allocate

❖ Current Practice

- Salaries and benefits
- Rent and insurance
- Some shared operating expenses

Salary and benefit allocations

- ❖ Planning and Community Development and Public Works
 - Some direct charges and some allocations
- ❖ Executive and Finance and Administrative Services
 - Mostly allocated
- ❖ City Council, Municipal Court, Public Safety
 - Direct charge entirely to the General Fund

Example from Finance

❖ Senior Accounting Technician – Accounts Payable

- 72% AP Voucher Count
 - Allocated by fund based on 3-year average count of AP vouchers
- 15% Receipt Count
 - Allocated by fund based on 3-year average count of receipts
- 10% Community Support and General Customer Service
 - Allocated to the General Fund
- 3% Long-term debt
 - Average of debt service

Fund	Percent
General Fund	64%
Streets Fund	8%
Water Fund	10%
Sewer Fund	10%
SSWM Fund	3%
B&DS Fund	5%

Example from Engineering

❖ Capital Engineer I

- 40% Capital Projects
 - Tax supported capital projects include transportation, non-motorized and facilities
- 60% administrative and operating projects
 - Based on project history, current and budget work plan

Fund	40% Capital Projects	60% operating activities	Total
General Fund	0%	6%	6%
Street Fund	0%	24%	24%
Capital Fund	15%	0%	15%
Water Fund	0%	0%	0%
Sewer Fund	25%	0%	25%
SSWM Fund	0%	30%	30%
B&DS Fund	0%	0%	0%
	40%	60%	100%

Shared Services

❖ Interfund Rent and Insurance

- Interfund Rent allocation is based on two factors
 - What share of total square footage is used by each department
 - Within each department, what share of FTE belongs to each fund
- Insurance allocation uses three weighted factors
 - Asset value
 - FTE by fund
 - 5-year loss history by fund
- Details of allocation method for both items can be found in the Cost Allocation Manual Section Two



Cost Allocation Results 2021-2022

Salary and benefit allocations – Budgeted FTE by fund for 2021-2022

	Preliminary 2021 FTE	Actual FTE 2020	FTE Change	% Change
General Fund	73.60	73.39	0.21	0.3%
Street Fund	10.95	12.38	(1.43)	-11.5%
Capital Fund	3.00	-	3.00	100.0%
Building and Development Services Fund	23.87	24.51	(0.64)	-2.6%
Water Fund	5.24	7.49	(2.24)	-30.0%
Sewer Fund	10.78	10.53	0.25	2.3%
SSWM Fund	8.07	7.20	0.86	12.0%
	135.50	135.50	(0.00)	

Allocation Overview Personnel

❖ Results

- Overhead departments stable fund allocation
- New for this biennium is capital project allocation at the project level not just the fund level
- Planning department shift toward the General Fund due to long-range planning
- Public works O&M shift to SSWM due to the following
 - SSWM personnel have been crossing training on Water Utility operations and now going back to normal operations
 - Growing infrastructure
 - Increased regulatory requirements

Shared cost allocations –

Interfund Rent distribution by fund for 2021 vs 2020

Fund	Preliminary Interfund Rent 2021	Actual Interfund Rent 2020
General Fund	41%	40%
Streets Fund	11%	12%
Building and Development Services Fund	25%	24%
Water Fund	5%	5%
Sewer Fund	11%	11%
SSWM Fund	7%	8%

Shared cost allocations – Insurance distribution by fund for 2021 vs 2020

Fund	Preliminary Insurance 2021	Actual Insurance 2020
General Fund	43%	42%
Streets Fund	14%	15%
Building and Development Services Fund	20%	20%
Water Fund	5%	5%
Sewer Fund	13%	13%
SSWM Fund	5%	5%

Budget Process – steps related to cost allocation

- ✓ Overview of cost allocation methodology
- ✓ Staff: update plan using preliminary data through 2022; prepare cost allocation manual
- ❖ Council: review and approve cost allocation manual (June 30th)
- ❖ Staff: update cost allocation if required



Questions?

Discussion



Cost Allocation Manual

Goals, background, and methodology of the City of Bainbridge Island's Cost Allocation Plan.

Effective Date: 1/1/2021

City of Bainbridge Island Cost Allocation Manual

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Definitions

As used in the City of Bainbridge Island Cost Allocation Manual–

1. “Accounting unit” refers to any segment of the coding used to track financial activity (fund, object, organization, department, etc.).
2. “Allocated Central Services” according to [OMB Circular A-87](#) Revised means “central services that benefit operating agencies but are not billed to the agencies on a fee for service or similar basis. These costs are allocated to benefitted agencies on some reasonable basis. Examples of such services might include accounting, personnel administration, purchasing, etc.”
3. “B&DS Fund” refers to the Building and Development Services Fund (MUNIS Fund number 407).
4. “COBI” refers to the City of Bainbridge Island. In this document, the term “the City” is also used to refer to COBI.
5. The term “Direct costs” as used in this document is defined by [OMB Circular A-87](#) as “those [costs] that can be identified specifically with a particular final cost objective.” An example of a direct cost would be a professional service cost for design of a building.
6. “Enterprise Funds” are a type of Proprietary Fund, specifically used to report activities for which a fee is charged to external users for goods or services.
7. The term “GAAP Guide” refers to the 2020 edition of the *“Governmental GAAP Guide For State and Local Governments”*.
8. “Governmental Funds” are non-proprietary funds.
9. The term “Indirect costs” as used in this document is defined by [OMB Circular A-87](#) as costs “a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved.”
10. “Proprietary Funds” are defined by the GAAP Guide as, “used to account for a state or local government’s activities that may be performed by a commercial enterprise... Generally, the purpose of a proprietary fund is to provide a service or product to the public or other governmental entities at a reasonable cost.” Proprietary Funds are either Enterprise Funds or Internal Service Funds (for services or activities provided to other funds or departments within the governmental agency). COBI’s Proprietary Funds include Enterprise Funds, and consist of the Water, Sewer, SSWM, B&DS Funds, and one Internal Service Fund (Equipment Rental and Revolving Fund).
11. Per the GAAP Guide, “Special Revenue Funds” refer to funds that account for proceeds of specific revenue sources that are legally restricted to expenditures of a specific purpose.
12. “SSWM” refers to Storm and Surface Water Management.
13. “Utility Funds” refers to the city-operated Water, Sewer, and SSWM services Funds (MUNIS Fund numbers 401, 402, and 403, respectively). The term “utilities” refers to the functions served by these funds.

Goal

The City of Bainbridge Island (hereinafter also referred to as “COBI” or “the City”) has eight guiding principles, including one of supporting the other principles through “the City’s organizational and operating budget decisions.”¹ In order to sufficiently measure and compare in line with this goal, it is necessary to ensure that all COBI functions share indirect costs on the basis of relative benefits received.

Additionally, the City’s financial policies, as approved by Council in Resolution 2018-07, include the concept of full cost recovery:

- The City shall maintain a structure for all fees and charges where the beneficiary of the service pays the cost of that service except to the extent that the City Council has determined that provision of the specific service in question provides a general public benefit.
- On a periodic basis, Building and Development Services (B&DS) rates shall be reviewed, with a goal of full cost recovery for the B&DS Fund.²

To receive full cost recovery, the City must be able to measure the full cost of services provided, including indirect costs such as administration and other support services.

The cost recovery method described herein complies with applicable guidance from State and Federal agencies.

Background

Some City costs are appropriately shared by one or more City funds. Like all organizations, the City provides certain services that benefit the entire entity. Examples include services received by the City as a whole, such as insurance, City office space, and overhead labor. These services are generally of a support nature and centralized within a single department such as Executive or Finance and Administrative Services. These indirect costs are then allocated out to the City’s Funds using a variety of methods depending on the type of service provided. A basis is determined to distribute the costs founded on the relative benefit each fund receives from the function or service. The amount a fund is charged is not intended to represent a per unit cost of a transaction, such as processing a voucher for payment or processing a request for bid, but rather an appropriate allocation of all of the costs related to providing the support service.³

The first part of the analysis is to confirm that all Funds share in the indirect labor costs appropriately. This is completed in the COBI Methodology, Section One: Personnel section below. In the department classification analysis that follows, major tasks and functions of department staff are discussed. Then an allocation determination is made based on the cost drivers of those tasks.

¹ [COBI Comprehensive Plan](#)

² Resolution No. 2018-07

³ The majority of this paragraph borrowed from City of Tacoma 2009-2010 Assessments Overview; statement is applicable to COBI

Applicable Guidance

Governmental Accounting Standards Board (GASB)

GASB is the independent organization that establishes and improves standards of accounting and financial reporting for U.S. state and local governments. While the GASB is not a governmental agency and does not have enforcement authority, compliance with GASB is enforced through the Washington State Auditor's audit of COBI.

GASB has not issued any specific guidance describing the method of cost allocation to be applied by government agencies. The overarching principle applied by COBI is found in the GASB Summary of Concept Statement No. 1, "Financial reports are used primarily to compare actual financial results with the legally adopted budget; to assess financial condition and results of operations; to assist in determining compliance with finance-related laws, rules, and regulations; and to assist in evaluating efficiency and effectiveness."⁴

OMB Circular A-87

[OMB Circular A-87](#)⁵ establishes cost principles for State, Local, and Indian Tribal Governments for determining costs for Federal awards. Item 5 of the Circular states that, "The principles are for determining allowable costs only." In defining allowable costs, the Circular provides a definition of allocable costs at Attachment A, paragraph C.3.a, "A cost is allocable to a particular cost objective if the goods or services involved are chargeable or assignable to such cost objective in accordance with relative benefits received." This definition can reasonably be applied to both A-87 and non-A-87 allocation goals.

Washington State Auditor

The Washington State Auditor's office prescribes the accounting and reporting of local governments in the State of Washington under RCW 43.09.210.⁶ This RCW states in part, "All service rendered by...from, one department...to another, shall be paid for at its true and full value by the department...receiving the same, and no department...shall benefit in any financial manner whatever by an appropriation or fund made for the support of another." Therefore, a well-developed plan should include relevant, up-to-date information about overhead and how to distribute it. Also, the factors used should equitably allocate overhead.

In 2009 the State Auditor's Office audited COBI's cost allocation plan. The conclusion was COBI was following many of the cost allocation leading practices, but not all. The noted leading practices we needed to improve upon were as follows: "be up-to-date and detail the basis for overhead charges, and use allocation factors that equitably allocate overhead to each fund and department." The methodology set forth in this manual outlines how we meet all leading practices.

⁴ GASB Concepts Statement No. 1 Summary, published by the Governmental Standards Board

⁵ Published by the Federal Office of Management and Budget

⁶ "Budgeting, Accounting, and Reporting System (BARS)" Manual, published by the Washington State Auditor's office and available online at www.sao.wa.gov. "RCW" refers to the Revised Code of Washington.

COBI Methodology

Section One: Personnel

Classification of Departments

In classifying costs as allocable, COBI analyzed departments and individual objects to determine whether the costs should be allocated, as well as the appropriate basis for allocation. COBI uses its cost allocation methodology for salaries and benefits only. Step one in building the plan was to analyze the organization by department and determine whether costs were allocable. COBI departments are as follows: city council, municipal court, executive, finance, public safety, planning and community development, and public works. Below is a brief narrative of the organization's initial department analysis, followed by an in-depth look at each department.

Attachment B of [OMB Circular A-87](#) Revised provides principles to be applied in establishing whether or not certain costs are allowed for Federal reimbursement. It states general costs of government are not allowable. These general government costs include: city council, municipal court and police costs.⁷ Therefore, COBI directs charges all costs associated with those departments to the general fund.

Next, we identify our central service departments as executive and finance. Costs from central service departments are indirect costs, which are incurred for a common or joint purpose benefiting more than one task, activity, or fund. Indirect costs are allocable with proper identification and documentation. Furthermore, as noted in RCW 43.09.210, allocations must be fair and equitable where one fund does not benefit from another.

The final two departments Planning and Community Development and Public Works, core work is centered around specific work tasks or programs. Employees in these departments have a combination of direct charged time, as well as an allocation for some hours.

Determination of Allocation Factors

Below is a brief description of each department that has any allocations, accompanied by a summary of allocation factors used for that department. Attachment A outlines the below information by department in greater detail as required by [OMB Circular A-87 Attachment C](#).

Executive

Discussion:

The Executive Department provides "direction, coordination, and oversight"⁸ for the City as a whole, including Proprietary Fund activities. The department provides service in eight main areas: city management, legal, city clerk, public records, human resources, emergency preparedness, information technology, and communications.

Allocation Determination:

The allocation basis is determined by the tasks and duties for each specific position. The allocation basis used for the various positions in the Executive Department are as follows: FTE by

⁷ Published by the Federal Office of Management and Budget and available online at www.whitehouse.gov

⁸ [COBI 2019-2020 Final Budget](#)

fund, council agenda items, operating expenses, number of contracts, risk management, receipts and invoices, public record requests, community support and litigation dollars by fund.

Finance and Administrative Services

Discussion:

The Finance department provides support to all City departments and all funds, including Proprietary Funds. In addition to financial reporting, budgeting, accounts payable, and payroll, the Finance department manages all utility, LID billings and payments.

Allocation Determination:

The allocation basis is determined by the tasks and duties for each specific position. The allocation basis used for the various positions in the Finance Department include, but are not limited to, the following: FTE by fund, council agenda items, operating expenses, capital projects, cash receipts, AP vouchers, LID and utility accounts, long-term debt by fund, and special projects.

Planning and Community Development

Discussion:

The Planning & Community Development department works with land use and construction activities on the Island; administers building, shoreline, environmental, and subdivision regulations; reviews development proposals; performs code enforcement; administers land use applications; prepares and updates long-range plans. A significant portion of PCD effort is related to the B&DS Fund, and the Department is also involved in the development of utility projects.

Allocation Determination:

The allocation basis is determined by the tasks and duties for each specific position. The allocation basis used for the various positions in the Planning Department include, but are not limited to, the following: Land Use Code updates, code enforcement case load, NPDES permit requirements, building and planning permits, shoreline monitoring project, Comprehensive Plan implementation, inspection and observance of on-site construction issues, and related ordinances.

Public Works

Discussion:

The Public Works department is responsible for acquiring, constructing, operating and maintaining public infrastructure. This includes City-owned utilities. The Administrative division supports the Engineering and Operation and Maintenance (O&M) divisions by providing services such as reporting, grant and contract management, and records management. The Engineering division is primarily responsible for the pre-design, design, and construction of all public improvements and implementation of the capital improvement plan (CIP) adopted by City Council. This includes Proprietary Fund CIP projects. The Engineering Division also directs Development Engineering and the City's Water Resources planning and protection activities. The O&M Division operates and maintains the City's infrastructure, to include; streets, storm drain, water and sewer infrastructure facilities, vehicles, parks and open space.

Allocation Determination:

The Public Works O&M Division uses the work order system and therefore direct charges their hours. The Engineering Division direct charges most of their hours to operating or capital projects. In addition, tasks that are general in nature are allocated based on work order or project

history, and forward-looking work plans. Public Works Administrative personnel are allocated based on support of capital and operating projects, contracts, right of way expenses, customer support, and development and management support.

Allocating Costs / Surcharge and Rebate

Throughout the year, employees are either direct charging their time to specific projects, tasks or work orders, or their hours are allocated to a department/organization and fund based on that position's allocation factors. At the end of the year, an analysis that compares all direct charged time to that of allocated time by position. If, for a particular position, the direct-charged time differs by more than 3% on a percentage basis by fund from the allocated time, a surcharge or rebate adjusts the totals.

Section Two: Central cost

Insurance

[OMB Circular A-87](#) identifies insurance as an allowable and allocable cost. Allocating insurance expense follows the rule of "beneficiary pays" as long as the allocated costs follow the cost drivers. In a leading practice study, presented by Washington State Auditor's Office Performance Audit, Report No. 1006136, the following factors should be used to allocate insurance expense: number of staff (FTE), claims or loss history, square footage, property values insured, and risk factor.

- City of Bainbridge Island's (COBI) insurance invoice is separated into five "Coverage/Program" areas; Auto Physical Damage, Boiler and Machinery, Crime/Fidelity, Liability, and Property.
- To allocate the costs under each "Coverage/Program," COBI uses three cost drivers. They are as follows: asset value, FTE, and loss history.
 - Asset value – is used to distribute Auto Physical Damage, Boiler and Machinery, and Property Coverage/Program expenses. The asset value by fund is taken from the financial statements from the most current year-end close.
 - FTE – is used to distribute Crime/Fidelity and a portion of the Liability expenses.
 - Loss history – is used to allocate the other portion of Liability expenses. The data is a 5-year history report provided to the City by WCIA.

Interfund Rent

[OMB Circular A-87 Attachment B Section 37](#) requires that "less-than-arms-length" rental transactions, such as those between divisions of a governmental unit, are allowable in the same amount as they would be "had title to the property vested in the governmental unit." A-87 specifically states that depreciation is an allowable component of such cost, and it is commonly interpreted as additionally allowing for the interest component of debt service.

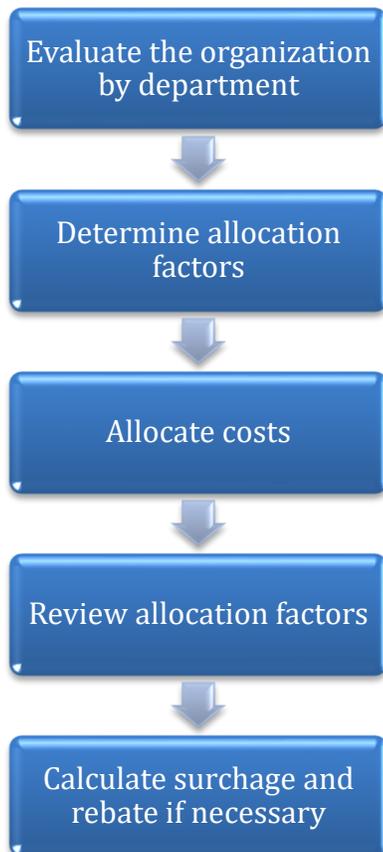
COBI uses the following methodology to allocate Interfund Rent:

- For an individual facility (for example, City Hall), the total square footage is identified, and the square footage occupied by each department is identified.
- The square footage for each department is then allocated by FTE in a proportion equal to the ratio of each fund's FTE as a share of that department's total FTE.

COBI Cost Allocation Plan

- Total square footage by fund is summed across all departments in the facility and expressed as a share of the facility's total square footage. This percentage is then applied to eligible interfund rent expenses
- COBI allocates three types of interfund rent expenses:
 - Interest expense of the bonds associated with the purchase and building of City Hall and the PW Yard.
 - Depreciation expense of assets purchased with General Fund monies used by all personnel, which therefore benefits all funds.
 - A land component is also allocated. The cost of the land is divided by 40, to match the 40-year depreciation schedule of the buildings.

Process Overview Summary



COBI's process to complete the cost allocation plan was:

1. Determine funds, departments and object codes that are allocable.
2. Discuss tasks/job duties with each staff member to determine approximately how much time is devoted to completing listed tasks.
3. Based on discussion and job description, determine logical allocation basis.
4. Calculate cost allocation for each position based on answers and data from above.
5. At the end of every year, run actual data for each allocation base.
6. Apply all rebate and surcharge costs accordingly.

Section Three: Roads and Stormwater Facilities Construction and Maintenance Costs

The City Council completed a review of the Storm and Surface Water Utility (SSWM) in 2015 and confirmed the policies for charging various operating costs related to the SSWM facilities, roads, and other City properties. These policies are:

Street Sweeping and Road Maintenance Spoils

City charging practices for roads-related maintenance and spoils disposal has evolved and changed over the years. The following table shows the standing work order charging practice for Public Works O&M labor:

Spoils Related Work Order Charges					
WO#	WO Type	WO Description	Split	Org	Org Description
14916	Standing	Spoils Hauling	100	73431835	SSWM Maintenance
14917	Standing	Street Sweeping	80/20	73637945	Allocation SSWM/Streets
14963	Standing	Ditching	100	73431835	SSWM Maintenance
14823	Standing	Shoulder Maintenance	100	73111427	Streets Roadside
14964	Standing	Bikelane Sweeping	100	73111423	Streets Roadway

The data in the table indicate that the SSWM utility pays for 100% of City labor for spoils hauling and ditching, as well as 80% for street sweeping. The Streets Fund pays for the labor for shoulder maintenance and bike lane sweeping, as well as 20% for street sweeping. The justification for the charging practice is that street sweeping aids in the maintenance of the stormwater collection system so can appropriately be charged to the SSWM utility.

Fleet Capital Purchases

Fleet equipment purchases for street sweepers will be allocated similarly to the labor costs, i.e., 80% to SSWM and 20% to General Fund (Roads).

Water Quality and Flow Monitoring Program

The Water Quality and Flow Monitoring Program (WQFMP) helps the City implement National Pollutant Discharge Elimination System (NPDES) permit monitoring requirements and directs and informs pollutant source identification efforts outlined in the Illicit Discharge Detection and Elimination (IDDE) program. The primary goal of the WQFMP is to develop and implement a long-term comprehensive monitoring program that will identify water quality and water flow problems in freshwater and marine nearshore environments. The WQFMP also defines thresholds for initiation of management responses in support of the City's efforts to protect and restore beneficial uses associated with water quality on Bainbridge Island.

At the July 12th, 2016 Council Meeting, Council approved the WQFMP costs to be funded by 50% General Fund, 40% Stormwater Fund, and 10% Water Fund.

Groundwater Management Program

Groundwater is the sole source of drinking water on Bainbridge Island. Therefore, it is essential to have a thorough understanding of the island's complex aquifer system through scientific study and long-term monitoring. At present, the city collects monthly water level data and annual chloride measurements from approximately 30 wells on the Island at various locations. Water level data is

used to help assess the quantity of water in different aquifers, and the chloride data is an indicator of seawater intrusion.

City Policy is that the Groundwater Program be entirely funded by the General Fund.

Kitsap Conservation District Farm Assistance

The City currently has over 1,400 acres of agricultural lands. Many of these farms are required to establish and implement farm plans in accordance with provisions in the City's Municipal Code. The City and the Kitsap Conservation District (KCD) share a common goal to promote Best Management Practices to protect water quality, provide education to landowners regarding agricultural impacts and support the use of Low Impact Development practices. Well-designed conservation practices increase farm productivity while protecting water quality and reducing soil erosion. KCD has the expertise and experience to provide Farm Plans to meet the requirements of Bainbridge Island Municipal Code Section 18.09.030 and provide assistance on land management activities and their impacts on natural resources. In providing these services, KCD assists with compliance of the City's NDPES permit, including assistance with the IDDE Program and education/outreach.

The value of the annual contract with the KHD has been approximately \$40,000, and an annual analysis of program tasks by city staff has determined that approximately 50% of the activities under the program tasks support water quality benefits. Therefore, the SSWM utility will pay 50% of the KHD billing under this agreement, and the General Fund will pay 50%.

