

**ORDINANCE NO. 2014-11**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, making changes to the membership of the Utility Advisory Committee, clarifying the functions and duties of the committee, and amending Chapter 2.33 of the Bainbridge Island Municipal Code.

**WHEREAS**, the City has established a Utility Advisory Committee (the “UAC”) to encourage citizen participation in the process for establishing water, stormwater, and sanitary sewer utility policies; and

**WHEREAS**, the City Council desires to clarify the role, composition, and duties of the UAC as well as the staff support provided to the UAC;

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

**Section 1.** Section 2.33.010 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

**2.33.010 Created – Membership, appointment, compensation and term.**

A. There is created a utility advisory committee for the city, hereinafter referred to as the committee. The committee shall consist of ~~a minimum of seven and no more than nine~~ voting members who shall be appointed by the mayor and confirmed by vote of the city council. The members shall not be officers or employees of the city and shall be residents of the city. The members shall not be appointed to another city committee, board or commission, except for specialized committees or task forces of limited duration. Additionally, at least one member of the city council shall serve as an ex officio, nonvoting member of the committee.

B. The members of the committee shall serve without compensation and shall ~~initially be appointed for staggered terms as follows: two of the original members shall be appointed and confirmed for one year terms, two of the original committee members shall be appointed and confirmed for two year terms, and three members shall be appointed for three-year terms. The terms for all~~

~~subsequent annually appointed members shall be three years, which begin on July 1 and end on June 30 three years later.~~

C. A member may be re-appointed, and shall hold office until his or her successor has been appointed and has qualified. Members may be removed ~~by the mayor upon consent~~ upon a majority vote of the city council.

D. No member shall serve more than three consecutive terms unless the city council determines that special expertise is required, or there are no other qualified applicants.

**Section 2.** Section 2.33.025 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

**2.33.025 Vacancies – Removal.**

In the event of a vacancy, the mayor, subject to confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position in accordance with the city’s appointment cycle. Unexcused absence by any committee member from three consecutive meetings shall constitute grounds for removal in accordance with BIMC 2.33.010.C, ~~and 10 absences by any committee member, excused or unexcused, occurring within a 12-month period shall likewise be grounds for removal.~~

**Section 3.** Section 2.33.030 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

**2.33.030 Organization.**

~~The mayor shall make the initial appointment of one voting member of the committee to serve as chairperson for a one-year term. The committee shall make the initial appointment of a vice chairperson.~~ The committee shall adopt such rules and regulations as are necessary to accomplish the duties prescribed in BIMC 2.33.040, and consistent with other provisions of this chapter, including without limitation BIMC 2.33.060. These rules and regulations shall be placed on file with the city clerk.

**Section 4.** Section 2.33.040 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

**2.33.040 Powers and duties.**

The committee shall act in an advisory capacity to the city council with respect to issues relevant to the operation and management policies of the city's water, sanitary sewer, and other utilities. The committee shall not supplant administrative advice on policy issues to the city council but shall be in addition to staff advice. The committee shall not interfere with the administrative staff functions involving day to day operation of the city utilities. All city utility-related policies shall be reviewed by the committee prior to consideration by city council. In its advisory capacity, the committee shall:

A. Consult with the city manager to develop an annual workplan for approval by the city council;

AB. Consult with and make recommendations to the city council regarding such utility-related policy matters as the city council or the committee deems appropriate;

BC. Give advisory recommendations to the city council on matters relating to the city's water, sanitary sewer, and storm water utility policies and operation;

CD. Consult with and make recommendations to the city council regarding utility rates, rate structures and other charges made to water, sanitary sewer, and storm water utility customers;

DE. Consult with and make recommendations to the city council, ~~give advisory recommendations to the city council~~ relative to the planning for, and financing, ~~operation and maintenance~~ of water, sanitary sewer, and storm water utility capital facilities;

EF. Keep the city council regularly informed of activities of the committee in a timely manner.;

G. Report annually to the city council prior to the start of the budget process.

**Section 5.** Section 2.33.060 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

**2.33.060 Meetings, officers, records and quorum.**

The committee shall annually elect a chairperson and vice-chairperson. The committee shall hold regular meetings at least once during each quarter year. Meetings shall be open to the public and held in accordance with the Open Public Meetings Act (Chapter 42.30 RCW). For meetings consisting of a majority of the then serving voting members of the committee, ~~The committee shall provide~~ public notice of the meeting and shall keep a record of its meetings minutes, resolutions, transactions, findings and determinations. The meeting minutes shall be posted on the city's web site. A majority of the voting members then serving on the committee shall constitute a quorum ~~for the transaction of business.~~

**Section 6.** Section 2.33.070 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

**2.33.070 Expenditures and staff assistance.**

A. The expenditures of the committee, exclusive of donations, shall be limited to appropriations made by the city council.

B. Department director or executive ~~The city staff,~~ as assigned by the city manager, shall provide assistance to the committee. Except for purposes of inquiry, the committee and its members shall deal with employees of the city only through the city manager or administrative staff assigned by the city manager for that purpose.

C. The city shall provide city email accounts to committee members and related training on the use of email accounts, including personal computer privacy expectations while serving on the committee.

**Section 7.** This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this 14<sup>th</sup> day of April, 2014.

APPROVED BY THE MAYOR this 14<sup>th</sup> day of April, 2014.

  
\_\_\_\_\_  
Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

  
\_\_\_\_\_  
Rosalind D. Lassoff, CMC, City Clerk

|                             |                |
|-----------------------------|----------------|
| FILED WITH THE CITY CLERK:  | March 13, 2014 |
| PASSED BY THE CITY COUNCIL: | April 14, 2014 |
| PUBLISHED:                  | April 18, 2014 |
| EFFECTIVE DATE:             | April 23, 2014 |
| ORDINANCE NUMBER:           | 2014-11        |