Roads and SSWM Capital Improvement Projects

City Ordinance 2012-06 exempted City-owned rights-of-way from payment of SSWM fees. The justification for this charging methodology under Section 2.A. of the ordinance was that City streets were responsible for contributing at least \$27 million in stormwater infrastructure over and above what would be needed for just street runoff.

In order to continue this exemption from stormwater fees for City streets, all future stormwater infrastructure required in the construction or improvements of City streets, or non-motorized facilities as part of or separate from City streets, will be paid by the General Fund. This includes the construction of collection and piping systems that replace existing drainage ditch systems.

Costs for repair and replacement of existing stormwater systems that were constructed as part of the City streets, including culverts, will be paid by SSWM utility funds.

Allocation Information by Department

The following pages allocation factors for each position in departments in which cost allocation applies to personnel costs.

Departments shown

Executive

Finance & Administration

Planning and Community Development

Public Works

Departments not shown because their costs are entirely supported by the General Fund

City Council

Municipal Court

Public Safety

COBI Cost Allocation Plan

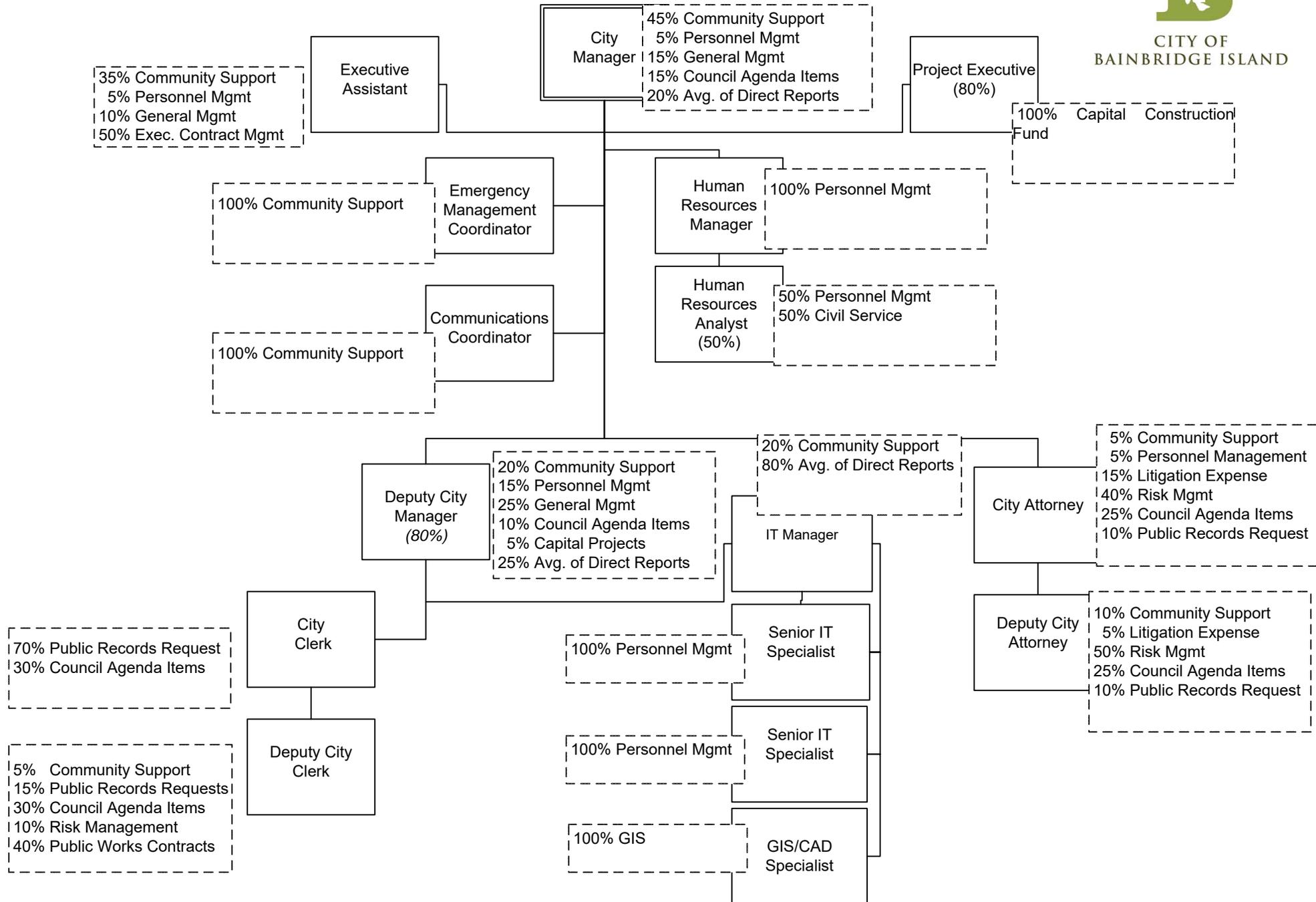
Numerical Allocations Used		
Basis	Data	Description
Community Support	100% General Fund	Community Support
FTE by Fund	Average of Hours Worked 2017-2019	Personnel Mgmt
General Mgmt	Average of operating costs 2017-2019	General Mgmt
Council Agenda Items	Average of agenda Items evaluated and assigned by Fund 2017-2019	Council Agenda Items
Public Records Request	Average of requests evaluated and assigned by Fund 2017-2019	Public Records Request
Litigation Expense	Average of Legal Costs 2017-2019 by Fund	Litigation Expense
Risk Mgmt	Average of Costs Incurred 2017-2019	Risk Mgmt
Exec Contract Mgmt	Average Contract Amounts for Executive 2017-2019	Exec Contract Mgmt (100% General Fund)
Contract Mgmt	Average Contract Amounts 2017-2019	Contract Mgmt
AP Invoices	Average of invoice count 2017-2019	AP Vouchers
Receipts	Average of receipt count 2017-2019	Receipts
Avg of Direct Reports	Average of direct reports to a Manager	Avg of Direct Reports
UB Customers	Average of Number of accounts 2017-2019	Utility Billing
Operating Projects	Average of Operating Project Costs 2017-2019	Operating Projects
Capital Projects	Average of Capital Project Costs 2017-2019	Capital Projects
Long Term Debt	Average of Debt Service	Long Term Debt
General Customer Service	100% General Fund	Business Management
Utility Tax	100% General Fund	Utility Tax

City of Bainbridge Island

Executive

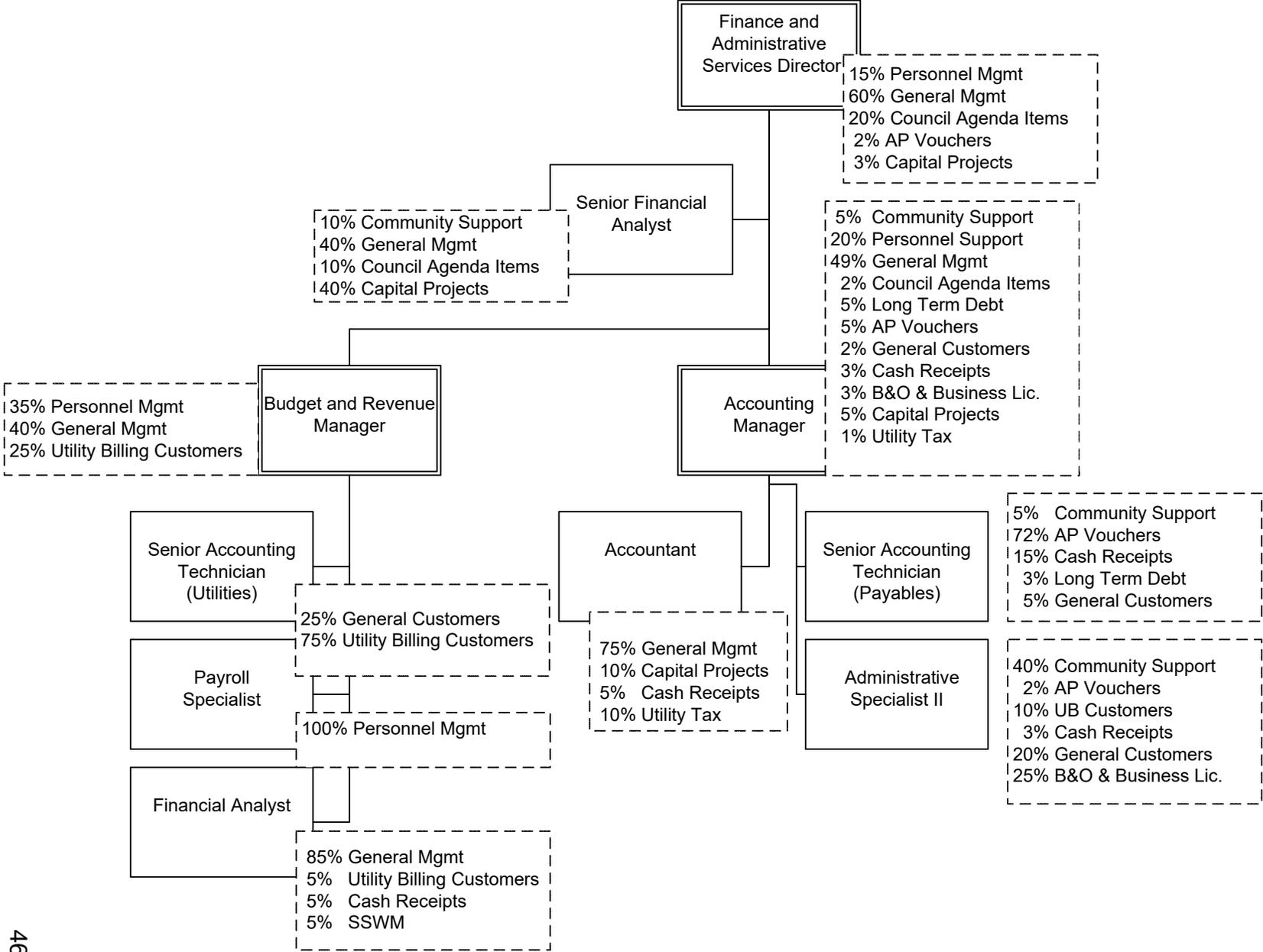


CITY OF
BAINBRIDGE ISLAND



City of Bainbridge Island

Finance & Administrative Services

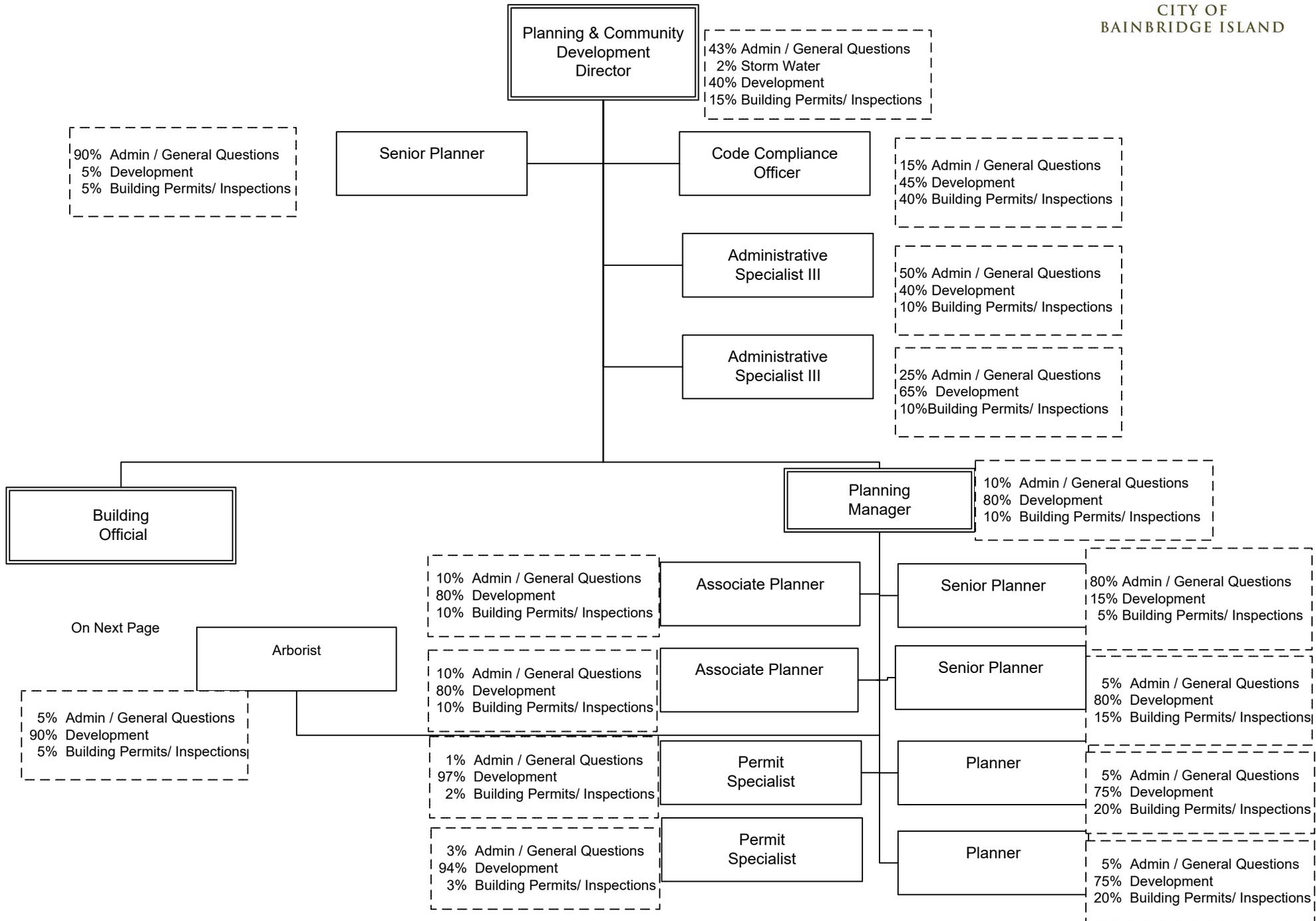


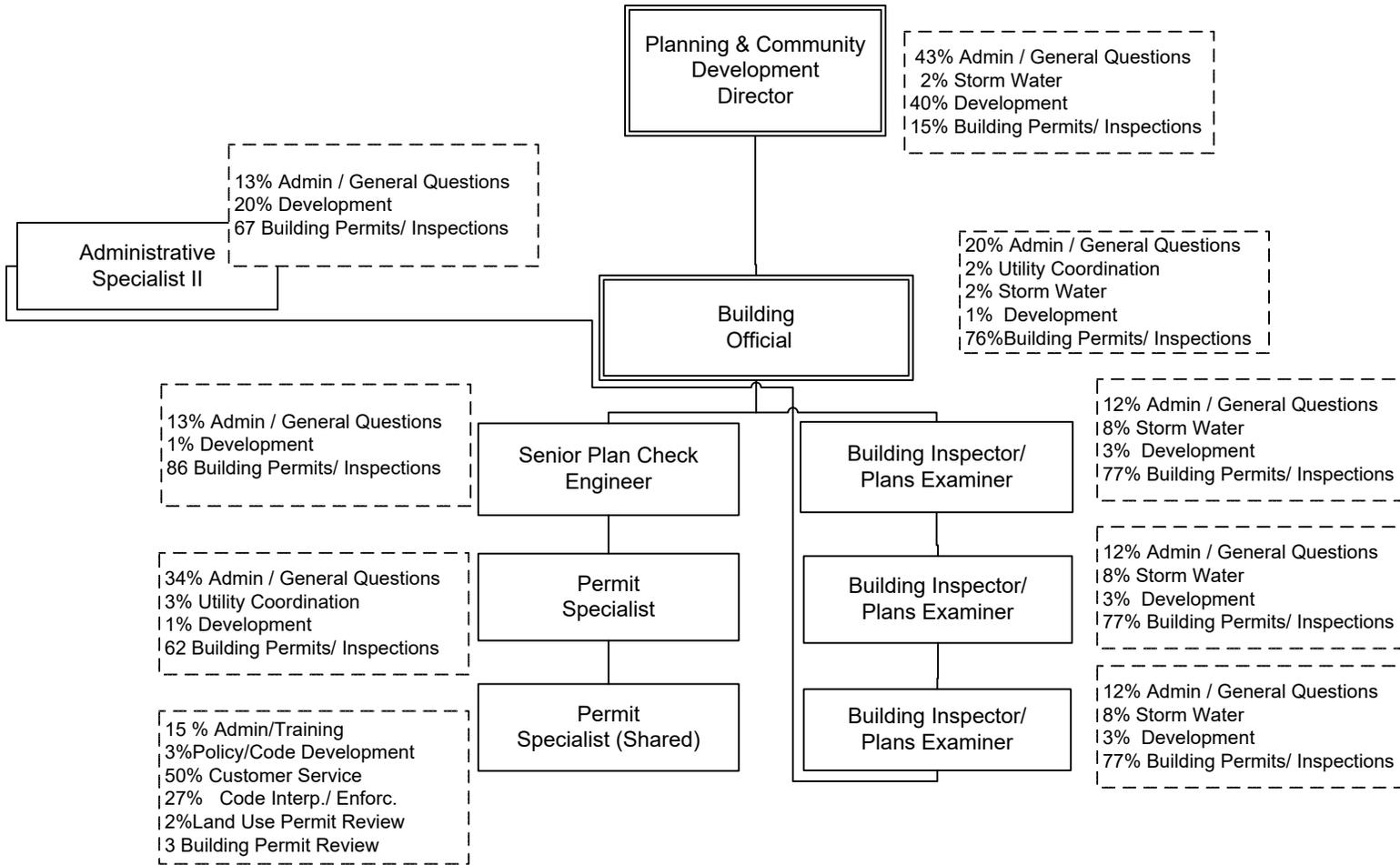
City of Bainbridge Island

Planning & Community Development



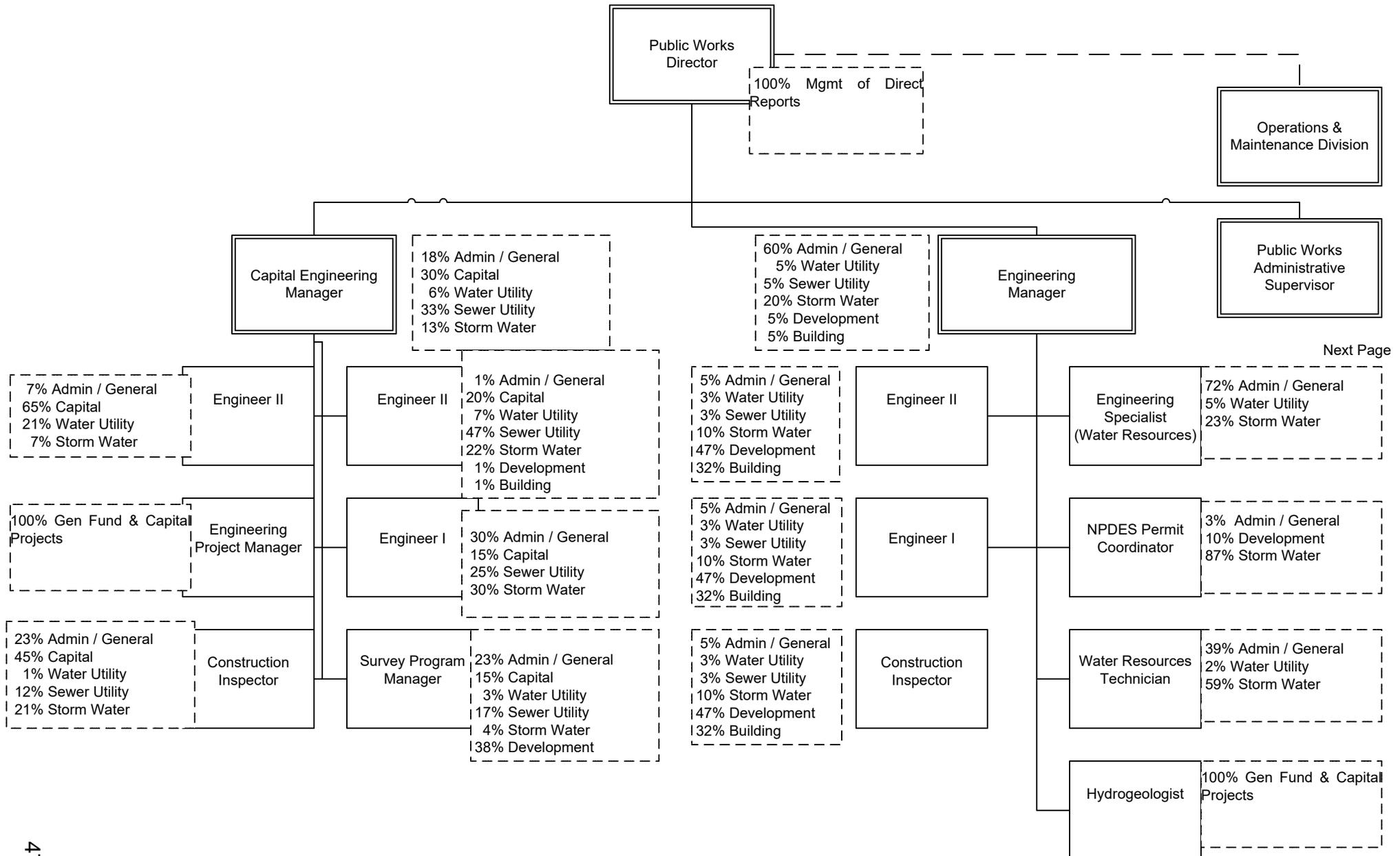
CITY OF
BAINBRIDGE ISLAND



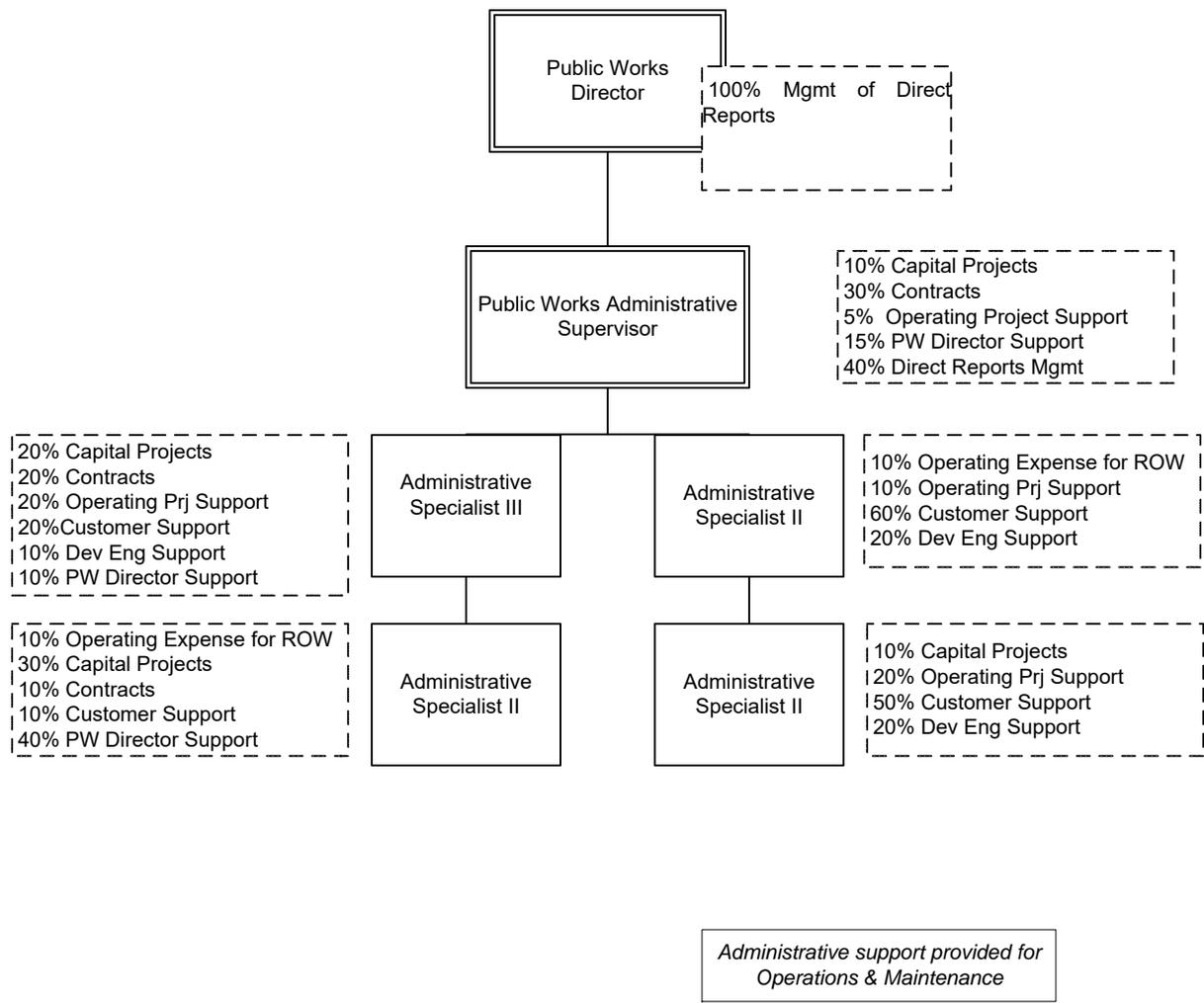


City of Bainbridge Island

Public Works - Engineering



Next Page



Public Works
Director

Public Works
Manager

23% General Fund
15% Streets
25% Water Utilities
20% Sewer Utilities
15% Storm water
2% Building & Development

TREATMENT
PLANT

UTILITIES

1% Water Utilities
99% Sewer Utilities

Treatment Plant
Operator III

Treatment Plant
Operator II

Treatment Plant
Operator II

Treatment Plant
Operator II

1% General Fund
4% Streets
30% Water Utilities
25% Sewer Utilities
40% Storm water

1% General Fund
4% Streets
20% Water Utilities
30% Sewer Utilities
45% Storm water

1% General Fund
4% Streets
30% Water Utilities
25% Sewer Utilities
40% Storm water

1% General Fund
4% Streets
20% Water Utilities
30% Sewer Utilities
45% Storm water

Utilities
Technician III

Utilities
Technician II

Utilities
Technician II

Utilities
Technician I

Utilities
Technician II

Utilities
Technician II

Utilities
Technician I

2% General Fund
3% Streets
1% Capital
74% Water Utilities
15% Sewer Utilities
5% Storm water

1% General Fund
4% Streets
20% Water Utilities
30% Sewer Utilities
45% Storm water

1% General Fund
4% Streets
20% Water Utilities
30% Sewer Utilities
45% Storm water



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Resolution No. 2020-09, Updating the City's Debt Policy - Finance,

SUMMARY: This financial policy item is being presented in conjunction with the Financial Policy discussion Item 6D and the Equipment, rental and revolving fund discussion Item 6F.

AGENDA CATEGORY: Resolution

PROPOSED BY: Finance & Administrative Services

RECOMMENDED MOTION:

Approve with Consent Agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND: This policy and resolution updates the debt policy last updated in 2008. It removes obsolete references and incorporates recent best practices language and format.

ATTACHMENTS:

[Resolution No. 2020-09 - Updating the City Debt Policy](#)

[RES 2008-14 - Debt Policy.pdf](#)

[Exhibit A to Resolution No. 2020-09 - COBI Debt Policy.docx](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

RESOLUTION NO. 2020-09

A RESOLUTION of the City Council of Bainbridge Island, Washington, updating the City’s Debt Policy.

WHEREAS, the City Council (“Council”) is responsible for setting financial policy for the City of Bainbridge Island (“City”); and

WHEREAS, state law, including Chapter 35A.33 RCW, provides guidance for budgets in Code Cities; and

WHEREAS, in accordance with Chapter 35A.34 RCW and Chapter 2.82 BIMC, the City prepares a biennial budget with a mid-biennial review; and

WHEREAS, the City Administration (“Administration”) requested, as part of the 2021-2022 biennial budget process, that the Council update the financial and budgetary policies that were adopted by the City prior to 2020; and

WHEREAS, the Council last updated the City’s Debt Policy in August 2008 through the passage of Resolution No. 2008-14; and

WHEREAS, the City Council now desires to update the City’s Debt Policy to reflect changes in City Code, clarify certain sections, and incorporate current debt best practices.

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

Section 1. The debt policy adopted by Resolution No. 2008-14 is hereby repealed in its entirety and replaced as shown on **Exhibit A**, which is attached hereto and incorporated herein by this reference as if set forth in full.

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

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

By: _____
Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

By: _____
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.

2020-09

RESOLUTION NO. 2008-14

A RESOLUTION of the City of Bainbridge Island, Washington, establishing Debt Management Procedures and Policies.

WHEREAS, the City seeks to develop financial procedures and policies that are fiscally prudent and that incorporate principals of budget sustainability, and

WHEREAS, the City seeks to establish conditions for the use of debt and to create procedures and policies that minimize the City's debt service and issuance costs, retain the highest practical credit rating, and maintain full and complete financial disclosure and reporting; now therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES RESOLVE AS FOLLOWS:

PART I -- DEBT ADMINISTRATION AND PROCESS

- 1. Role of Finance Committee.** The Finance and Personnel Committee will provide advice to the Mayor, City Council, and Director of Finance in all matters pertaining to the incurrence of debt. The Finance and Personnel Committee also has oversight of these Debt Policies, and will recommend amendments from time to time to the Mayor and City Council.
- 2. General Rules.** Neither the City, nor any City department, agency, nor unit will incur indebtedness without the approval of the City Council. Any proposal to finance a capital project that involves a pledge or other extension of the City's credit through a sale of bonds or notes, the execution of loans or leases, marketing guarantees, or otherwise involving directly or indirectly the lending or pledging of the City's credit, shall be reviewed through the Budget process. In addition, a review of proposed funding sources (including, by way of example, debt) shall be a regular feature of the City's Capital Facilities Plan process; however, the adoption of a Capital Facilities Plan shall not bar the City from incurring debt at a level that differs from the Plan to the extent that the City Council subsequently approves a debt issuance, in connection with its Budget process (including any Budget amendments that may be adopted from time to time throughout the year), that differs in amount from the CFP of record.
- 3. Requests for Debt Financing.** It is the policy of the City to utilize debt financing only for capital projects (potentially including hard costs and/or soft costs of a Council-approved capital project), but not for operating expenses. Any proposal to finance a capital project with debt issued by the City will be presented to the City Council through the Budget and Capital Facilities Plan process with additional detail described below. The requests for debt financing must specify the purpose of the borrowing, any options for financing the project without borrowing, and specific sources of payment of debt service. It should include, as specified by the Director of Finance, a detailed project budget, specifying sources and uses. The bond or other indebtedness will be considered to have been authorized for purposes of compliance with RCW 35A.33.130 as of the date of the approval by the Council of the applicable budget ordinance for the year in which the bond or other debt is to be issued.
- 4. Preparation for Bond Sale.** After obtaining approval by the City Council through the Budget process, the Director of Finance, the City Attorney and the City's bond counsel will produce appropriate ordinance(s) and resolutions for review and approval by the City Council. At the earliest possible date in any Budget Year a Reimbursement Resolution will be prepared by the Finance

Director for review by the Finance Committee and subsequent presentation to the City Council which will detail all projects to be funded through each respective debt issuance.

5. **Scheduling.** The Director of Finance is responsible for creating a schedule for the issuance of bonds or notes by the City in consultation with the City's financial advisor and bond counsel. For the purpose of minimizing transaction costs and achieving efficiencies, effort will be made to consolidate the issuance of debt into as few transactions per year as is feasible, consistent with the cash flow needs of the City. A preliminary schedule will be provided to the members of the Finance and Personnel Committee as soon as practical after such a schedule is determined by the Director of Finance.
6. **Preparation of Official Statement.** The members of the Finance and Personnel Committee will be provided with copies of the preliminary official statement for review and comment prior to its publication.
7. **Bond Ordinance.** All ordinances authorizing issuance of bonds or notes are to be presented to the City Council for first reading at least two weeks before the scheduled sale date. At first reading, public comment will be afforded, and the City Council will hear a presentation from the Director of Finance, and the City's bond counsel and financial advisor will be available to answer questions. It is understood that at the time of Council's final consideration (i.e., second reading) of the bond ordinance, which shall not be later than the day prior to the sale date of the bonds, an offer to purchase the bonds will be presented to the City contingent on the Council's adoption of the ordinance with no changes, and thus any concerns or amendments to the authorizing ordinance should be raised by the Council at the time of first reading. Not later than the day prior to the sale date, at the second reading, the final ordinance will be presented to the City Council, and a black-lined version will be made available showing the changes.
8. **Closing and Post-Issuance Compliance.** The Director of Finance and the Mayor will participate in the closing of each bond issue. The Director of Finance will take such actions as may be required to monitor the City's ongoing compliance with federal tax and arbitrage regulations, continuing disclosure obligations and covenants contained in the bond documents.

PART II – DEBT MANAGEMENT POLICIES

CREDITWORTHINESS OBJECTIVES

Policy 1. Credit Ratings.

The City of Bainbridge Island seeks to maintain the highest possible credit ratings for all categories of short- and long-term General Obligation debt that can be achieved without compromising delivery of basic City services and achievement of adopted City policy objectives.

The City recognizes that external economic, natural, or other events may from time to time affect the creditworthiness of its debt. Nevertheless, the Mayor and City Council are committed to ensuring that actions within their control are prudent and consistent with the highest standards of public financial management, and supportive of the creditworthiness objectives defined in this policy.

Policy 2. Financial Disclosure.

The City is committed to full and complete financial disclosure, and to cooperating fully with rating agencies, institutional and individual investors, City departments and agencies, other levels of government, and the general public to share clear, comprehensible, and accurate financial information. The City is committed to meeting disclosure requirements on a timely and comprehensive basis. Official statements accompanying debt issues, Comprehensive Annual Financial Reports, and continuing disclosure statements will meet (at a minimum) the standards articulated by the Municipal Standards Rulemaking Board (MSRB), the Government Accounting Standards Board (GASB) (to the extent applicable to Washington code cities), the National Federation of Municipal Analysts (NFMA), the Securities and Exchange Commission (SEC), and Generally Accepted Accounting Principles (GAAP). The Department of Finance shall be responsible for ongoing disclosure to established national information repositories (NRMSIRs) and for maintaining compliance with disclosure standards promulgated by state and national regulatory bodies.

Policy 3. Capital Planning.

To enhance creditworthiness and prudent financial management, the City of Bainbridge Island is committed to systematic capital planning, intergovernmental cooperation and coordination, and long-term financial planning. Evidence of this commitment to systematic capital planning will be demonstrated through adoption and periodic adjustment of a Comprehensive Plan pursuant to the Growth Management Act and the adoption of a Six-Year Capital Facilities Plan. The City is committed to public participation in establishing a Capital Facilities Plan and to identifying sources and uses of funds in each such plan at the project level.

Policy 4. Councilmanic Debt Capacity and Reserve.

The City will keep outstanding debt within the limits prescribed by State statute and at levels consistent with its creditworthiness objectives. The City will reserve \$30 million of limited tax (councilmanic) general obligation debt capacity, or 25% of the total legal limit (which statutory limit is 1.5% of total city-wide assessed value), whichever is larger, for emergencies. For purposes of this policy, an "emergency" means a situation which the City Council has determined to be an emergency for purposes of this policy, such as responses to major natural disasters or other significant threats or disruptions to City infrastructure or to public health or safety.

Policy 5. Net Councilmanic Debt Service.

The City will monitor and limit the net debt service being paid from the Tax Supported Funds. "Net debt service" is defined as the total annual debt service on limited tax general obligation (councilmanic) debt minus any revenues generated by the debt-financed projects to pay this debt service. Except in emergencies (as defined in Policy 4), additional councilmanic debt shall not be issued to the extent it would cause the net debt service that would become payable from the Tax Supported funds to exceed 25% of the total budgeted Tax Supported funds revenues for the current year or a subsequent year.

Policy 6. Annual Debt Report.

The Department of Finance shall prepare an annual report on City debt and present it to the Council at the time the Mayor submits his or her Proposed Budget. This report will describe any bond issues planned for the coming year and will describe bonds issued to date during the current year. The report shall also provide historical and projected information on debt, including debt capacity and debt service analyses. The report will cover all forms of City debt, including utility debt, and debt guarantees.

PURPOSES AND USES OF DEBT

Policy 7. Capital Financing.

The City will normally rely on existing funds, project revenues, and grants from other governments to finance capital projects or major maintenance, equipment acquisition, and small development projects. Debt may be used for capital projects only when (a) a project generates revenues over time that are used to retire the debt, (b) debt is an appropriate means to achieve a fair allocation of costs between current and future beneficiaries, or (c) in emergencies. Debt may not be used for non-capital purposes. Debt may be used not only for hard construction and implementation costs, but also for services to specify the scope, engineering or design, or to manage the implementation, of a capital project planned by the Council, but debt may not be used for analysis of the feasibility of a project.

Policy 8. Asset Life.

The City will consider the use of debt for the acquisition, development, replacement, maintenance, or expansion of an asset only if it has a useful life of at least five years. Debt will not be issued for periods exceeding the useful life or average useful lives of the project or projects to be financed.

Policy 9. Use of Councilmanic (LTGO or Nonvoted) Debt.

Before issuing limited tax general obligation (LTGO) debt, the City will consider all other financing alternatives or funding sources, including non-debt financing.

The City will use limited tax general obligation debt only:

- If the debt service will be payable from a specified revenue source (such as a new non-property tax revenue source, a voter-approved property tax increase, or project revenues) which is expected to be sufficient to pay at least a substantial portion of the debt service (as determined by the Finance Committee); or
- If the project is expected to significantly reduce City operating costs within the first five years; or
- If an equal or greater amount of non-City matching funds will be lost if City LTGO funds are not applied in a timely manner; or
- Under catastrophic or emergency conditions; or
- If the project to be financed either (i) is a project in the City's Capital Facilities Plan for which the Council has designated LTGO debt as a funding source, (ii) provides essential City services, or (iii) would so advance core City policy objectives such that its importance exceeds the value that would be added by seeking voter approval.

Policy 10. Issuance of Voted (UTGO) Debt.

The Department of Finance will identify, in the annual capital facilities plan update, potential candidates for voter-approved financing and will work with the Mayor and City Council to develop an election plan as far in advance of the proposed financing date as practical.

Policy 11. Use of Revenue Debt.

Revenue bonds shall be issued only when projected operating revenues are insufficient to meet the enterprise's financing needs. Each enterprise fund will maintain an adequate rate structure to cover the full cost of its operations including: maintenance, depreciation, capital and debt service. The City will insure that net operating revenues constitute a minimum of 1.25 times the annual debt service requirements. Net revenue is defined as Gross Revenue less Maintenance and Operation Expense where Maintenance and Operating Expenses are defined as all reasonable expenses incurred by the City in causing the Waterworks Utility of the City to be operated and maintained in good repair, working order and condition, including payments made to any other municipal corporation or private entity for water service and for sewage treatment and disposal service or other utility service in the event the City combines such service into the Waterworks Utility and enters into a contract for such service, but not including any depreciation or taxes levied or imposed by the City or payments to the City in lieu of taxes, or capital additions or capital replacements to the Waterworks Utility.

Policy 12. Second Lien Debt

The City will issue second lien debt very rarely, and only if it is financially beneficial to the City and consistent with creditworthiness objectives.

Policy 13. LIDs.

The City may issue notes, interfund certificates, or other financial instruments as necessary to finance Local Improvement Districts (LIDs) or Business Improvement Districts (BIDs) or other special purpose financing as authorized by the City Council.

Policy 14. Capital Leases.

The City may consider entering into long-term capital leases on the same basis as it considers councilmanic debt, and such proposals must be considered through the City's Budget and Capital Facilities Plan processes. Consistent with RCW 35.42.030, capital leases may not exceed 50 years (unless otherwise authorized by state law), may be subject to renewal and may include an option to purchase. For purposes of Policy 4, payments on a capital lease do not count as "debt" unless the City has entered into an arrangement for the issuance of Certificates of Participation or has otherwise securitized its payment obligation on that lease (in which case only those portions of each lease payment allocated as principal will be counted as "debt"). Nonetheless, for purposes of compliance with RCW 35.42.200, if the aggregated portions of lease payments over the term of the lease that are allocable to principal would cause the City to exceed its statutory debt limit for councilmanic debt, the question of whether to execute the lease must be submitted to the voters.

Policy 15. Short-term Borrowing.

Except for LIDs and similar situations, the use of short-term borrowing, such as bond anticipation

notes (BANs) and tax-exempt commercial paper will be undertaken only if the transaction costs plus interest of the debt are less than the cost of an interfund loan, or available cash is insufficient to meet working capital requirements.

Policy 16. Public-Private Partnerships; Debt Guarantees.

The City may consider, on a case-by-case basis, the use of its debt capacity for legally allowable capital projects by public development authorities, non-profit housing agencies and special purpose units of government, so long as total City debt guarantees do not exceed 15% of the City's total legal authority for non-voted general obligation debt and so long as the guarantees do not infringe on the debt capacity reserve established in Policy 4. City participation in such projects will be considered only if consistent with statutory and constitutional authority and only:

- After the prior commitment of the full assets and resources of the project developer (or the project, as appropriate) to debt service coverage;
- If project revenues (or development authority revenues, as appropriate) pledged to debt service, are at least equal to debt service (average coverage of 1.0 during the term of the debt);
- If debt service reserves are provided by the development authority's own resources and are equal to at least six months' debt service;
- If all other viable means of financing have been examined, including, but not limited to, revenue debt, letters and lines of credit, and extension of credit by other governmental agencies; and
- After completion of a fiscal review and approval by the City Council.

DEBT STANDARDS; STRUCTURE; METHOD OF SALE

Policy 17. Length to Maturity.

Debt will be structured for the shortest period consistent with a fair allocation of costs to current and future beneficiaries or users.

Policy 18. Debt Structure.

To the extent possible, the City will design the repayment of its overall debt so as to recapture rapidly its credit capacity for future use. To this end, the City will strive to repay at least 18% of the principal amount of its total general obligation debt within five years and at least 35% within ten years.

Policy 19. Net Cost

Debt will be structured to achieve the lowest possible net cost to the City given market conditions, the urgency of the capital project, net revenues expected from the project (if any), and the nature and type of security provided.

Policy 20. Level Cost

The City will seek to structure debt with level principal and interest costs over the life of the debt. "Back loading" of costs will be considered only when natural disasters or extraordinary or unanticipated external factors make the short-term cost of the debt prohibitive, the benefits derived from the debt issuance can clearly be demonstrated to be greater in the future than in the present, such

structuring is beneficial to the City's overall amortization schedule, or such structuring will allow debt service to more closely match project revenues during the early years of the project's operation.

Policy 21. Method of Sale.

In general, negotiated sales of debt will be used for issuances smaller than \$3 million par value and will be considered in those circumstances when the complexity of the issue requires specialized expertise, when the negotiated sale would result in substantial savings in time or money, or when market conditions or City credit are unusually volatile or uncertain.

In general, competitive bidding is the preferred method of sale except in those circumstances when the complexity of the issue requires specialized expertise, when the negotiated sale would result in substantial savings in time or money, or when market conditions or City credit are unusually volatile or uncertain. Bids will be awarded on a true interest cost basis (TIC), provided other bidding requirements are satisfied. In the unlikely event that the City receives more than one bid with identical TICs; the tie may be broken by a coin toss. In instances where the City, in a competitive bidding, deems the bids received unsatisfactory, the Director of Finance may enter into negotiation for sale of the securities.

Policy 22. Refundings.

Periodic reviews of all outstanding debt will be undertaken to determine refunding opportunities. Refunding will be considered (within federal tax law constraints) if and when there is a net economic benefit of the refunding or if the refunding is valuable in order to modernize covenants to thereby improve operations and management.

In general, the Director of Finance shall report to the Finance Committee whenever there are opportunities for advance refundings that will provide a net present value savings of at least 5% of the refunded debt (taken as a whole and not on a maturity-by-maturity basis) can be achieved. Current refundings which produce a net present value savings of less than 5% may be considered on a case-by-case basis. Refundings with negative savings will not be considered unless there is a compelling public policy objective.

Policy 23. Credit Enhancements.

Credit enhancement (letters of credit, bond insurance, etc.) may be used, but only when net debt service on the bonds is reduced by more than the costs of the enhancement.

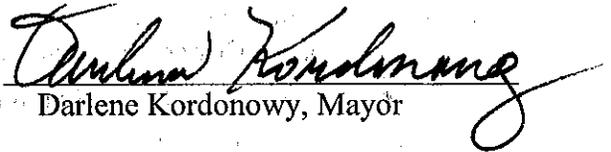
Policy 24. Arbitrage Compliance.

The Director of Finance shall maintain a system of record keeping and reporting to meet the arbitrage rebate compliance requirements of federal tax code.

PASSED by the City Council this 13th day of August, 2008.

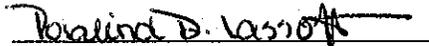
APPROVED by the Mayor this 20th day of August, 2008.

By:


Darlene Kordonowy, Mayor

ATTEST/AUTHENTICATE:

By:


Rosalind D. Lassoff, CMC
City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.

April 1, 2008
August 13, 2008
2008-14

Bond Basics Glossary

Acceleration – A remedy for default that allows the bondholder or lender to declare the unpaid balance immediately due and payable.

Ad Valorem Tax – Property tax.

Additional Bonds Test – A covenant that an issuer will not issue new additional bonds that will have a claim to revenues already pledged to outstanding bonds, unless certain financial or other requirements are met.

Advance Refunding – Issuance of new bonds to repay an outstanding bond issue prior to its first call date in order to capture savings (in the form of a lower interest rate), or to change covenants or other provisions. Generally, the proceeds of the new issue are invested in government securities, which are placed in escrow. The trustee or escrow agent uses these maturing government securities to pay interest the old issue until its first call date, at which point it is called and repaid.

Agreement Among Underwriters (AAU) – The contract set up between members of an underwriting syndicate, stipulating the activities of each member.

Amortization Schedule – The schedule of principal and interest payments for the elimination of debt.

Appropriation – An authorization by a legislative body to set aside cash for a specific purpose.

Arbitrage – The practice of buying and selling in different markets to profit from a spread in prices or yields resulting from market conditions. Except in limited circumstances, municipal issuers are generally prohibited from selling bonds in the tax-exempt market, and turning around to invest the proceeds in higher-yielding taxable market in order to earn profits. Any such arbitrage profits must be rebated to the U.S. Treasury.

Assessment Bonds (or Local Improvement District Bonds) – Bonds the repayment of which is secured by special assessments paid by property owners whose property receives a special benefit from the bond-financed improvement.

Auction Rate Securities (ARS) – Variable rate securities in which the interest rate is reset periodically (daily, weekly or monthly), based on the results of a dutch auction.

Average Annual Debt Service (AADS) – The average amount of total debt service due in each year over the life of the bonds.

Average Life – The average length of time an issue of bonds with mandatory sinking funds is expected to remain outstanding.

Baby Bond – A denomination issued in less than \$1,000, also known as a mini-bond.

Balloon Maturity or Balloon Payment – An large proportion of bond principal maturing in a single year.

Back-Loaded Debt – A debt service structure in which total debt service payments are lower in the early years and increase toward the final maturity. This is typically accomplished with smaller principal maturities in the early years, balloon payments, “zero-coupon” bonds or capitalized interest bonds.

Bank Qualified (BQ) – Bonds issued by municipalities that anticipate selling less than \$10 million in bonds in a given calendar year. Certain financial institutions that buy these securities are allowed to deduct 80 percent of the interest expense incurred to buy them.

- Basis point** – One one-hundredth of a percent (0.01%). One hundred basis points equal 1 percent. Used in discussing the pricing and yields of bond issues.
- Blue Sky Law** – A term referring to various state laws enacted to protect the public against securities fraud.
- Bond** – A promise by an issuer to repay a stated principal amount, which obligation will accrue interest at a stated rate. Bonds typically have an average life of 3 years or more. Securities with shorter maturities are termed notes (3 years or less) or commercial paper (12 months or less).
- Bond Anticipation Note (BAN)** – A short-term borrowing (usually 3 years or less) that the issuer anticipates retiring with the proceeds of a bond sale. Typically used during a construction period before final costs are known. *See also Tax Anticipation Note (TAN), Revenue Anticipation Note (RAN), Tax and Revenue Anticipation Note (TRAN), Grant Anticipation Note (GAN).*
- Bond Bank** – State bond banks bundle debt offerings from small issuers into larger offerings, to create advantages of scale.
- Bond Counsel** – A lawyer who typically represents the bond issuer, reviews the transaction, and writes an opinion on its legality, security, and tax status.
- Bond Election** – The process by which voters approve or reject the sale of unlimited tax general obligation (UTGO) bonds.
- Bond Fund** – An issuer's debt service repayment fund, into which all money collected for the repayment of bonds is deposited.
- Bond Insurance** – A policy written by a mono-line insurance company that guarantees payment to bondholders of principal and interest payments when due, resulting in a higher credit rating, lower borrowing cost, or enhanced marketability for the bonds.
- Bond Ordinance or Bond Resolution** – A legal document describing the terms and conditions of the offering, the rights of the bondholder, and the obligations of the issuer.
- Bond Proceeds** – The amount of money received by the issuer in exchange for an issue of bonds.
- Bond Purchase Agreement (BPA) or Bond Purchase Contract (BPC)** – The contract between the issuer and the underwriter setting the terms, prices, and conditions of the sale.
- Bond Rating** – The series of letters, numbers, and symbols used by rating agencies to designate the credit quality of an issuer's securities.
- Bond Register** – A record, kept by a transfer agent or bond registrar on behalf of an issuer, of the names and addresses of registered bond owners.
- Bond Registrar** – The person or entity who maintains the bond register. In Washington, typically the State's Fiscal Agent (currently The Bank of New York) acts as registrar for most governmental issuers. A trustee, treasurer or finance officer may alternatively be appointed as bond registrar.
- Bond Transcript** – The legal documents associated with a bond offering.
- Bonded Debt** – The portion of an issuer's total indebtedness as represented by outstanding bonds.
- Book-Entry** – Securities in the form of entries in the issuer's or a clearing house's books, rather than in the form of paper certificates with coupons. All but the smallest bond issues are sold in book-entry format.

Bond Basics Glossary

Broker – An agent between buyers and sellers of securities. Brokers' brokers handle inter-dealer transactions.

Calendar – The list of upcoming bond sales.

Call Provision – A provision permitting an issuer to redeem a bond prior to its stated maturity date.

Call Premium – An amount, usually stated as a percentage of the principal amount, paid as a "penalty" or a "premium" for the exercise of a call provision.

Callable Bonds – Bonds that may be redeemed by the issuer prior to the stated maturity date. Typically, a first call date is 10 years from issuance, at a price of par plus interest accrued to the call date. Other call provisions (and premiums) can be negotiated.

Capital Appreciation Bond (CAB) – A bond purchased at a deep discount to face value, for which principal and all interest are due at maturity. Also called a capitalized interest bond or compound interest bond.

Closing – The point in the sale at which an issuer delivers securities to the underwriters, and receives the proceeds.

Competitive Sale or Competitive Bid – The sale of bonds to a purchaser based on bids submitted electronically at a specified time.

Conduit Financing – A financing structure in which an issuer sells bonds and then lends the proceeds, pursuant to a loan agreement, to a borrower. The bond issuer promises to repay the bonds using the loan repayment amounts received from the borrower.

Contingent Loan Agreement – A form of credit enhancement whereby an entity independent of the issuer agrees to provide credit enhancement to an issuer in the form of one or more loans. For example, a public development authority (PDA) may obtain a guarantee from the city that created it that if the PDA is unable to make debt service payments, the city will provide additional funds to the PDA to be used for that purpose. See also *Guaranty Agreement*.

Continuing Disclosure – An issuer's obligation to provide ongoing updates of information regarding the issuer's financial condition, pursuant to a written Undertaking to Provide Continuing Disclosure, to the NRMSIRs and other specified market participants.

Councilmanic Debt – Bonds authorized to be issued by a City Council (or other local governing body) without a vote of the people.

Coupon – The rate of interest to be paid by the issuer. Formerly, physical coupons were attached to bond certificates. They would literally be clipped and brought to a bank or paying agent and presented for payment. Such certificated bonds are very rare today.

Covenant – A legally binding commitment by the issuer to the bondholder.

Cover Bid – The second-best bid received at a competitive sale.

Coverage – A ratio of the amount of project or utility revenues to the expected debt service requirements during a given 12-month period. Typically expressed in a covenant as a promise, e.g., to keep utility rates high enough to produce 1.25 times average annual debt service.

Credit Enhancement (or Credit Support) – Additional security provided for an issue of bonds. Examples of credit enhancement include bond insurance, guarantee agreements, contingent loan agreements, and letters of credit.

Dated Date – The date from which interest on a bond will accrue, usually the issue date.

Bond Basics Glossary

Debt Per Capita – The ratio of bonded debt divided by population.

Debt Service Reserve Fund (DSRF) – A separate fund established in revenue bond issues as a reserve for the payment of debt service, into which an issuer may typically deposit cash, securities or reserve sureties. *See Reserve Requirement.*

Default – Failure to comply with terms of a bond issue, which may include making timely payment of principal and interest and other covenants.

Defeasance – Placement of cash or securities into an escrow or trust account to be used by the escrow agent or trustee for the payment of principal of and interest on bonds when due. Defeased bonds are no longer treated as “outstanding” debt.

Discount Bonds – A bonds initially sold at a price that is less than par, meaning that the issuer receives less in payment than the stated face value of the bonds. The amount of premium is usually described as a percentage below par. (For example, a \$100,000 face value bond might sell for 99% or \$99,000.) A purchaser buying discount bonds must consult their tax advisor regarding the tax treatment of discount bonds.

Double-Barreled Bond – A bond with two distinct revenue sources pledged to repayment, most typically a specific (but often narrow and subject to fluctuation) revenue stream and a broader stream such as a general obligation pledge.

Downgrade – A reduction in a bond rating.

Dutch Auction – An auction at which purchasers submit bids stating the lowest interest rate they will accept for a stated amount of bonds, and bonds are distributed among the purchasers, beginning with the lowest bidder, at the price bid by the last bidder to receive an allocation (the “clearing price”). Bids will be filled from the lowest yield (price offering the highest premium) until the entire issue has been allocated. In the following example, bids for \$10 million of bonds maturing in ten years with a 5.125% coupon might be received as shown below. This auction will “clear” (i.e., all of the \$10 million will have been allocated) 5.130% and the bonds will be sold at a price reflecting the bid yield:

Bidder	Bid Amount	Yield Bid	Allocation Received	Yield
1	\$ 1,000,000	5.115%	\$ 1,000,000	5.130 %
2	2,500,000	5.120	2,500,000	5.130
3	3,500,000	5.125	3,500,000	5.130
4	4,500,000	5.130	3,000,000	5.130
5	3,750,000	5.135	--	--
6	2,750,000	5.140	--	--
7	1,500,000	5.145	--	--
TOTAL			\$ 10,000,000	

Escrow Account – A trust account established for a particular purpose, typically in conjunction with a refunding or defeasance of bonds.

Face Amount – The principal amount stated on a bond. *See also Par Value.*

Federal Tax Code (or Code) – The Internal Revenue Code of 1954, as amended, and related interpretations.

Financial Adviser (FA) – A finance professional hired to advise an issuer on finance matters including structuring of a proposed transaction, appropriateness of issuing debt and related issues.

Floating Rate Bond or Floater – An obligation bearing interest at a variable rate that is reset periodically, ranging from daily to annually.

Flow of Funds – Typically a covenant requiring amounts to be paid into and out of specific funds in a particular order, ensuring that available money is applied first to the highest priority uses.

Full Faith and Credit – A pledge of any and all resources available to an issuer, including general taxing power, to repay its debt obligations.

General Obligation (GO) – A security backed by the full faith and credit of a municipality. General obligation debt is typically thought of as being backed by *ad valorem* property taxes. *See also Limited Tax General Obligation and Unlimited Tax General Obligation.*

Grant Anticipation Note (GAN) – Short-term debt (usually three years or less) that is issued in anticipation of receiving a grant and is secured by those grant funds.

Gross Revenues – Typically includes all revenues received by a project (or an issuer) before payment of expenses for operation, maintenance or debt service.

Guaranteed Investment Contract (GIC) – An investment vehicle in which a financial institution guarantees a specified rate of return on investment. In Washington, true GICs are rare, and more commonly issuers invest bond proceeds in repurchase agreements (or “repos”) in which a financial institution sells investment securities to the issuer and promises to repurchase those securities at a definite time in the future for a stated price.

Guaranty (Guarantee) Agreement – A form of credit enhancement whereby an entity independent of the issuer agrees to provide credit enhancement to an issuer. For example, a public development authority (PDA) may obtain a guarantee from the city that created it that if the PDA is unable to make debt service payments, the city will provide additional funds to the PDA to be used for that purpose. *See also Contingent Loan Agreement.*

Indenture or Trust Indenture – A legal document creating a “trust estate” comprising the security for repayment of bonds. The indenture describes the terms and conditions of a bond offering, the rights of the bondholder, and the obligations of the issuer to the bondholder. Typically used in revenue transactions, and replaced by a bond ordinance or bond resolution for most general obligation bonds.

Industrial Development Bond (IDB) (or Industrial Revenue Bond (IRB)) – Tax-exempt securities sold by a public agency to finance qualifying facilities for private enterprises, such as water and air pollution control, ports, airports, resource recovery plants, and housing. The bonds are usually repaid by revenues from the corporate beneficiary.

Interest Rate Swap – An agreement between two parties to exchange future flows of interest payments. One party agrees to pay the other a fixed rate; the other pays the first party a variable rate usually tied to a short-term index.

Inverted Yield Curve – A market environment when short-term interest rates are higher than long-term rates. A typical yield curve shows lower short-term interest rates and higher long-term rates.

Junior Lien Bonds – Bonds issued with a subordinate claim against pledged revenues. Not associated with general obligation bonds.

Lease Financings – A financing structure in which an issuer enters into a lease for equipment and/or facilities that it typically will acquire at the end of a stipulated period.

Legal Opinion – The written conclusion of a lawyer about a bond’s security, legality, and tax status.

Letter of Credit (LOC) – A form of security that provides liquidity and credit support, primarily for variable rate transactions. A financial institution promises to make cash available under certain conditions for debt service payments on behalf of the issuer or to be drawn during a remarketing or mode reset of variable rate demand obligations.

Level Debt Service – A debt service structure in which total principal and interest payments are approximately equal in each year over the life of the debt.

Limited Tax General Obligation Bonds (LTGOs) – A general obligation bond that is secured by the pledge of the full faith and credit of an issuer, including *ad valorem* tax revenues, all within the property tax limits under the state constitution and state law without a vote. *See also Councilmanic Debt or Nonvoted Debt.*

Line of Credit – A type of debt instrument in which a borrower may draw funds, up to a maximum amount, and repay the principal plus interest, which is usually a variable rate that is set at the time a draw is made. Frequently used for short-term notes and during construction periods.

Mandatory Redemption – A required redemption of bonds or a portion of a maturity of bonds, prior to the stated maturity. Used with term bonds or under extraordinary circumstances such as a default or sale of bond-financed property.

Maturity – The date on which the principal amount of a security is due and payable.

Maximum Annual Debt Service (MADS) – The highest total debt service due in any given year over the life of a bond issue.

Mode or Interest Rate Mode – Provision in bond documents permitting a change in how interest is calculated, permitting changes between fixed rate and variable rate options, under specified circumstances.

Multi-Modal Bonds – A bond issue in which the method of calculating interest may be changed from one interest rate mode to another under specified circumstances.

MSRB – The Municipal Securities Rulemaking Board.

Negotiated Sale – The sale of bonds to an underwriter selected by the issuer before the sale date.

Net Interest Cost (NIC) – Represents the average coupon rate of a bond issue, weighted to reflect the term of the bonds and adjusted for the premium or discount. It does not consider the time value of money, as does true interest cost (TIC). $[NIC = (\text{total coupon interest} + (-) \text{discount (premium)}) / \text{bond years}]$

Net Revenues – Typically defined as gross revenues less operating and maintenance expenses.

Notes – Short-term borrowings, usually maturing in less than three years. Used to cover seasonal cash flow needs or interim financing.

NRMSIR – A nationally recognized municipal securities information repository designated by the SEC.

Official Statement (OS) – A document prepared to provide potential bond purchasers with all material information about a bond issue, the security and sources of repayment for the bonds, the issuer and its financial condition. The SEC requires that an underwriter obtain from the issuer an OS for any publicly marketed bond issue of over \$1 million.

Original Issue Discount (OID) / Original Issue Premium (OIP) – The discount (or premium) below (or above) the stated par amount of a bond that the initial purchaser pays to the issuer of a bond. For example, the *coupon* may be 4.00%, but the initial purchaser may offer to pay a price of 4.05% or 3.95%. The IRS has detailed rules on how bond purchasers must treat OID or OIP for income tax purposes.

Overlapping Debt – The proportionate share of debt issued by overlapping taxing jurisdictions (such as a park district or school district), in addition to an issuer's own direct debt obligations, for which the issuer's taxpayers may also be responsible. Used as a measure by bond rating agencies and potential purchasers to gauge the taxpayers' overall debt burden and their ability to repay.

Bond Basics Glossary

Parity Bonds – More than one series of bonds, which may be issued at different times, but are payable from the same source of pledged funds and hold the same lien position against those funds.

Paying Agent – A bank or trust company appointed by an issuer to receive the money necessary for principal and interest payments from the issuer and distribute those payments to bondholders.

Pay-As-You-Go Basis – A financial policy that states that capital outlays will be paid from current revenues rather than from borrowing.

Pledge – The legal term for the promise of repayment, specifying the sources of repayment and any repayment-related covenants.

Pledged Revenues or Pledged Funds – The money set aside or revenue stream promised to be used solely for the payment of debt service and to provide security for payment of debt service, as specified in the bond documents.

Point – One percent of par value. Because bond prices are quoted as a percentage of \$1,000, a point is worth \$10, regardless of the actual denomination of the security.

Preliminary Official Statement (POS) – A version of the Official Statement that is often used by analysts and potential purchasers to form preliminary assessments of creditworthiness. The POS is “deemed final” by the issuer, and contains all material information about the bond issue except for pricing, yield and maturity information (and details related to pricing, yield and maturity). It contains a “red herring” disclaimer, printed in red ink, prominently displayed along the edge of the cover, stating that orders may not be taken based on the document.

Premium Bonds – A bonds initially sold at a price that is above par, meaning that the issuer receives more in payment than the stated face value of the bonds. The amount of premium is usually described as a percentage above par. (For example, a \$100,000 face value bond might sell for 101% or \$101,000, producing \$1,000 of premium for the issuer.) A purchaser buying premium bonds must consult their tax advisor regarding the tax treatment of premium bonds.

Present Value – The current value of a cash payment or revenue stream to be received in the future, calculated using an assumed rate of inflation or interest that could otherwise be earned, had that cash been received today.

Principal – The amount borrowed on a loan, or the par value (face amount) of a bond. A principal payment is also referred to as a “maturity” of bonds.

Private Activity Bonds – Bonds the proceeds of which will be used in a private trade or business (“private use”) and will be repaid with funds received from a private trade or business (“private payments”). A minimal amount of private use and private payment may not cause an issue of bonds to be treated as private activity bonds. Private activity bonds may not be issued as tax-exempt bonds unless they meet the requirements under the Federal Tax Code for “qualified” private activity bonds, which may include receiving an allocation of volume cap.

Private Placement – An issue of bonds that is sold directly to one or more investors. Many private placements are sold as a single bond or note held by a bank and structured very similarly to a commercial loan. Other private placements may involve sophisticated security structures and may be sold to sophisticated investors. Most private placements may not be sold or remarketed by the initial purchaser to future bondholders.

Qualified 501(c)(3) Bonds – Bonds issued by a nonprofit 501(c)(3) organization that may be treated as tax-exempt under the Federal Tax Code.

Rate Covenant – A provision common to utility (and similar enterprise) revenue bonds, in which the issuer pledges to maintain utility rates (or other income streams that are necessary for bond repayment or for operations and

maintenance of the bond-financed facilities) at the levels that are necessary to meet annual debt service requirements.

Ratings – An evaluation performed by an independent rating service indicating the credit quality of an issue of bonds. Ratings for municipal bonds are not necessarily equivalent to ratings on corporate bonds, and potential investors should understand the bond market before making such comparisons. There are currently three major rating companies that provide ratings on municipal bonds: Moody's, Standard & Poors, and Fitch.

Red Book – Formally known as The Bond Buyer's Municipal Marketplace, this is the standard directory of underwriters, bond counsel, financial advisers, rating agencies, credit enhancement firms, and providers of derivatives and investment products.

Redemption – The exchange by the issuer of cash for outstanding bonds, upon which the bonds are no longer outstanding. Early redemption refers to a redemption prior to the original stated maturity date, pursuant to mandatory or optional redemption provisions. Redemption provisions are also referred to as "call" provisions.

Refunding – A method of refinancing debt by selling a new bond issue to raise cash to for the redemption or defeasance of an outstanding bond issue. Refundings may be referred to as *current refundings* or *advance refundings*.

- *Current Refunding* – A refunding of bonds that are subject to redemption within 90 days of the issuance of the new (refunding) bonds.
- *Advance Refunding* – A refunding of bonds that are not subject to redemption with 90 days of the issuance of the new (refunding) bonds, requiring the establishment of a defeasance trust or escrow for the payment of principal of and interest on the bonds until their first call (redemption) date.

Reimbursement Agreement – An agreement to reimburse a provider of credit enhancement for any funds provided pursuant to that credit enhancement.

Remarketing Agent – A financial institution that agrees to periodically remarket (and thus set a new interest rate for) variable rate demand obligations.

Remarketing Agreement – The agreement with a remarketing agent regarding its responsibilities in remarketing an issue of variable rate demand obligations.

Reserve Requirement – A covenant by an issuer to maintain a debt service reserve fund or account sufficient to meet upcoming debt service requirements in the event that revenues pledged to a bond issue should be insufficient. A reasonably required reserve, under the Federal Tax Code, is equal to the lesser of: maximum annual debt service, 125% of average annual debt service, or 10% of the proceeds of a bond issue.

SEC – The United States Securities and Exchange Commission.

Sinking Fund – A fund established for the deposit of money available for repayment of bonds at or prior to maturity.

SLGS (pronounced "slugs") – Securities issued by the U.S. Treasury, called the State and Local Government Series, that provide a stated rate of interest. They are typically purchased for deposit into a refunding escrow to carry out a refunding of bonds.

Revenue Bonds – Bonds payable solely from a stated revenue stream or revenue source, and not backed by the full faith and credit of the issuer.

TEFRA – Stands for the federal Tax Equity and Fiscal Responsibility Act of 1982. Shorthand for certain public hearing requirements applicable to tax-exempt private activity bonds under the Federal Tax Code.

Bond Basics Glossary

Term Bonds – Bonds that are payable in mandatory redemption amounts prior to the stated maturity date. For example, \$1,000,000 of term bonds maturing in 2020 may be due and payable in mandatory redemption amounts of \$300,000 in 2018, \$300,000 in 2019 and \$400,000 in 2020.

Tax-Exempt Bonds – Bonds whose owners may treat the interest income as exempt from federal income tax. Most municipal bonds are issued as tax-exempt.

Tax and Non-Arbitrage Certificate – A certificate of the issuer stating the issuer's assumptions and expectations that establish the basis for concluding that a bond issue may be treated as tax-exempt. This document describes expectations about the use of proceeds, the rate and which proceeds will be spent, and the restrictions on investment of proceeds. It also describes certain actions that an issuer may need to take in the future to maintain the tax-exempt status of the bond issue.

Taxable Bonds – Bonds whose owners may treat not the interest income as exempt from federal income tax. Municipal issuers may issue taxable bonds for portions of projects that do not otherwise qualify for tax-exemption.

Qualified Management Contract – A contract for management of a bond-financed facility that meets requirements under the Federal Tax Code relating to private activity bonds. Typical management contracts are entered into for management of golf course facilities, restaurants and food service, or parking facilities. A management contract that is not "qualified" risks tainting an entire issue of tax-exempt bonds.

True interest cost (TIC) – A method of calculating interest cost while taking into account the time value of money.

Unlimited Tax General Obligation Bond (UTGO) – An issue of voted general obligation bonds by a Washington issuer, to which the issuer has pledged its full faith credit and taxing power, including a voter-approved excess property tax levy dedicated solely to repayment of the bonds and is not subject to otherwise applicable tax limitations.

Variable Rate – An interest rate that is not fixed at a particular rate at issuance, but may change during the life of the bonds in accordance with a specified index or procedure for establishing a new interest rate.

Variable Rate Demand Obligation (VRDO) – Variable rate bonds that give a bondholder the right to put (sell) their bonds back to a financial institution at certain specified periods, usually at rate reset dates or interest rate mode change dates, allowing bondholders to decide whether to continue to hold the bonds when a new interest rate is established.

Volume Cap – An allocation of private activity bond volume authorized to be issued by a particular bond issuer.

Waterworks Utility - the combined water system of the City, sanitary sewage disposal system of the City and storm and surface water drainage system, and all additions thereto and betterments and extensions thereof at any time made.

Yield To Maturity – The total return on a bond, taking into consideration its coupon, length of maturity, and dollar price.

Zero-Coupon Bonds – Bonds sold at a deep discount, and without a coupon, appreciating to full value at maturity. Also known as capital appreciation bonds or compound interest bonds.



Debt Policy

Department of Finance and Administrative Services

Prepared by Finance Director DeWayne Pitts
Initial Development:

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Purpose and Overview

The Debt Policy for the City of Bainbridge Island is established to help ensure that all debt is issued both prudently and cost effectively. The Debt Policy sets forth comprehensive guidelines for the issuance and management of all financings of the Issuer. Adherence to the policy is essential to ensure that the City maintains a sound debt position and protects the credit quality of its obligations.

Capital planning

The City shall integrate its debt issuance with its Capital Improvement Program (CIP) spending to ensure that planned financing conforms to policy targets regarding the level and composition of outstanding debt. This planning considers the long-term horizon, paying attention to financing priorities, capital outlays and competing projects. Long-term borrowing shall be confined to the acquisition and/or construction of capital improvements and shall not be used to fund operating or maintenance costs.

Authoritative Guidance

Legal Governing Principles

In the issuance and management of debt, the City shall comply with the state constitution and with all other legal requirements imposed by federal, state, and local rules and regulations, as applicable.

State Statutes – The City may contract indebtedness as provided for by [Chapter 35A.40.090 RCW](#). General Obligation indebtedness is subject to the limitations on indebtedness provided for in RCW 39.36.020(2)(b) and Article VIII of the Washington State Constitution. Bonds evidencing such indebtedness shall be issued and sold in accordance with [Chapter 39.46 RCW](#).

Federal Rules and Regulations – The City shall issue and manage debt in accordance with the limitations and constraints imposed by federal rules and regulations including the Internal Revenue Code of 1986, as amended; the Treasury Department regulations there under; and the Securities Acts of 1933 and 1934.

Local Rules and Regulations – The City shall issue and manage debt in accordance with the limitations and constraints imposed by local rules and regulations.

Roles and Responsibilities

The City Council shall:

- Approve all indebtedness;
- Approve debt financing only for capital projects or to refund outstanding debt; debt shall not be issued for operating costs;

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- Approve the Debt Policy;
- Approve budgets sufficient to provide for the timely payment of principal and interest on all debt; and
- Determine, in consultation with the City's Financial Advisor, the City's Bond Counsel, the City Attorney's Office, and City Finance Director, the most appropriate instrument for a proposed bond sale.

The Finance Director in consultation with the City Manager, Deputy City Manager and Council shall:

- Assume primary responsibility for debt management;
- Provide for the issuance of debt at the lowest possible cost and risk;
- Determine the available debt capacity;
- Provide for the issuance of debt at appropriate intervals and in reasonable amounts as required to fund approved capital expenditures;
- Recommend to the City Council the manner of sale of debt;
- Monitor opportunities to refund debt and recommend such refunding as appropriate;
- Comply with all Internal Revenue Service (IRS), Securities and Exchange (SEC), and Municipal Securities Rulemaking Board (MSRB) rules and regulations governing the issuance of debt.
- Provide for the timely payment of principal and interest on all debt and ensure that the fiscal agent receives funds for payment of debt service on or before the payment date;
- Provide for and participate in the preparation and review of offering documents;
- Comply with all terms, conditions and disclosure required by the legal documents governing the debt issued;
- Submit to the City Council all recommendations to issue debt;
- Distribute to appropriate repositories information regarding financial condition and affairs at such times and in the form required by law, regulation and general practice, including Rule 15c2-12 regarding continuing disclosure;
- Provide for the distribution of pertinent information to rating agencies; and
- Apply and promote prudent fiscal practices

Ethical Standards Governing Conduct

The members of the City Council will adhere to the requirements of the City's Code of Conduct and Ethics Program as well as [Chapter 42.23 RCW](#). City staff will adhere to the standards of conduct contained in the City's Employee Manual. The City Manager will adhere to the standards of conduct contained in the International City/County Manger's Association (ICMA) Code of Ethics or other standards specified upon appointment by the City Council.

Professional Services

The City shall procure professional services as required to execute financing transactions and to advise on non-transaction related work. Professional services may be provided by Municipal Advisors, Legal Counsel, underwriters, and other service providers such as rating agencies, trustees or escrow agents, verification agents, printers, arbitrage rebate calculation firms, or

bidding agents. The City's Finance Department shall be responsible for the solicitation and selection of professional services that are required to administer the City's debt.

Bond Counsel – With the exception of debt issued by the State on the City's behalf, all debt issued by the City will include a written opinion by bond counsel affirming that the City is authorized to issue the proposed debt. The opinion shall include confirmation that the City has met all city and state constitutional and statutory requirements necessary for issuance, a determination of the proposed debt's federal income tax status, and any other components necessary for the proposed debt.

- Financial Advisor – A Financial Advisor may be used to assist in the issuance of the City's debt. The Financial Advisor will provide the City with the objective advice and analysis on debt issuance. This includes, but is not limited to, monitoring of market opportunities, structuring, and pricing of debt, and preparing official statements of disclosure.
- Underwriters – An Underwriter will be used for all debt issued in a negotiated sale method. The Underwriter is responsible for purchasing negotiated debt and reselling the debt to investors.
- Fiscal Agent – A fiscal agent will be used to provide accurate and timely securities processing and timely payment to bondholders. As provided under RCW 43.80, the City will use the Fiscal Agent selected by the State of Washington.
- Professional Service providers may be selected through a competitive selection process conducted by the Finance Director in consultation with City Attorney's Office. The City Council shall approve the most qualified financial advisor/underwriter and bond counsel.

Debt Structure

Types of Debt Instruments:

The City may utilize several types of municipal debt obligations to finance long-term capital projects. Subject to the approval of City Council, the City is authorized to sell:

Unlimited Tax General Obligation Bonds – The City shall use Unlimited Tax General Obligation Bonds (UTGO), also known as “Voted General Obligation Bonds” as permitted under Article 7, Section 2(b) of the Washington State Constitution and laws of the state of Washington including, but not limited to, [Chapters 39.36, 39.46 RCW](#) and [Chapter 84.52 RCW](#). UTGO Bonds are limited to capital purposes only. Every project proposed for financing through general obligation debt should be accompanied by a full analysis of the future operating and maintenance costs associated with the project. UTGO Bonds are payable from excess tax levies and are subject to the assent of 60% of the voters at an election to be held for that purpose.

Limited Tax General Obligation Bonds – A Limited-Tax General Obligation debt (LTGO), also known as “Non-Voted General Obligation Debt” or “Councilmanic Debt”, requires the City to levy a property tax sufficient to meet its debt service obligations but only up to a statutory limit. The City shall use LTGO Bonds as permitted under Article 8, Section 6 of the Washington State Constitution and [Chapter 39.46 RCW](#) for general capital purposes only. LTGO Bonds are backed by the full faith and credit of the City and is payable from General Fund reserves and taxes collected by the City. LTGO Bonds will only be issued if:

- A project requires funding not available from alternative sources
- Matching fund monies are available which may be lost if not applied for in a timely manner; or,
- Emergency conditions exist

Revenue Bonds – The City shall use Revenue Bonds as permitted under [RCW 39.46.150](#) and [RCW 39.46.160](#) for the purpose of financing construction or improvements to facilities of enterprise systems operated by the City in accordance with the Capital Improvement Plan. No taxing power or general fund pledge is provided as security. Unlike general obligation bonds, revenue bonds are not subject to the City’s statutory debt limitation nor is voter approval required.

Special Assessment/Local Improvement District Bonds – The City shall use Special Assessment Bonds as permitted under [RCW 35A.40.080](#), for the purpose of assuring the greatest degree of public equity in place of general obligation bond as determined by Council. Local Improvement District (LID) Bonds represent debt that is repaid by the property owners who specifically benefit from the capital improvements through annual assessments paid to the City. LID’s are formed by the City Council after a majority of property owners agree to the assessment. No taxing power or general fund pledge is provided as security, and LID Bonds are not subject to statutory debt limitations. The debt is backed by the value of the property within the district and a LID Guaranty Fund, as required by State Law.

Short Term Debt – The City shall use short term debt as permitted under [Chapter 39.50 RCW](#), for the purpose of meeting any lawful purpose of the municipal corporation, including the immediate financing needs of a project for which long term funding has been secured but not yet received. The City may use inter-fund loans rather than outside debt instruments to meet short-term cash flow needs for the project. Interfund loans will be permitted only if an analysis of the affected fund indicates excess funds are available and the use of the funds will not impact the fund’s current operations. All inter-fund loans will be subject to Council approval and will bear interest at prevailing rates.

Leases – The City is authorized to enter into capital leases under [RCW 35.42.200](#), subject to the approval of City Council.

Public Works Trust Fund Loans – The City shall use Public Works Trust Fund Loans as provided under [Chapter 43.155 RCW](#) for the purpose of repairing, replacing or creating domestic

water systems, sanitary sewer systems, storm sewer systems, roads, streets, solid waste/recycling facilities and bridges.

Local Option Capital Asset Lending (LOCAL) Program Debt – The City is authorized to enter into a financing contract with the Office of the State Treasurer under [Chapter 39.94 RCW](#), for the purpose of financing equipment and capital needs through the State Treasurer’s Office subject to existing debt limitations and financing considerations. The LOCAL Program is an expanded version of the state agency lease/purchase program that allows the pooling of funding into larger offerings of securities.

Transaction Specific Policies

Method of Sale – The City shall evaluate the best method of sale for each proposed bond issue.

1. **Competitive Bid Method** – Any competitive sale of the City’s debt will require the approval of City Council. City debt issued on a competitive bid basis will be sold to the bidder proposing the lowest true interest cost to the City.

2. **Negotiated Bid Method** – When a negotiated sale is deemed advisable (in consultation with City Council) the Finance Director shall negotiate the most competitive pricing on debt issues and broker commissions in order to ensure the best value to the City. If debt is sold on a negotiated basis, the negotiations of terms and conditions shall include, but not be limited to, prices, interest rates, underwriting or remarketing fees and commissions.

The City, with the assistance of its Financial Advisor, shall evaluate the terms offered by the underwriting team. Evaluations of prices, interest rates, fees and commissions shall include prevailing terms and conditions in the marketplace for comparable issuers. No debt issue will be sold on a negotiated basis without an independent financial advisor.

3. **Bond Refundings** – The City shall use refunding bonds in accordance with the Refunding Bond Act, [Chapter 39.53 RCW](#). Unless otherwise justified, the City will refinance debt to achieve true savings as market opportunities arise. Refunding debt shall never be used for the purpose of avoiding debt service obligations. A target 5% cost savings (discounted to its present value) over the remainder of the debt must be demonstrated for any “advance refunding”, unless otherwise justified. The City, in consultation with its Financial Advisor, may approve a “current refunding” transaction of an existing debt issue if the refunding demonstrates a positive present value savings over the remaining life of the debt.

4. **Interfund Loans** – With Council approval, the City may issue interfund loans rather than outside debt instruments to meet short-term cash flow needs. Interfund loans will be permitted only if an analysis of the affected funds indicates excess funds are available and the use of the funds will not impact the fund’s current operations. All interfund loans will bear interest based at prevailing rates and have terms consistent with state guidelines for interfund loans.

5. **Special Assessments** – When issuing debt, the City shall strive to use special assessment, revenue, or other self-supporting bonds in lieu of general obligation bonds.

Limitations on Debt Issuance

1. The City shall remain in compliance with all debt limitations. As part of the annual budgeting process, a current summary of outstanding debt and compliance targets is prepared. The City shall observe the following limitations on debt issuance:

- **General Obligation** – Maximum of 2.5% of Assessed Value ([RCW 39.36.020\(2\)\(b\)](#))
 - **Non-Voted:** 1.5% of Assessed Value - (Limited Tax General Obligation (LTGO) Bonds)
 - **Voted:** 2.5% of Assessed Value - (Unlimited Tax General Obligation (UTGO) Bonds)

2. Debt Limit Target: The City will reserve \$30 million of LTGO debt capacity, or 25% of the total legal limit (which statutory limit is 1.5% of total city-wide assessed value), whichever is larger, for emergencies.

3. Net LTGO Debt Service: LTGO debt shall not be issued to the extent it would cause the net debt service that would become payable from the Tax Supported funds to exceed 25% of the total budgeted Tax Supported funds revenues for the current or subsequent year.

4. The City will plan and direct the use of debt so that debt service payments will be a predictable and manageable part of the Operating Budget.

5. When considering new debt, City finance staff will conduct a debt affordability analysis to evaluate the City's ability to support long-term debt. The analysis will review available resources for debt and project the effects utilizing a ten- year recurring revenues and expenditure capacity analysis financial modeling tool. The financial assumptions shall be reasonable and shall take into account appropriately chosen sets of inflation factors and an appropriate set of economic projections. The Administration's chosen assumptions for revenues, expenditure inflation factors and economic measures shall be disclosed to the Council.

Debt Structuring Practices

The following terms shall be applied to the City's debt transactions, as appropriate. Individual terms may change as dictated by the marketplace or the unique qualities of the transaction.

- **Maturity** –The City shall issue debt with an average life less than or equal to the average life of the assets being financed. Unless otherwise stated in law, the final maturity of the debt shall be no longer than 40 years ([RCW 39.46.110](#)).

- **Debt Service Structure** – Unless otherwise justified, debt service should be structured on a level basis. Refunding bonds should be structured to produce equal savings by fiscal year. If appropriate, debt service reserve funds may be used for revenue bonds.

- **Price Structure** – The City’s long-term debt may include par, discount, and premium bonds. Discount and premium bonds must be demonstrated to be advantageous relative to par bond structures, given market conditions.
- **Call Provisions** – For each transaction, the City shall evaluate the costs and benefits of call provisions. In general, the City shall opt for the shortest possible optional call consistent with optimal pricing.
- **Bond Insurance** – For each transaction, the City shall evaluate the costs and benefits of bond insurance or other credit enhancements. Any credit enhancement purchases by the City shall be competitively priced.
- **Tax-exemption** – Unless otherwise justified and deemed necessary, the City shall issue its debt on a tax-exempt basis.
- **Reimbursement resolution** – A reimbursement resolution may be adopted by City Council if the project hard costs are advanced prior to the bond sale.

Compliance Polices

Investment of Proceeds

The City shall comply with all applicable Federal, State, and contractual restrictions regarding the investment of bond proceeds. This includes compliance with restrictions on the types of investment securities allowed, restrictions on the allowable yield of invested funds as well as restrictions on the time period over which some of the proceeds may be invested.

Arbitrage Liability Management

Due to the complexity of arbitrage rebate regulations and the severity of non-compliance penalties, the City shall solicit the advice of bond counsel and other qualified experts about arbitrage rebate calculations. The City shall, when deemed necessary or required, contract with a third party for preparation of the arbitrage rebate calculation.

The City shall maintain an internal system for tracking expenditure of bond proceeds and investment earnings. The expenditure of bond proceeds shall be tracked in the financial system by issue. Investments may be pooled for financial accounting purposes and for investment purposes. When investment of bond proceeds is co-mingled with other investments, the City shall adhere to IRS rules on accounting allocations.

Washington State Department of Commerce and the Bond Users Clearinghouse

The City shall ensure that the Washington State Department of Commerce and the Bond Users Clearinghouse receives municipal bond information for all debt sold as provided by [RCW 39.44.200 – 39.44.240](#) and [WAC 365-130](#).

Legal Covenants

The City shall comply with all covenants and conditions contained in governing law and any legal documents entered into at the time of a bond offering.

Other Policies

Periodic review

The City’s debt policy shall be adopted by City Council. The policy shall be reviewed at least every four years by the Finance Director and modifications shall be submitted to and approved by City Council.

Credit Rating

The City of Bainbridge Island seeks to maintain the highest possible credit ratings for all categories of short and long-term General Obligation debt that can be achieved without compromising delivery of basic City services and achievement of adopted City policy objectives.

The City recognizes that external. economic, natural, or other events may from time-to-time affect the creditworthiness of its debt. Nevertheless, the City Council is committed to ensuring that actions within their control are prudent and consistent with the highest standards of public financial management, and supportive of the creditworthiness objectives defined in this policy.



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Resolution No. 2020-11, Establishing Equipment Rental and Revolving Fund Policy - Finance,

SUMMARY: This financial policy item is being presented in conjunction with Item the 6D presentation on financial policies and 6E debt policy for Council consideration.

AGENDA CATEGORY: Resolution

PROPOSED BY: Finance & Administrative Services

RECOMMENDED MOTION: Approve with Consent Agenda

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND: Equipment rental and revolving funds, also known as ER&R funds, are established to provide equipment rental services within a local government. This new policy incorporates practical guidance from the State Auditor as well as the Governmental Finance Officers Association that follows state mandated laws around the use of internal service funds and meets various federal and state authoritative guidance.

ATTACHMENTS:

[Resolution No 2020-11 Establishing Equipment Rental and Revolving Fund Policy.docx](#)

[Exhibit A to Resolution No 2020-11 Equipment Rental and Revolving Policy.docx](#)

[Ord 2004-20 Approved.pdf](#)

[Ordinance No. 2017-09 Equipment Rental Fund Update Approved 050917.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

RESOLUTION NO. 2020-11

A RESOLUTION of the City Council of Bainbridge Island, Washington, Establishing the City’s Equipment Rental and Revolving Fund Policy.

WHEREAS, the City of Bainbridge Island (“City”) is a code city and the City Council (“Council”) is responsible for establishing financial policies for the City; and

WHEREAS, state law, including Chapter 35A.33 RCW, provides guidance for budgets in code cities; and

WHEREAS, state law provisions, including RCW 35.21.088 and RCW 35A.37.010, provide authority to code cities related to equipment rental funds; and

WHEREAS, Ordinance No. 2004-20 established the equipment rental fund; and

WHEREAS, Ordinance No. 2017-09 amended Chapter 3.24 of the Bainbridge Island Municipal Code converting the equipment rental fund to an equipment rental and revolving (“ER&R”) fund; and

WHEREAS, an ER&R fund is a fund through which the City tracks use of its equipment, and sets aside funds for replacement in a planned manner; and

WHEREAS, an ER&R fund provides for predictable budgeting for capital equipment replacement, and supports good fleet management and stable budget expenditures; and

WHEREAS, the ER&R fund as included in the 2019-2020 Adopted Budget is an internal service fund; and

WHEREAS, the establishment of an Equipment Rental and Revolving Fund Policy is an established current financial best practice.

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

Section 1. The Equipment Rental and Revolving Fund Policy as shown in **Exhibit A**, which is attached hereto and incorporated herein by this reference, is hereby adopted.

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

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

By: _____
Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

By: _____
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK: June 26, 2020
PASSED BY THE CITY COUNCIL: _____, 2020
RESOLUTION NO. 2020-11

Attachment: Exhibit A, "Equipment Rental and Revolving Fund Policy"



Equipment Rental and Revolving Fund Policy Department of Finance and Administrative Services

Prepared by Finance Director DeWayne Pitts and Accounting Manager Karl Shaw
Initial Development: 6/23/2020

Policy

Policy Statement

The Equipment Rental and Revolving (ER&R) Fund is a self-sustaining internal service fund established to pay the timely replacement cost of existing equipment and vehicles that meet the capitalization thresholds set forth in the Capital Asset Policy. It is the policy of the City of Bainbridge Island ER&R fund to charge rental rates sufficient to replace ER&R fund equipment with an additional reserve amount for unforeseen losses or catastrophic events.

Purpose

This policy will help determine ER&R rental rates and a target ER&R fund balance.

Scope

This policy applies to the City's ER&R fund only.

Goal

The City of Bainbridge Island has four core values: stewardship, professionalism, connection, and balance. In order to fulfill the core value of stewardship and meet state-prescribed minimum requirements, it is necessary for the City to maintain equitable ER&R rental rates and sufficient fund balance to pay for equipment replacement to meet the operating needs of all City Departments with an additional replacement reserve available for unforeseen losses or catastrophic events. The rental charges and target fund balance should reflect amounts that are anticipated to assure continued funding of necessary asset replacements but not be allowed to accumulate excessive balances in the fund. In addition, the fund balance should not be allowed to decrease to a level insufficient to meet ongoing capital needs. When the fund balance is not in line with the targeted fund balance, rates will be adjusted to bring the fund balance in line with the targeted fund balance.

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Authoritative Guidance

Governmental Accounting Standards Board (GASB)

GASB is the independent organization that establishes and improves standards of accounting and financial reporting for U.S. state and local governments.¹ While GASB is not a governmental agency and does not have enforcement authority, compliance with GASB is enforced through the Washington State Auditor's annual audit of the City.

Washington State Auditor's Office

The Washington State Auditor's Office prescribes budgeting, accounting, and reporting² for local governments in the State of Washington under the authority of [RCW 43.09.200](#).³ See also, [Washington State Auditor's Office Budgeting, Accounting Reporting System \(BARS\) for Generally Accepted Accounting Cities with a population over 8,000](#).

Legal

[Bainbridge Island Municipal Code Section 3.24](#) and [RCW 35.21.088](#) and [RCW 35A.37.010](#).

Responsibilities

It is the responsibility of the Department of Finance and Administrative Services (Finance) to periodically monitor, and adjust if necessary, the fund balances of all City funds. Therefore, the monitoring of the ER&R fund balance and related rental rates belongs with Finance. The Director of Finance may delegate this responsibility to one or more specific individuals within the department.

General

The ER&R fund balance target should be large enough to replace equipment as necessary to meet operational needs and/or in case of unexpected failure to an expensive piece, or multiple pieces, of equipment. However, the City recognizes that too large a fund balance becomes an inefficient use of taxpayer money. Rental rates should be structured, and adjusted as necessary, to maintain the target fund balance.

Procedures

Target fund balance and rental rates

Estimating the ER&R target fund balance

The possibility of failure of multiple pieces of equipment at or near the same time should be considered when estimating the target fund balance. One easily available measure of equipment replacement cost is the City's six-year Capital Improvement Plan (CIP), which is updated every two

¹ "Facts about GASB," published by the Governmental Accounting Standards Board and available online at www.gasb.org/facts/facts_about_gasb_2009-2010.

² "Budgeting, Accounting, and Reporting System (BARS)" Manual, published by the Washington State Auditor's Office and available online at www.sao.wa.gov.

³ "RCW" refers to the Revised Code of Washington.

Exhibit A to Resolution No. 2020-11

years during the development of the biennial budget and updated during the mid-biennium as necessary. The Director of Finance, or their designee, will consider the CIP when determining the ER&R fund balance target. This target will be reassessed during the biennial budget process and after the CIP is updated during the interim years.

Calculation of the target fund balance

To maintain an appropriate fund balance, the City will calculate the balance using the average of the Fleet and Equipment CIP's six-year replacement costs times two.

Rental rates, adjustments, and precision of the ER&R fund balance target

If the actual ER&R fund balance is too far above or below the target fund balance, the ER&R rental rates will be increased or decreased, as necessary, so that the actual fund balance comes into line with the target. This target is considered approximate and actual fund balance will be allowed to float 25% higher or lower before rates need to be adjusted. Rates may be adjusted sooner if the Director of Finance and the Manager of the Operations and Maintenance (O&M) Division deem it necessary.

Equipment lives

ER&R rental rates will use realistic equipment lives as estimated by the manufacturer and/or the O&M Division Manager, or his designee.

Equipment Replacement

The ER&R fund will only fund replacement of equipment or vehicles accounted for in the ER&R fund's existing asset replacement schedule. New assets not previously listed in the asset replacement schedule, or significant upgrades to existing assets, will need Council if they meet the city procurement policy dollar thresholds and will be paid for by the department and fund requesting the asset. Once the asset is procured, it will be added to the ER&R fund's existing asset replacement cycle and sufficient rent will be charged to replace the asset once it has reached the end of its useful life.

If equipment rental revenue received over the life of an asset is insufficient to cover the equipment replacement, the funding decision for the incremental difference will be made on a case-by-case basis depending on the nature and extent of the difference and the short and long term impact on the ER&R fund balance and future asset replacement schedules.

Rental rates

ER&R rental rates will consider equipment that is replaced earlier or later than anticipated. Other factors may include salvage value and insurance proceeds. Rental rates will include an equipment replacement inflation factor.

ORDINANCE NO. 2004-20

AN ORDINANCE OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, RELATING TO THE CITY'S FUND ACCOUNTING; REPEALING ORDINANCE 68-03; AND AMENDING CHAPTER 3.24 OF THE BAINBRIDGE ISLAND MUNICIPAL CODE.

WHEREAS, the City of Bainbridge Island has long maintained a reserve for capital equipment purchases in its general fund; and

WHEREAS, that reserve is not structured in a manner consistent with RCW 35A.37.010 and RCW 35.21.088, which require the City of Bainbridge Island to create and maintain an equipment rental fund; and

WHEREAS, the City of Bainbridge Island desires to fully comply with its legal requirements; now, therefore

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

SECTION 1. Ordinance 68-03 is repealed.

SECTION 2. Chapter 3.24 of the Bainbridge Island Municipal Code shall be renamed "Equipment Rental Fund" and shall be amended to read as follows:

**Chapter 3.24
EQUIPMENT RENTAL FUND**

Sections:

- 3.24.010 Created and established.
- 3.24.020 Administration.
- 3.24.030 Transfer of departments.
- 3.24.040 Placement of money.
- 3.24.050 Use of the fund.
- 3.24.060 Disposition of sale proceeds and purchases.
- 3.24.070 Rental charges – Schedule.
- 3.24.080 Accounts and records.
- 3.24.100 Manner of withdrawals and expenditures.
- 3.24.110 Retention of monies.

3.24.010 Created and established.

There is hereby created and established a special fund to be known and designated as the "equipment rental fund", to be used as a revolving fund to be expended for salaries, wages, and operations required for the repair, replacement, purchase, and operation of equipment, and for the purchase of equipment, materials and supplies to be used in the administration and operation of the fund.

3.24.020 Administration.

The equipment rental fund shall be administered by the director of finance and administrative services under the direction of the mayor.

3.24.030 Transfer of departments.

All capital equipment of all offices and departments of the City of Bainbridge Island shall be transferred to the equipment rental fund, without charge.

3.24.040 Placement of money.

Money may be placed in the fund from time to time by the Bainbridge Island city council.

3.24.050 Use of the fund.

The City of Bainbridge Island shall purchase and sell all capital equipment by the use of such fund, subject to the laws governing the purchase and sale of property. Such equipment shall be rented for the use of the various offices and departments of the city and may be rented by the city to other governmental agencies.

3.24.060 Disposition of sale proceeds and purchases.

The proceeds received by the city from the sale or rental of such equipment shall be placed in the equipment rental fund, and the purchase price of any such equipment or rental payments made by the city shall be made from monies available in the fund.

3.24.070 Rental charges – Schedule.

There shall be paid monthly into the equipment rental fund out of the monies available to the department using any such equipment, which has not been purchased by that department for its own use and out of its own funds, reasonable rental charges fixed by the city council of the City of Bainbridge Island by approval of a schedule submitted at regular meetings of the city council by the administrative services director, which schedule shall be sufficient to cover the maintenance, operation and replacement of said equipment as set forth in BIMC 3.24.010 herein, and which shall be revised from time to time to maintain the schedule so as to reflect the current and foreseeable needs of the equipment rental fund.

3.24.080 Accounts and records.

There shall be kept, by those directed by the director of finance and administrative services, such books, accounts and records as are necessary to control and report the financial operations of the equipment rental fund, and shall further subdivide the cash account thereof into two separately designated accounts as follows:

A. Account “A”, which shall be the “current operating account” into which shall be placed those portions of the charges made to the various departments or offices of the city of Bainbridge Island, in accordance with the provisions of BIMC 3.24.070 hereof, which are specifically billed to provide sufficient monies to pay the salaries and wages, materials, overhead and other costs necessary to operate and maintain all property rented thereto. There shall also be placed into Account “A” monies which may from time to time be specifically available thereto by action of the city council.

B. Account "B", which shall be the "equipment reserve account" into which shall be placed those portions of the charges made to the various departments or offices of the city, in accordance with the provisions of BIMC 3.24.070 thereof, which are specifically billed to provide sufficient monies, having first taken into consideration the necessary operating and maintenance costs billed under the preceding subsection A, to pay the costs of purchasing new equipment and replacing used equipment as required to carry out the purpose of the equipment rental fund. There shall also be placed in the Account "B" monies which are derived from the direct sale of any equipment or other capital assets of the fund and any monies made specifically available thereto by action of the city council.

3.24.100 Manner of withdrawals and expenditures.

Any withdrawals or expenditures from the equipment rental fund shall be made only in the following manner:

A. Expenditures from Account "A" shall be made only upon duly approved payrolls and vouchers of the City of Bainbridge Island for the purposes hereinbefore ascribed to said account.

B. Expenditures from Account "B" shall be made only upon duly approved vouchers of the city for the purposes hereinbefore ascribed to said account.

3.24.110 Retention of monies.

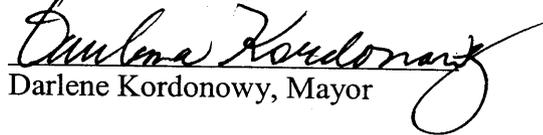
All monies in the equipment rental fund shall be retained there from year to year and shall not be transferred to any other fund or expended for any other purpose.

SECTION 3. The balance of all funds in the City's Reserve for Capital Equipment shall be transferred to the Equipment Rental Fund.

SECTION 4. This Ordinance shall take effect and be in force on and after January 1, 2005, which date is more than five days after its passage, approval and publication as required by law.

PASSED by the City Council this 22nd day of September, 2004.

APPROVED by the Mayor this 23rd day of September, 2004.


Darlene Kordonowy, Mayor

ATTEST/AUTHENTICATE:


Susan P. Kasper, City Clerk

FILED WITH THE CITY CLERK:	July 30, 2004
PASSED BY THE CITY COUNCIL:	September 22, 2004
PUBLISHED:	September 29, 2004
EFFECTIVE DATE:	October 4, 2004
ORDINANCE NO.	2004-20

ORDINANCE NO. 2017-09

AN ORDINANCE of the City of Bainbridge Island, Washington, amending Chapter 3.24 of the Bainbridge Island Municipal Code Relating to the Equipment Rental and Revolving Fund.

WHEREAS, Ordinance No. 2004-20 established the equipment rental fund; and

WHEREAS, the City desires to align the Bainbridge Island Municipal Code with the City’s adopted 2017-2018 biennial budget and current financial best practices and thereby convert the current equipment rental fund to an equipment rental and revolving (“ER&R”) fund; and

WHEREAS, an ER&R fund is a fund through which the City tracks use of its equipment, and sets aside funds for replacement in a planned manner; and

WHEREAS, an ER&R fund provides for predictable budgeting for capital equipment replacement, and supports good fleet management and stable budget expenditures; and

WHEREAS, the ER&R fund as included in the 2017-2018 Adopted Budget is an internal service fund.

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

SECTION 1. Chapter 3.24 of the Bainbridge Island Municipal Code is amended to read as follows:

**Chapter 3.24
EQUIPMENT RENTAL AND REVOLVING FUND**

Sections:

- 3.24.010 Created and established.
- 3.24.020 Administration.
- 3.24.030 Transfer of departments.
- 3.24.040 Placement of money.
- 3.24.050 Use of the fund.
- 3.24.060 Disposition of sale proceeds and purchases.
- 3.24.070 Rental charges – Schedule.
- 3.24.080 Accounts and records.
- 3.24.100 Manner of withdrawals and expenditures.
- 3.24.110 Retention of moneys.

3.24.010 Created and established.

There is hereby created and established a special fund to be known and designated as the “equipment rental and revolving fund,” to be used as a revolving fund to be expended, as appropriated by the city council, for salaries, wages, and operations required for the repair,

replacement, purchase, and operation of equipment, and for the purchase of equipment, materials, and supplies to be used in the administration and operation of the fund.

3.24.020 Administration.

The equipment rental and revolving fund shall be administered by the director of finance and administrative services ("director") under the direction of the city manager.

3.24.030 Transfer of departments.

All Capital equipment of all offices and departments of the city of Bainbridge Island, as determined by the director, shall be transferred to the equipment rental and revolving fund, without charge.

3.24.040 Placement of money.

Money may be placed in the fund from time to time by the Bainbridge Island city council.

3.24.050 Use of the fund.

The city of Bainbridge Island shall purchase and sell ~~all~~ capital equipment, as determined by the director, by the use of ~~such~~the equipment rental and revolving fund, subject to the laws governing the purchase and sale of property. Such equipment shall be rented for the use of the various offices and departments of the city and may be rented by the city to other governmental agencies.

3.24.060 Disposition of sale proceeds and purchases.

The proceeds received by the city from the sale or rental of such equipment shall be placed in the equipment rental and revolving fund, and the purchase price of any such equipment or rental payments made by the city shall be made from moneys available in the fund.

3.24.070 Rental charges – Schedule.

There shall be paid ~~monthly~~ into the equipment rental and revolving fund out of the moneys available to the department using any such equipment, ~~which has not been purchased by that department for its own use and out of its own funds~~, reasonable rental charges, ~~fixed by the city council of the city of Bainbridge Island by approval of a schedule submitted at regular meetings of the city council by the administrative services director, which schedule rental charges shall be sufficient to cover the maintenance, operation and replacement of said equipment as set forth in BIMC 3.24.010, and which shall be revised from time to time to maintain the schedule so as to reflect the current and foreseeable needs of the equipment rental~~ and revolving fund.

3.24.080 Accounts and records.

There shall be kept, by those directed by the ~~director of finance and administrative services~~, such books, accounts, and records as are necessary to control and report the financial operations of the equipment rental and revolving fund, ~~and shall further subdivide the cash account thereof into two separately designated accounts as follows:~~

~~A. Account A, which shall be the current operating account into which shall be placed those portions of the charges made to the various departments or offices of the city of Bainbridge Island, in accordance with the provisions of BIMC 3.24.070, which are specifically billed to~~

~~provide sufficient moneys to pay the salaries and wages, materials, overhead and other costs necessary to operate and maintain all property rented thereto. There shall also be placed into Account A moneys which may from time to time be specifically available thereto by action of the city council.~~

~~B. Account B, which shall be the equipment reserve account into which shall be placed those portions of the charges made to the various departments or offices of the city, in accordance with the provisions of BIMC 3.24.070, which are specifically billed to provide sufficient moneys, having first taken into consideration the necessary operating and maintenance costs billed under subsection A of this section, to pay the costs of purchasing new equipment and replacing used equipment as required to carry out the purpose of the equipment rental fund. There shall also be placed in the Account B moneys which are derived from the direct sale of any equipment or other capital assets of the fund and any moneys made specifically available thereto by action of the city council.~~

3.24.100 Manner of withdrawals and expenditures.

Any withdrawals or expenditures from the equipment rental and revolving fund shall be made only in the following manner approved by the city council through budget appropriation.:

~~A. Expenditures from Account A shall be made only upon duly approved payrolls and vouchers of the city of Bainbridge Island for the purposes hereinbefore ascribed to said account.~~

~~B. Expenditures from Account B shall be made only upon duly approved vouchers of the city for the purposes hereinbefore ascribed to said account.~~

3.24.110 Retention of moneys.

All moneys in the equipment rental and revolving fund shall be retained there from year to year and shall not be transferred to any other fund or expended for any other purpose.

SECTION 2. This ordinance shall take effect and be in force five days from and after its passage and publication as required by law.

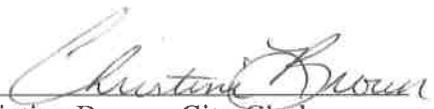
PASSED by the City Council this 9th day of May, 2017.

APPROVED by the Mayor this 9th day of May, 2017.

By: _____


Val Tollefson, Mayor

ATTEST/AUTHENTICATE:

By: 
Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	March 28, 2017
PASSED BY THE CITY COUNCIL:	May 9, 2017
PUBLISHED:	May 12, 2017
EFFECTIVE DATE:	May 17, 2017
ORDINANCE NO.	2017-09



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: July 14, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Resolution No. 2020-15, Updating the City's Governance Manual - Executive,

SUMMARY:

On June 16, 2020, the City Council directed staff to incorporate into the Governance Manual recommended clarifications relating to adding items to meeting agendas and to bring it back to the Council for approval on a future consent agenda. The incorporated changes are shown in the redlined version of Resolution No. 2020-15.

AGENDA CATEGORY: Resolution

PROPOSED BY: Executive

RECOMMENDED MOTION:

Note: The City Council directed that this item go to the Consent Agenda for approval, so the item is on the Consent Agenda as part of this agenda.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[Resolution No. 2020-15, Updating the Governance Manual - Clean Copy](#)

[Resolution No. 2020-15, Updating the Governance Manual - Redline](#)

[6-16-2020 - City Council Policy for Council-directed agenda tems](#)

[6-16-2020 Council Meeting - Summary of Actions Taken](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



**CITY OF
BAINBRIDGE ISLAND**

**Manual of City Governance
Policies, Procedures and Guidelines**

Resolution No. 2020-15

Adopted July 14, 2020

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

Introduction

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

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

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

RESOLUTION NO. 2020-15

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

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

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

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

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

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

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

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

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

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

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

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

By: _____
Christine Brown, CMC, City Clerk

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

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

Article 1: USE OF THIS MANUAL AND ITS RULES

1.1 Purpose

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

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

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

Article 2: PRINCIPLES

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

2.1 Values

2.1.1 City Leaders Listen to the Community

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

2.1.2 Collaboration is Valued

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

2.1.3 City Leaders Lead and Reason Together

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

2.1.4 The City Exemplifies Professionalism in City Management

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

2.1.5 Sustainability

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

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

2.2.1 Council Oversees City Organization But Does Not Interfere With Management
Council establishes budgetary authority for departments and positions, and may determine the duties and compensation of each, but does not interfere with the City Manager's management of City employees.

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

2.2.3 Performance-Driven Management
Council reviews the City Manager's performance annually. The City Manager is responsible for performance reviews of subordinates.

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

2.2.5 Staff Provides Adequate Information for Council Policy-Setting
Information is sufficient for effective decisions.

2.2.6 Council Will Not Request Unnecessary Information
In recognition of the limitations of staff time and resources, the Council will not request unnecessary information.

2.2.7 Public Documents Ensure Open And Transparent Government
The Council and Administration will adhere to laws on public access to documents.

2.2.8 Communications to the Public are Essential
The City Manager shall be responsible for the City communications function, but controversial communications shall be promptly copied to Council.

2.3 Functioning of City Council

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

2.3.2 There is a Council-Selected Mayor
The Council-selected Mayor presides at Business Meetings of the Council.

- 2.3.3** The Mayor Also Embodies Other Leadership Roles
The Mayor serves as: the City’s ceremonial head; the main liaison for the Council with the City Manager; a team leader; a goal-setter; an organizer who helps stabilize Council relationships; a champion of the City.
- 2.3.4** Citizen Volunteers Play an Important Role
For citizen advisory committees, boards, and commissions, the Mayor shares the role of seeking and interviewing volunteers, and appoints citizens to these committees, boards, and commissions subject to Council confirmation.
- 2.3.5** The Role of Deputy Mayor is Rotated
Council members take turns serving as Deputy Mayor, presiding at meetings, and coordinating with City Manager when Mayor is unavailable or absent.
- 2.3.6** Service on Regional Bodies is Shared Among Council Members
Council selects individual Council liaison roles based on the desire, qualifications, and skills of interested Council members.
- 2.3.7** Representatives of City Act in Accordance with City Policies
It is a duty of staff and Council who represent the City to advocate positions that are consistent with City policies, projects, and plans.
- 2.3.8** Councilors Serve in Liaison Roles to Community Organizations
Council approves liaison duties to community organizations for arts, human services, business community, tourism organizations, etc., based on desire and qualifications.
- 2.3.9** Councilmembers Have Opportunity to be Leaders and Innovators
One or more Council members may “sponsor” an ordinance or resolution.
- 2.3.10** Council is Mindful of Limited Resources
Council expense reimbursement is limited to budget and requires receipts. There are other limits on types and amounts of reimbursements.
- 2.3.11** Council Authorizes Certain Grant Applications Before Submittal
If a grant would require material matching dollars or impact policy, the Administration will seek Council approval prior to applying. The administration will bring grant opportunities it becomes aware of to the full Council. The Council may also initiate the process of pursuing a grant.
- 2.3.12** Fewer Standing Committees
Because staff time and resources are limited, the Council will use Study Sessions of the whole Council rather than numerous Standing Committees. The Council will consider utilizing a Standing Committee only if needed to provide ongoing oversight in a prescribed area, as described in Section 3.1.2 below.

2.4 Efficiency and Effectiveness of Council Decision-Making

2.4.1 Council Makes Effective Use of Time

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

2.4.2 Opportunity for Public Interaction

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

2.4.3 Council’s Business Meetings Will Be Efficient and Businesslike

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

2.4.4 Effective Decision Making Requires Finality

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

2.4.5 Council Dialog Calls For “Sticking to the Point”

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

2.4.6 Council Meeting Agendas Are Set by a Team

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

- To Add an Item to, or Change, the Current Meeting’s Agenda: Any Councilmember may make a motion at “Approval of the Agenda.” A majority vote amends the current agenda.
- For Regular Council Deliberation at a Future Meeting: Any Councilmember may, during “Future Council Agendas,” request future Council deliberation of agenda items to discuss policy and request staff support. If after discussion there is not clear support for the agenda item, then the chair may call for a vote. If there is general Council support, or a majority vote of Council to proceed, then the City Manager, in consultation with the Mayor and Deputy

Mayor, will add the item to an upcoming meeting agenda with adequate lead time for staff support.

- For Consideration of Council Attention: For proposed agenda items supported by a minority of Councilmembers, a motion and second may place a limited discussion on the agenda for the next meeting to advocate for further consideration of Council attention, including requested staff support and recommended motions. When this item comes up at the next meeting, after 10 minutes of discussion the Chair calls for a vote on further consideration.
- For Urgent Action by Council: If an urgent issue or opportunity arises between meetings and is best addressed at the upcoming meeting, three Councilmembers—including the Mayor and Deputy Mayor—must agree to add the item, agree to any necessary staff support, and give direction for recommended motions. Lack of agreement still gives any Councilmember the opportunity to make a motion at “Approval of Agenda” as described above for additions or changes to a current meeting agenda.

2.5 Functioning of City Manager and Staff

2.5.1 ICMA Standards are Respected

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

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

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

2.5.3 Regular and Understandable Financial Reporting

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

2.5.4 Council and Administration are Mindful of Risk Management

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

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

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

Article 3: DEFINED TERMS AND BASIC RULES

3.1 Types of Governing Bodies, and Advisory or Supporting Groups

3.1.1 City Council (or "Council")

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

3.1.2 Council Standing Committee

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

3.1.3 Council Ad Hoc Committee

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

3.1.4 Citizen Board, Citizen Committee, or Citizen Commission

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

3.1.5 Citizen Advisory Committee

A Citizen Advisory Committee consists of a group of citizens, established and appointed by the Council or by the City Manager, which is tasked with the responsibility of advising the appointing body or Manager regarding some activity or pending decision of City government. Such a committee is normally formed on an ad hoc temporary

basis to advise either the Council or City Manager (or a Council standing or ad hoc committee) on a particular topic relating to city legislation, policy, or practices, or the means to carry out a proposed project or city activity. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B.

3.1.6 Steering Group

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

3.1.7 Small Task Group

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

3.1.8 Multi-Agency or Regional Task Group

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

3.1.9 Scalable Public Process Planning System

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

A Public Process Steering Group typically consists of one to three Councilmembers, the City Manager (or designee), and the City's Communications Coordinator. The Councilmember(s) shall be appointed by the Mayor and confirmed by Council. The City Manager shall appoint additional staff as needed to provide technical support and may appoint one or more citizens to provide community input. Representatives of outside agencies may also be included where appropriate. These appointments shall identify

the task(s) of the Steering Group. The group shall be dissolved when the task is completed. A similar approach may be taken in assembling an Ad Hoc Committee or Task Force, except that the group make-up may be smaller and simpler, and it may have one or just a few meetings, or even “meet” by email.

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

3.1.10 Nonprofit Service Agency

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

3.2 City Officials and Adjudicators

3.2.1 Mayor

See the definition and duties stated in Section 5.3.

3.2.2 Deputy Mayor

See the definition and duties stated in Section 5.4.

3.2.3 Presiding Officer

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

3.2.4 City Manager

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

3.2.5 Appointive Officers

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

3.2.6 Council Liaison

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

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

3.2.7 Hearing Examiner

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

3.3 Types of Meetings of Council

3.3.1 Regular Meeting

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

3.3.2 Special Meeting

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

3.3.3 Business Meeting

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

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

3.3.4 Study Session

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

3.3.5 Workshop

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

3.3.6 Public Hearing on Ordinance

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

3.3.7 Public Hearing on Quasi-Judicial matter

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

3.3.8 Retreat

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

result from informal consensus, formal adoption should be made in a regular Council meeting by motion or resolution.

3.4 Types of Public Participation in Government

3.4.1 Public Comment Period at Business Meetings

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

3.4.2 Limited Dialog with the Public at Study Sessions

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

3.4.3 Other Meetings with the Public Outside of City Hall

The Council may organize other meetings with the public in various forums outside of City Hall – in various settings such as public forums, neighborhood meetings, presentations to community organizations, ward meetings, town halls, and so on. In such settings, the meeting shall ideally include one or more Council members and one or more members of the Administration.

3.4.4 Public Forum

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

3.4.5 Neighborhood or Ward Meetings

Neighborhood or ward meetings may be scheduled as part of a larger public process as designed by an Ad Hoc Committee, Steering Group, or Task Force (see Sections 3.1.6 to 3.1.9), however, any member of the Council may convene a citizens' neighborhood meeting or series of meetings for the purpose of providing a general forum on City

matters. Such meetings shall, when convened, provide information pertaining to specific issues as well as an opportunity for citizens to ask questions or express views on any subject. The Councilmember may request that the City Manager or his or her designee attend these meetings to answer questions on administrative matters. Because such meetings typically involve three or fewer Council members and are therefore not official Council meetings, Councilmembers who attend shall report issues or conclusions to the Council as such meetings occur. At any such meeting, a Councilmember should avoid discussion or comments that pertain to current or potential lawsuits or other quasi-judicial proceedings that might later come before the Council. Councilmembers should exercise care to avoid claiming to speak for the City or Council on any issue on which the Councilmember is not expressly authorized to speak for the Council.

3.4.6 Additional Avenues for Public Participation

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

3.4.7 Committees and Other Citizen Participation Opportunities

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

3.5 Types of Governing Actions

3.5.1 Motion

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

3.5.2 Resolution

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

3.5.3 Ordinance

An enacted Ordinance is a local law (legislative act) prescribing general rules of conduct. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. An ordinance is a legislative act within

its sphere as much as an act of the State Legislature. The general guiding principle is that actions relating to subjects of a permanent and general character are usually regarded as legislative and should be addressed through an ordinance, and those providing for subjects of a temporary and special character are regarded as administrative and should be addressed through a resolution. (See *Durocher v. King County*, 80 Wn.2d 139, 153, 492P2d 547 (1972).

3.5.4 Comprehensive Plan Amendment

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

3.5.5 Budget Adoption or Amendment

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

3.5.6 Capital Facilities Plan (CFP) Adoption or Amendment

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

3.5.7 Quasi-Judicial Ruling

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

3.5.8 Best Practices

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

Article 4: STANDARDS OF CONDUCT

4.1 Sources and References

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

- "KTT": Association of Washington Cities (AWC) and Municipal Research & Services Center of Washington (MRSC): "Knowing the Territory: Basic Legal Guidelines for Washington City, County and Special Purpose District Officials"

- “CMH”: AWC and MRSC: “Councilmember’s Handbook”
- “RCW”: Revised Code of Washington
- “COBI Code” (or “BIMC”): Codified Ordinances of the City of Bainbridge Island (or Bainbridge Island Municipal Code)

4.2 Standards of Conduct for Officials under Washington Law

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

4.3 Oath of Office

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

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

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

4.4 Public Trust and Fiduciary Duty

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

The people themselves, in a 1972 ballot initiative relating to public campaign law, declared trust to be the public policy of the State of Washington, stating in part: “That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings” and “That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interests.”

4.5 Stewardship of Public Funds

The state law imposes the highest of duties on public officials who are custodians of public funds, such as treasurers. (KTT, p. 7). By analogy, there are provisions of law that impose other high standards for public funds on City officials generally, such as: (i) the State Constitution’s prohibition against making gifts to an individual or a for-profit or nonprofit corporation or association (KTT p. 22-24); (ii) the state law prohibitions against using public facilities or property for political campaign

purposes (RCW 42.17.130); and state law requirements for bidding of public works projects (RCW 35.22.620) (MRSC, "Bidding Book for Washington Counties") and for the giving of notice when seeking suppliers for other major purchases (e.g. RCW 39.80).

4.6 Conflicts of Interest under State Law

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

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

4.6.1 State Code of Ethics

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

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

Legal advice should be sought on such questions as:

- (a) Is a very small gift, such as a coffee, small enough as to be "de minimus" and therefore not intended to be prohibited?
- (b) Should a gift from an out of town dignitary be handed over from an official to the city as a whole?
- (c) Under what circumstances can an official accept expense-paid travel to a meeting or a fact-finding visit?

4.6.2 Prohibition Against Private Interest in a Public Contract

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

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

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

4.6.3 Limitations on Holding Multiple Offices

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

4.6.4 “Appearance of Fairness” Doctrine under State Law

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

4.7 Open Public Meetings under Washington Law

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

4.7.1 All Deliberations and Actions Must Be At Noticed Public Meetings

As stated in RCW 42.30 (Open Public Meetings Act or “OPMA”), all meetings of city governing bodies (i.e., where a quorum or more of Council members, or members of some other

“governing body” of the City, assemble to discuss or otherwise act on City business) must be open and public.

4.7.2 Applies to Sub-Agencies of the City

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

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

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

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

4.7.4 Open to the “Public”

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

4.7.5 Executive Sessions

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

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

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

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

4.7.6 Unintended Meetings; Electronic Meetings

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

4.8 Open Government and Public Records

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

4.8.1 Purpose of the Public Disclosure Law

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

It is hereby the policy of the City that elected and other city officials shall do nothing to hinder the City's obligation to possess, retain and store public records. Under RCW 42.56.010(2), a "public record ... includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Furthermore, and under RCW 42.56.010(3), a writing means "handwriting, typewriting, printing, photostating, photographing, and every other means of recording any

form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.”

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

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

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

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

(a) Policies on Email Platforms

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

(b) Policies on Text Messages

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

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

 - (i) Any electronic communication sent by a Councilmember that is a public record as defined above shall not be sent or copied to more than two other Councilmembers. Councilmembers shall not engage in any discussion of City business through email, social media, blog comments, or any other electronic forum or medium with more than two other Councilmembers.
 - (ii) Any Councilmember who receives an electronic communication that is a public record that has been received by two other Councilmembers shall not forward the communication to any other Councilmember.
- (d)** Policies on The Use of Personal Accounts and Devices to Conduct City Government

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

4.8.3 Duty to Act in the Interests of the City

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

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

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

4.10 Role of City Attorney

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

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

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

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

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

4.11 Process for Officials to Question the Legality of City Actions

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

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

1. Consult the City Attorney and fully describe the facts and issues which raise a question of illegality.
2. If the advice of the City Attorney does not resolve the concern, consult the City Manager.
3. If steps "1" and "2" do not resolve the concern, the official may request an executive session of the full Council, if the matter rises to the level of presenting a risk of litigation.

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

4. Prior to completing steps "1" through "3", it is a violation of the Official's duty to the City to assert in public the opinion that the City is in violation of law.

4.12 Conduct of Officials with Regard to Litigation Against City

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

4.13 Prohibition Against Making Gifts of Public Funds

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

Article 11, section 15 further provides as follows:

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

Article 8, section 7 of the constitution states:

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

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

4.14 Duty to Avoid Interfering with City Manager

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

shall the Council or any Councilmember give orders to any subordinate of the City Manager. (See RCW 35A.13.120).

4.15 Duty to Bargain in Good Faith with Collective Bargaining Representatives

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

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

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

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

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

An appointed or elected official or member of the governing body of a public agency is immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity, but liability shall remain on the public agency for the tortious conduct of its officials or members of the governing body. (See RCW 4.24.070(1))

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

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

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

Article 5: CITY COUNCIL – THE ELECTED GOVERNING BODY

5.1 Council Meeting - Time and Location

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

5.2 Council Meetings Open to the Public

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

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

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

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

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

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

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

5.5 Quorum

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

5.6 Respect and Decorum

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

5.6.1 Orderly Behavior and Civility in Remarks

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

5.6.2 Permission Required to Address the Council

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

5.7 Telephonic or Video Participation from a Remote Location

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

5.8 Attendance; Excused Absences

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

5.9 Filling Council Vacancies

If a vacancy occurs, the Council will follow the procedures provided in RCW35A.12.050 in order to fill the vacancy with the most qualified person available until an election can be held. The Council will publish a notice of the vacancy, the procedure, and distribute the application form for soliciting candidates. The Council will draw up an application, which contains relevant information to answer

set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember.

5.10 Continuity of Government Act

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

Article 6: CITIZEN COMMITTEES, BOARDS AND COMMISSIONS

6.1 Approval of Appointees

6.1.1 Citizens on Standing Governing Bodies

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

6.1.2 Citizens on Temporary Governing Bodies

Any citizen members of any other committees – such as Ad Hoc Committees, Citizen Advisory Committees or Steering Committees – shall be appointed and approved in the manner described in Section 3.1 (Types of Governing Bodies, and Advisory or Supporting Groups) of this Manual. With regard to any appointments that would normally be subject to Council approval, the Council may choose to waive confirmation in the instrument creating said committee or group.

6.1.3 Removal

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

6.2 Establishment and Review of Citizen Governing Bodies That Are Temporary

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

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

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

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

6.3 Relations with Boards, Commissions and Citizen Advisory Groups

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

Article 7: CITY ADMINISTRATION

7.1 City Manager

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

7.2 Role of the City Manager

The City Manager shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager may recommend for adoption by the Council such measures as he or

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

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

7.3 Informal Communications Encouraged

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

7.4 City Manager – Interference by Councilmembers

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

7.5 Complaints to Councilmembers

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

7.6 Administrative Complaints - "Best Practice"

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

7.7 City Clerk - Minutes - Public Information Access

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

7.8 The Three Touch Rule

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

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

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

7.9 City Staff – Attendance at Meetings

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

7.10 Administrative Presentations and Briefings

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

- Overhead projection summaries or PowerPoint bullet points;

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

Article 8: PREPARATION FOR COUNCIL MEETINGS

8.1 Council Meeting Agendas

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

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

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

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

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

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

8.2 Consent Agenda

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

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

8.3 Study Session Agendas

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

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

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

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

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

8.4 Study Session Procedure

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

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

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

8.5 Process for Preparing Legislation or Policies for Adoption

8.5.1 Draft Documents

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

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

8.5.2 Preparation of Ordinances.

The procedures for ordinances are as follows:

(a) Proposing an Ordinance

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

(b) Sponsorship Encouraged

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

(c) Two (2) Readings

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

A printed copy of the ordinance shall be made available by the City upon request by a member of the public.

(d) Waiver

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

(e) Motion failure

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

(f) Repealer.

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

8.5.3 Preparation of Resolutions

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

8.6 Council Packets

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

Article 9: RULES OF ORDER FOR COUNCIL MEETINGS

9.1 Parliamentary Procedure

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

9.2 Motions and Discussion

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

9.3 Voting

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

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

9.4 Reconsideration

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

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

A motion for reconsideration can be made only by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next regular Council Business Meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table immediately or at the next regular Council meeting (as determined by the wording of the motion to reconsider) for any action the Council deems advisable. Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter may not be discussed or acted

upon unless and until the parties or their attorneys and the persons testifying have been given at least five (5) business days advance notice of such discussion or action.

9.5 Dissents and Protests

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

9.6 Complaints and Suggestions to Council

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

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

9.7 Prior Permission Required for Certain Elaborate Presentations

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

9.8 Conduct of Business Meetings

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

Examples of Business Meeting agenda elements include:

- Executive Session

The Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Presiding Officer shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session shall be concluded. If the Council wishes to adjourn or take action at the close of a meeting from executive session, that fact will be announced. The announced time limit for executive sessions may be extended by announcement of the Presiding Officer made to those waiting in the nearest public area. No final action may be taken in executive session. (See RCW 42.30.110) Councilmembers shall not disclose any confidential oral and written information provided during executive sessions or otherwise obtained in the course of their duties in order to protect the best interests of the City. (See RCW 42.23.070(4), Article II(C) of the City's Code of Ethics.)

- Summary Reports

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

- Public Comment Period or Public Hearing

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

- Consent Agenda

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

- Discussion of Matters for Future Meetings

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

- Other Common Agenda Elements

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

9.9 Conduct of Study Sessions and Workshops

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

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

- (a)** Public Comment Period
In general, because a Study Session is more informal and more interactive than a Business Meeting, the Presiding Officer may have greater latitude to seek public comment on a particular issue being discussed. Therefore, the Presiding Officer may invite public comment and dialog from time to time during the Study Session. In general, public comment shall be sought solely or primarily on matters on the Study Session agenda.
- (b)** Vetting of Agenda Items:
This element of a Study Session involves a vetting and review of agenda items that are expected to appear for Council action on the agenda of the next ensuing Council Business Meeting. This element of the Study Session may include: review of clarity and completeness of issues presented; discussion of the merits of the proposal; and a procedural vote to determine whether the agenda item shall be advanced to an ensuing Business Meeting of the Council.
- (c)** Study of Emerging Issues
This element of the Study Session involves emerging issues that are not initially expected to appear for action at the next Council Business Meeting, and it may include: (i) staff or third-party presentations; (ii) Council and Administration study, discussion and analysis; and/or (iii) interactive public comments and Council responses to comments.
- (d)** First Touch and Second Touch Updates
The agenda may provide time for short updates by the City Manager, staff, Councilmembers, or a member of an Ad Hoc Committee or Steering Group.
- (e)** Referral to Committee, Steering Group or Further Public Process
At a Study Session, the Council may choose to refer an issue to an Ad Hoc Committee or Steering Group, or schedule a Public Forum, before the issue returns to a future agenda.

9.10 Workshops

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

9.11 Adjournment Due to Emergency or Disruption

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

9.12 Procedures for Public Comment at Business Meetings

9.12.1 In General

The City Council desires to allow a maximum opportunity for public comment at various public forums and meetings. However, at a Business Meeting, the business of the City must proceed in an orderly, timely manner, and in that setting, the open Public Comment period is generally limited in overall time on the agenda (e.g. 30 minutes), and is further limited in the amount of time per speaker (3 minutes, or such lesser time determined by the Presiding Officer if a large number of individuals wish to speak). At any time the Presiding Officer in his or her sole discretion, may set such further limitations as are necessary to progress through the agenda and to prevent disruption of other necessary business.

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

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

9.12.2 Subjects – Whether or Not on the Current Agenda

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

9.12.3 Use of Microphones

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

9.12.4 Civility

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

9.12.5 Council May Overrule the Presiding Officer

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

9.13 Public Hearings – In General

9.13.1 Sign in Procedure

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

9.13.2 Time Limits

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

9.13.3 Other Rules

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

9.14 Council Quasi-Judicial Hearings

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

9.14.1 Appearance of Fairness Doctrine Applies to Quasi-Judicial Actions

If a proceeding is quasi-judicial, the "appearance of fairness doctrine" under Washington state law is generally applicable. See RCW 42.36.010 and Section 4.6.4 of this Manual. If a

proceeding contains both legislative and adjudicative functions, it is recommended that the appearance of fairness doctrine rules be followed by the Council.

9.14.2 Obligations of Councilmembers in Quasi-Judicial Proceeding

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

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

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

9.14.3 Avoid Ex Parte Communications with Quasi-Judicial Parties

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

EXHIBIT A - SIMPLIFIED SUMMARY OF PARLIAMENTARY PROCEDURE

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

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

Legend:

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

Ord: Required by City ordinance.

Res: Required by Council resolution.

COUNCIL WORKING COMMITTEES

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

COUNCIL STANDING ADVISORY COMMITTEES

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

- Youth Advisory Committee: Unspecified number of members; Councilmember is liaison; provides youth perspective on selected issues.

STANDING COMMISSIONS AND BOARDS

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

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

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

Exhibit C - Scalable Public Process Planning System

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

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

Exhibit D - Sample Order of Business

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

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

Pledge of Allegiance

Roll Call

Acceptance or Modification of Agenda / Conflict of Interest Disclosure

Public Comment

Mayor's Report

City Manager's Report

Presentations

Public Hearing (if any)

Unfinished Business

New Business

Consent Agenda

Committee Reports

For the Good of the Order

Adjournment



CITY OF
BAINBRIDGE ISLAND

MANUAL OF CITY GOVERNANCE
POLICIES, PROCEDURES AND GUIDELINES

RESOLUTION NO. 20~~2018~~-~~1513~~

ADOPTED ~~APRIL 10, 2018~~ JULY 14, 2020

A COMPREHENSIVE COLLECTION OF
GOVERNANCE PRINCIPLES, POLICIES, PROCEDURES,
STANDARDS OF CONDUCT, MEETING RULES
AND REFERENCES TO APPLICABLE LAW

INTRODUCTION

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

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

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

RESOLUTION NO. 2020-15

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

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

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

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

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

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

Section 1. The City Council hereby adopts the “City of Bainbridge Island Manual of City Governance Policies, Procedures, and Guidelines” dated July 14, 2020, which is attached hereto as **Exhibit A**.

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

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

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

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

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

By: _____
Christine Brown, CMC, City Clerk

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

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

ARTICLE 1: USE OF THIS MANUAL AND ITS RULES

1.1 Purpose

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

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

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

ARTICLE 2: PRINCIPLES

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

2.1 Values

2.1.1 **City Leaders Listen to the Community**

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

2.1.2 **Collaboration is Valued**

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

2.1.3 **City Leaders Lead and Reason Together**

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

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

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

2.1.5 Sustainability

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

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

2.2.1 Council Oversees City Organization But Does Not Interfere With Management

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

2.2.2 Council and City Manager Roles and Responsibilities Differentiated

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

2.2.3 Performance-Driven Management

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

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

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

2.2.5 Staff Provides Adequate Information for Council Policy-Setting

Information is sufficient for effective decisions.

2.2.6 Council Will Not Request Unnecessary Information

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

2.2.7 Public Documents Ensure Open And Transparent Government

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

2.2.8 Communications to the Public are Essential

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

2.3 Functioning of City Council

2.3.1 Importance of Open Public Meetings

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

2.3.2 There is a Council-Selected Mayor

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

2.3.3 The Mayor Also Embodies Other Leadership Roles

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

2.3.4 Citizen Volunteers Play an Important Role

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

2.3.5 The Role of Deputy Mayor is Rotated

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

2.3.6 Service on Regional Bodies is Shared Among Council Members

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

2.3.7 Representatives of City Act in Accordance with City Policies

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

2.3.8 Councilors Serve in Liaison Roles to Community Organizations

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

2.3.9 Councilmembers Have Opportunity to be Leaders and Innovators

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

2.3.10 Council is Mindful of Limited Resources

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

2.3.11 Council Authorizes Certain Grant Applications Before Submittal

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

2.3.12 Fewer Standing Committees

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

2.4 Efficiency and Effectiveness of Council Decision-Making

2.4.1 **Council Makes Effective Use of Time**

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

2.4.2 **Opportunity for Public Interaction**

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

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

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

2.4.4 **Effective Decision Making Requires Finality**

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

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

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

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

Agendas for Council meetings are generally developed and refined by the Council and Administration at ~~Study Sessions~~City Council meetings and are then arranged by the ~~City Manager and City Clerk in consultation with the Mayor, Deputy Mayor, or both, who provide final approval prior to being publicly posted.~~Mayor, Deputy Mayor, and City Manager at the weekly agenda setting meeting prior to public notice and distribution of the agenda. Only the Mayor, Deputy Mayor, and City Manager attend the weekly agenda setting meetings, but exceptions can be made by request of a third Councilmember for a specific issue, or to include consultation with additional staff as needed. Items for draft meeting agendas are submitted to the City Clerk, Mayor, and City Manager, and after team review are finalized by the Mayor, Deputy Mayor, or both, for public notice and distribution.Items may be added to an agenda as described below:

- To Add an Item to, or Change, the Current Meeting’s Agenda: Any Councilmember may make a motion at “Approval of the Agenda.” A majority vote amends the current agenda.

- **For Regular Council Deliberation at a Future Meeting:** Any Councilmember may, during “Future Council Agendas,” request future Council deliberation of agenda items to discuss policy and request staff support. If after discussion there is not clear support for the agenda item, then the chair may call for a vote. If there is general Council support, or a majority vote of Council to proceed, then the City Manager, in consultation with the Mayor and Deputy Mayor, will add the item to an upcoming meeting agenda with adequate lead time for staff support.
- **For Consideration of Council Attention:** For proposed agenda items supported by a minority of Councilmembers, a motion and second may place a limited discussion on the agenda for the next meeting to advocate for further consideration of Council attention, including requested staff support and recommended motions. When this item comes up at the next meeting, after 10 minutes of discussion the Chair calls for a vote on further consideration.
- **For Urgent Action by Council:** If an urgent issue or opportunity arises between meetings and is best addressed at the upcoming meeting, three Councilmembers—including the Mayor and Deputy Mayor—must agree to add the item, agree to any necessary staff support, and give direction for recommended motions. Lack of agreement still gives any Councilmember the opportunity to make a motion at “Approval of Agenda” as described above for additions or changes to a current meeting agenda.

2.5 Functioning of City Manager and Staff

2.5.1 ICMA Standards are Respected

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

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

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

2.5.3 Regular and Understandable Financial Reporting

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

2.5.4 Council and Administration are Mindful of Risk Management

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

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

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

ARTICLE 3: DEFINED TERMS AND BASIC RULES

3.1 Types of Governing Bodies, and Advisory or Supporting Groups

3.1.1 City Council (or “Council”)

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

3.1.2 Council Standing Committee

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

3.1.3 Council Ad Hoc Committee

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

3.1.4 Citizen Board, Citizen Committee, or Citizen Commission

As defined by ordinance or resolution, a citizen board, committee, or commission is generally a standing (rather than temporary) body with prescribed authority to perform a recurring advisory or decision-making role on behalf of the City as a

municipal corporation. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B. Procedures and rules that apply to such bodies are described in Article 6: CITIZEN COMMITTEES, BOARDS AND COMMISSIONS.

3.1.5 Citizen Advisory Committee

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

3.1.6 Steering Group

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

3.1.7 Small Task Group

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

3.1.8 Multi-Agency or Regional Task Group

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

3.1.9 Scalable Public Process Planning System

For public issues of high interest or high impact or those that require a lengthy public process, a Public Process Steering Group may be formed. For issues that are less controversial, have less far-reaching impacts, or are suited to a shorter process, an Ad Hoc Committee or Task Force may be more appropriate. The purpose of the committee, task force, or steering group is to strategize and facilitate appropriate

public process for a particular community subject or issue. See Exhibit C for more details on the use of this Scalable Public Process Planning System.

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

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

3.1.10 Nonprofit Service Agency

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

3.2 City Officials and Adjudicators

3.2.1 Mayor

See the definition and duties stated in Section 5.3.

3.2.2 Deputy Mayor

See the definition and duties stated in Section 5.4.

3.2.3 Presiding Officer

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

3.2.4 City Manager

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

3.2.5 Appointive Officers

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

3.2.6 Council Liaison

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

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

3.2.7 Hearing Examiner

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

3.3 Types of Meetings of Council

3.3.1 Regular Meeting

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

3.3.2 Special Meeting

A special meeting is a Council meeting called at a date or time other than the time prescribed by ordinance for a Regular Meeting. At a special meeting, the Council may

conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve deletions or additional items for discussion (but not additional action items) to the agenda at the meeting.

3.3.3 Business Meeting

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

3.3.4 Study Session

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

3.3.5 Workshop

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

3.3.6 Public Hearing on Ordinance

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

3.3.7 Public Hearing on Quasi-Judicial matter

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

3.3.8 Retreat

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

3.4 Types of Public Participation in Government

3.4.1 Public Comment Period at Business Meetings

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

3.4.2 Limited Dialog with the Public at Study Sessions

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

3.4.3 Other Meetings with the Public Outside of City Hall

The Council may organize other meetings with the public in various forums outside of City Hall – in various settings such as public forums, neighborhood meetings, presentations to community organizations, ward meetings, town halls, and so on. In such settings, the meeting shall ideally include one or more Council members and one or more members of the Administration.

3.4.4 Public Forum

*When major public policy development warrants, and after adequate preparation of issues and alternatives, a steering group (see Sections 3.1.6 to 3.1.9) may conduct **larger citizen forums** to help develop a public consensus on the issues. The general procedure would be to provide basic information, to explore alternatives and options and to receive verbal and written public comments. The Steering Group shall summarize the conclusions and recommendations of such **forums** for presentation to*

the City Council prior to the customary City Council deliberations (i.e., agenda actions, public hearings, etc.) which could normally result in final action.

3.4.5 Neighborhood or Ward Meetings

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

3.4.6 Additional Avenues for Public Participation

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

3.4.7 Committees and Other Citizen Participation Opportunities

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

3.5 Types of Governing Actions

3.5.1 Motion

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

3.5.2 Resolution

An adopted resolution is an administrative act which is less formal than an ordinance and is a statement of legislative policy or direction concerning matters of special or temporary character. Council action shall be taken by resolution when required by law or in those instances where an expression of legislative policy that is lengthier or more

meticulously worded than a motion is desired. While resolutions are often just a statement of policy, a resolution may have the force of law (e.g., a resolution setting permit fees, or a resolution declaring certain City property to be surplus).

3.5.3 Ordinance

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

3.5.4 Comprehensive Plan Amendment

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

3.5.5 Budget Adoption or Amendment

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

3.5.6 Capital Facilities Plan (CFP) Adoption or Amendment

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

3.5.7 Quasi-Judicial Ruling

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

3.5.8 Best Practices

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

ARTICLE 4: STANDARDS OF CONDUCT

4.1 Sources and References

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

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

4.2 Standards of Conduct for Officials under Washington Law

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

4.3 Oath of Office

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

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

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

4.4 Public Trust and Fiduciary Duty

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

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

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

4.5 Stewardship of Public Funds

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

4.6 Conflicts of Interest under State Law

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

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

4.6.1 State Code of Ethics

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

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

Legal advice should be sought on such questions as:

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

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

4.6.2 Prohibition Against Private Interest in a Public Contract

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

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

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

4.6.3 Limitations on Holding Multiple Offices

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

4.6.4 “Appearance of Fairness” Doctrine under State Law

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

4.7 Open Public Meetings under Washington Law

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

4.7.1 All Deliberations and Actions Must Be At Noticed Public Meetings

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

4.7.2 Applies to Sub-Agencies of the City

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

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

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

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

4.7.4 Open to the “Public”

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

4.7.5 Executive Sessions

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

- (a) Real estate acquisition, lease or site selection; or deliberations on the price at which to offer real estate for sale or lease;
- (b) Negotiations on publicly bid contracts;
- (c) Evaluation of complaints or charges brought against a public officer or employee;
- (d) Evaluation of qualifications of an applicant for public employment or to review the performance of a public employee;
- (e) Evaluation of the qualifications of a candidate for appointment to elective office; or
- (f) To discuss with the City’s legal counsel City enforcement actions or litigation or potential litigation.

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

4.7.6 Unintended Meetings; Electronic Meetings

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

4.8 Open Government and Public Records

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

4.8.1 Purpose of the Public Disclosure Law

“The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have

created. [The law] ... shall be liberally construed . . . to promote this public policy.” (See, RCW 42.56.030)

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

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

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

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

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

(a) Policies on Email Platforms

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

(b) Policies on Text Messages

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

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

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

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

- (i) The City shall provide a personal computer and mobile phone to any Councilmember who desires a City-issued device for use in conducting City government.
- (ii) In the alternative, a Councilmember may use a personal device to conduct City government, provided that the Councilmember complies with all the policies stated in this Manual.
- (iii) Any Councilmember who uses any personal email account or personal electronic device (such as a computer, mobile phone, or tablet) to create or receive information relating to the conduct of City government, or the performance of any function of City government, shall use best efforts to save all such public records in a labeled, designated folder or other location in the account or on the device. The Councilmember shall, upon request of the City Attorney, and in any event prior to leaving office as a Councilmember, transfer all public records from his or her personal account or device to the City. The Councilmember shall not delete any public records from any account or device until all such public records have been transferred to the City. Once the transfer has been completed, and so long as there is no pending request relating to the public records, the Councilmember may delete the transferred records from the account or device.

- (iv) If a Councilmember chooses to use a personal account or device to conduct City government, the Councilmember consents to the City or its agent searching the account or device to locate and copy all public records, subject to reasonable safeguards to protect the privacy of information that is not a public record, if a court finds that a search is necessary.

4.8.3 Duty to Act in the Interests of the City

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

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

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

4.10 ~~4.10~~ Role of City Attorney

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

The City Attorney may represent the City in actions brought by or against the City or against City officials in their official capacity. However, other attorneys may be hired to handle specific cases

because of the nature of the case, because the City Attorney has a conflict or other reason he or she cannot become involved, or due to limited resources of the City Attorney's office. In rare cases, the City Attorney may have a conflict and not be in a position to advise both the City Council and the City Manager. (See MRSC "Knowing the Territory.")

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

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

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

4.11 Process for Officials to Question the Legality of City Actions

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

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

1. Consult the City Attorney and fully describe the facts and issues which raise a question of illegality.

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

2. If the advice of the City Attorney does not resolve the concern, consult the City Manager.
3. If steps “1” and “2” do not resolve the concern, the official may request an executive session of the full Council, if the matter rises to the level of presenting a risk of litigation.
4. Prior to completing steps “1” through “3”, it is a violation of the Official’s duty to the City to assert in public the opinion that the City is in violation of law.

4.12 Conduct of Officials with Regard to Litigation Against City

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

4.13 Prohibition Against Making Gifts of Public Funds

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

Article 11, section 15 further provides as follows:

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

Article 8, section 7 of the constitution states:

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

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

4.14 Duty to Avoid Interfering with City Manager

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

4.15 Duty to Bargain in Good Faith with Collective Bargaining Representatives

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

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

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

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

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

An appointed or elected official or member of the governing body of a public agency is immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity, but liability shall remain on the public agency for the tortious conduct of its officials or members of the governing body. (See RCW 4.24.070(1))

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

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

Additionally, in the event that a damage claim or lawsuit is brought against a City official that is related to the performance or failure to perform his or her official duties and the matter is not

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

ARTICLE 5: CITY COUNCIL – THE ELECTED GOVERNING BODY

5.1 Council Meeting - Time and Location

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

5.2 Council Meetings Open to the Public

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

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

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

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

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

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

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

5.5 Quorum

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

5.6 Respect and Decorum

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

5.6.1 Orderly Behavior and Civility in Remarks

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

5.6.2 Permission Required to Address the Council

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

5.7 Telephonic or Video Participation from a Remote Location

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

5.8 Attendance; Excused Absences

A Councilmember may forfeit his or her office by failing to attend three consecutive regular meetings without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Mayor, Deputy Mayor, or Mayor Pro Tem prior to the meeting and state the reason for his or her inability to attend the meeting. If the member is unable to contact the Mayor, Deputy Mayor, or Mayor Pro Tem, the member shall contact the City Manager or City Clerk, who shall convey the message to the Presiding Officer. Near the beginning of the Council meeting, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is any objection to excusing the member. If there is any

objection, the Presiding Officer shall call for a motion to excuse the member. This motion shall be non-debatable. In such a case, the outcome of the vote shall determine whether the member shall be considered excused. (See RCW 35A.12.060)

5.9 Filling Council Vacancies

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

5.10 Continuity of Government Act

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

ARTICLE 6: CITIZEN COMMITTEES, BOARDS AND COMMISSIONS

6.1 Approval of Appointees

6.1.1 Citizens on Standing Governing Bodies

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

6.1.2 Citizens on Temporary Governing Bodies

Any citizen members of any other committees – such as Ad Hoc Committees, Citizen Advisory Committees or Steering Committees – shall be appointed and approved in the manner described in Section 3.1 (Types of Governing Bodies, and Advisory or Supporting Groups) of this Manual. With regard to any appointments that would normally be subject to Council approval, the Council may choose to waive confirmation in the instrument creating said committee or group.

6.1.3 Removal

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

6.2 Establishment and Review of Citizen Governing Bodies That Are Temporary

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

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

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

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

6.3 Relations with Boards, Commissions and Citizen Advisory Groups

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

ARTICLE 7: CITY ADMINISTRATION

7.1 City Manager

The City Manager is the chief administrative officer of the City. The City Manager is appointed by and directly accountable to the Council for the execution of the Council's legislative policy directives, and for the administration and management of City departments. The powers and duties of the City Manager are defined by State law and a variety of City ordinances. Such duties may be expanded or clarified by job description, resolution, or Council directive (motion). Balanced with the City Manager's accountability to the Council for policy execution is the need for the Council to allow the City Manager freedom to perform those duties and responsibilities in his or her day-to-day management. The City Manager appoints and removes City employees and may delegate such

powers to department heads, provided, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager, anything pertaining to appointments and removals of City officers and employees and City affairs. (See RCW 35A.13.)

7.2 Role of the City Manager

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

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

7.3 Informal Communications Encouraged

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

7.4 City Manager – Interference by Councilmembers

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

7.5 Complaints to Councilmembers

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

individual Councilmember or the Council may request to be informed by the Administration of the action or response made to the complainant.

7.6 Administrative Complaints - "Best Practice"

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

7.7 City Clerk - Minutes - Public Information Access

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

7.8 The Three Touch Rule

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

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

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

7.9 City Staff – Attendance at Meetings

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

7.10 Administrative Presentations and Briefings

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

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

ARTICLE 8: PREPARATION FOR COUNCIL MEETINGS

8.1 Council Meeting Agendas

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

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

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

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

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

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

8.2 Consent Agenda

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

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

8.3 Study Session Agendas

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

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

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

When the “**preliminary study session agenda**” has been reviewed by the Presiding Officer for the Study Session, he or she shall have the option of deleting any item from such agenda until the next Council meeting when the full Council may vote on whether to re-introduce the item on the agenda or for a subsequent Council meeting. When the Mayor has approved the preliminary study session

agenda, it shall then become the “proposed study session agenda.” The proposed agenda shall be published on the City website not less than 24 hours prior to the Study Session.

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

8.4 Study Session Procedure

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

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

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

8.5 Process for Preparing Legislation or Policies for Adoption

8.5.1 Draft Documents

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

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

8.5.2 Preparation of Ordinances.

The procedures for ordinances are as follows:

(a) Proposing an Ordinance

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

citizen boards, committees, or commissions may propose that Council consider an ordinance or resolution.

(b) Sponsorship Encouraged

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

(c) Two (2) Readings

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

(d) Waiver

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

(e) Motion failure

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

(f) Repealer.

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

8.5.3 Preparation of Resolutions

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

8.6 Council Packets

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

ARTICLE 9: RULES OF ORDER FOR COUNCIL MEETINGS

9.1 Parliamentary Procedure

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

9.2 Motions and Discussion

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

9.3 Voting

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

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

9.4 Reconsideration

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

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

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

9.5 Dissents and Protests

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

9.6 Complaints and Suggestions to Council

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

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

9.7 Prior Permission Required for Certain Elaborate Presentations

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

9.8 Conduct of Business Meetings

The Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the Council's business more expeditiously. Business Meetings of the Council may generally include many or most of the following agenda elements (which need not occur in the order stated below). Council may, by motion, formally approve a "Sample Order of Business," which, if adopted, shall be appended

to accompany the published body of this manual as information. Such “Sample Order of Business” shall serve as a guideline, subject to change by motion of the City Council, in accordance with the procedures described in Article 8.1 and this article.

Examples of Business Meeting agenda elements include:

- **Executive Session**

The Council may hold an executive session during a regular or special meeting. Before convening in executive session, the Presiding Officer shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session shall be concluded. If the Council wishes to adjourn or take action at the close of a meeting from executive session, that fact will be announced. The announced time limit for executive sessions may be extended by announcement of the Presiding Officer made to those waiting in the nearest public area. No final action may be taken in executive session. (See RCW 42.30.110) Councilmembers shall not disclose any confidential oral and written information provided during executive sessions or otherwise obtained in the course of their duties in order to protect the best interests of the City. (See RCW 42.23.070(4), Article II(C) of the City’s Code of Ethics.)

- **Summary Reports**

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

- **Public Comment Period or Public Hearing**

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

- **Consent Agenda**

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

- **Discussion of Matters for Future Meetings**

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

- **Other Common Agenda Elements**

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

9.9 Conduct of Study Sessions and Workshops

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

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

(a) Public Comment Period

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

(b) Vetting of Agenda Items:

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

(c) Study of Emerging Issues

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

(d) First Touch and Second Touch Updates

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

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

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

9.10 Workshops

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

9.11 Adjournment Due to Emergency or Disruption

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

9.12 Procedures for Public Comment at Business Meetings

9.12.1 In General

The City Council desires to allow a maximum opportunity for public comment at various public forums and meetings. However, at a Business Meeting, the business of the City must proceed in an orderly, timely manner, and in that setting, the open Public Comment period is generally limited in overall time on the agenda (e.g. 30 minutes), and is further limited in the amount of time per speaker (3 minutes, or such lesser time determined by the Presiding Officer if a large number of individuals wish to speak). At any time the Presiding Officer in his or her sole discretion, may set such further limitations as are necessary to progress through the agenda and to prevent disruption of other necessary business.

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

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

9.12.2 Subjects – Whether or Not on the Current Agenda

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

9.12.3 Use of Microphones

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

9.12.4 Civility

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

9.12.5 Council May Overrule the Presiding Officer

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

9.13 Public Hearings – In General

9.13.1 Sign in Procedure

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

9.13.2 Time Limits

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

9.13.3 Other Rules

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

9.14 Council Quasi-Judicial Hearings

Quasi-judicial hearings and actions of the Council are those proceedings which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions or hearings do not include the hearings pertaining to legislative actions adopting, amending, or revising a general governmental policy or ordinance, or a comprehensive, community,

or neighborhood plan or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.”

9.14.1 Appearance of Fairness Doctrine Applies to Quasi-Judicial Actions

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

9.14.2 Obligations of Councilmembers in Quasi-Judicial Proceeding

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

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

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

9.14.3 Avoid Ex Parte Communications with Quasi-Judicial Parties

During the pendency of any quasi-judicial proceeding, no Councilmember may engage in *ex parte* communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember: (1) places on the record the substance of

such oral or written communications concerning the decision or action; and (2) provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. Under RCW 42.36.060(2), this does not prohibit correspondence between a citizen and his or her elected official, if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding.

EXHIBIT A – SIMPLIFIED SUMMARY OF PARLIAMENTARY PROCEDURE

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

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

Legend:

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

Ord: Required by City ordinance.

Res: Required by Council resolution.

COUNCIL WORKING COMMITTEES

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

COUNCIL STANDING ADVISORY COMMITTEES

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

- **Youth Advisory Committee:** Unspecified number of members; Councilmember is liaison; provides youth perspective on selected issues.

STANDING COMMISSIONS AND BOARDS

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

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

(a) Meetings

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

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

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

(c) Liaison Procedures

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

EXHIBIT C – SCALABLE PUBLIC PROCESS PLANNING SYSTEM

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

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

EXHIBIT D - SAMPLE ORDER OF BUSINESS

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

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

Pledge of Allegiance

Roll Call

Acceptance or Modification of Agenda / Conflict of Interest Disclosure

Public Comment

Mayor's Report

City Manager's Report

Presentations

Public Hearing (if any)

Unfinished Business

New Business

Consent Agenda

Committee Reports

For the Good of the Order

Adjournment

Recommendations offered for Governance Manual updates on setting Council meeting agendas
Recommendations requested for Council deliberation goal, “Sticking to the Point”

From Governance manual:

2.4.6 Council Meeting Agendas Are Set by a Team

Agendas for Council meetings are generally developed and refined by the Council and Administration at Study Sessions and are then arranged by the City Manager and City Clerk in consultation with the Mayor, Deputy Mayor, or both, who provide final approval prior to being publicly posted. Items for draft meeting agendas are submitted to the City Clerk, Mayor, and City Manager, and after team review are finalized by the Mayor, Deputy Mayor, or both, for public notice and distribution.

Recommended clarifications:

1. **To add an item or change the current meeting’s agenda:** Councilmembers make a motion at “approval of the agenda.” A majority vote amends the agenda. (*By tradition*)
2. **For regular council deliberation at a future meeting:** Councilmembers request agenda items to discuss policy and request staff support during “future council agendas.” If after discussion there is not clear support for the agenda item, the chair may call for a vote. With general support, or by majority vote, the City Manager in consultation with the Mayor and Deputy Mayor will add the item to an upcoming meeting agenda with adequate lead time for staff support. (*By tradition*)
3. **For consideration of Council attention:** For agenda requests supported by a minority of Council, a motion and a second may place a limited discussion on the next agenda to advocate for further consideration of council attention, including requested staff support and recommended motions. When this item comes up at the next meeting, after 10 minutes of discussion the Chair calls for a vote on further consideration. (*From Roberts Rules, introduced in 2020*)
4. **For urgent action by Council:** If an urgent issue or opportunity arises between meetings and is best addressed at the upcoming meeting, three councilmembers—including the Mayor and Deputy Mayor—must agree to add the item, agree to any necessary staff support, and give direction for recommended motions. Lack of agreement still gives the councilmember the opportunity to make a motion at “approval of the agenda,” as in #1. (*Recommended resolution of conflicting interpretations*)
5. **The Mayor, Deputy Mayor, and City Manager attend the weekly agenda setting meetings.** Exceptions can be made by request of a third councilmember for a specific issue, or to include consultation with additional staff as needed. (*By tradition*)

From Governance manual:

2.4.5 Council Dialog Calls For “Sticking to the Point”

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

Recommendations requested:

Discuss how the Chair can/should implement this role.



CITY OF
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION
TUESDAY, JUNE 16, 2020**

Council Actions

- 1) **CALL TO ORDER / ROLL CALL - 6:00 PM**
- 2) **EXECUTIVE SESSION**
- 2.A **Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.**

Cover Page

ACTION: Executive session held.

- 3) **APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**

ACTION: The agenda was approved as modified with the addition of new Item 10.B, promotion of resolution regarding face coverings. No conflicts of interest were disclosed.

- 4) **MAYOR'S REPORT**

- 5) **PRESENTATIONS**

- 5.A **Proclamation Declaring June 19, 2020 as the "Day to Celebrate Juneteenth 2020" - Mayor Schneider.**

Cover Page

ACTION: Presentation only.

- 6) **FUTURE COUNCIL AGENDAS**

- 6.A **Future Council Agendas**

Cover Page

[June 22 Special Joint City Council Meeting.pdf](#)

[June 23 City Council Regular Business Meeting.pdf](#)

[June 30 Special City Council Meeting.pdf](#)

ACTION: Added ordinance regarding face coverings to June 23 Council Discussion; requested placement of aquaculture agenda item on July meeting.

7) CITY COUNCIL DISCUSSION

7.A Affirm Council Priorities from March 6, 2020 Retreat - Mayor Schneider

Cover Page

[2020_City_Council_Priorities_March Revision.pdf](#)

[2021-2022_Council_Budget_Priorities - DRAFT.pdf](#)

ACTION: Removed Suzuki Affordable Housing Project from City Council Priorities and forwarded to the June 23, 2020 Consent Agenda.

7.B Formalize Process for Councilmembers to Add Items to Agendas - Mayor Schneider

Cover Page

[Policy for Council-directed agenda items \(revised\).pdf](#)

ACTION: Directed staff to incorporate recommended clarifications into the Governance Manual and bring it back to Council for approval on a Consent Agenda.

8) UNFINISHED BUSINESS

8.A Self Service Storage Moratorium (Ordinance No. 2020-12) - Work Plan Discussion - Planning

Cover Page

[20200609_Memo_seeking_work_plan_direction_FINAL.docx](#)

[Ordinance No. 2020-12 Extending Moratorium on Self-Service Storage Facilities](#)

[Approved 051220.pdf](#)

ACTION: Provided feedback on work plan; requested additional information from staff.

8.B Green Building Task Force Update and Next Steps – Planning

Cover Page

[Green Building Discussion Council 20200609.pdf](#)

[2020 01 28 CC Staff Memo January Update](#)

ACTION: Council directed the Green Building Task Force to recommend an “off the shelf” green building program or components of a program to be implemented by October 20, 2020 to help with City’s greenhouse gas reduction emission goals while the Bainbridge program is developed.

8.C Farmers Market Improvements Discussion - Public Works

Cover Page

[Town Square Master Plan Presentation.pdf](#)

ACTION: Presentation and discussion.

8.D Capital Improvement Plan Discussion, Continued - Public Works

Cover Page

[Presentation_-_2021-26_CIP_Discussion_JUNE2020 PT2.pdf](#)

ACTION: Presentation and discussion.

9) NEW BUSINESS

9.A Appointments to the Planning Commission - Mayor Schneider

Cover Page

Planning Commission (Recommended Appointments).pdf

Blossom - Planning Commission (Redacted).pdf

Dykeman - Planning Commission (Redacted).pdf

Gardiner - Planning Commission (Redacted).pdf

Marshall - Planning Commission (Redacted).pdf

McCormick Osmond - Planning Commission (Redacted).pdf

Weise - Planning Commission (Redacted).pdf

ACTION: Forwarded to the June 23, 2020 Consent Agenda.

10) CITY COUNCIL DISCUSSION (CONTINUED)

10.A Update on Safe Streets/Grow Avenue Pilot Project - Councilmembers Pollock, Deets, and Medina

Cover Page

ACTION: Information only.

10.B Promotion of Resolution Regarding Face Coverings [ADDED]

ACTION: Discussion; Council ad hoc committee authorized to advise on signage.

11) FOR THE GOOD OF THE ORDER

ACTION: Councilmember Carr will replace Councilmember Nassar as liaison to the Environmental Technical Advisory Committee (ETAC).

12) ADJOURNMENT – 11:47 PM