

MEMORANDUM

DATE: June 16, 2022
TO: Environmental Services Commission
FROM: Brian Wendt, Assistant City Attorney, (425) 452-6134
SUBJECT: Review Environmental Services Commission (ESC) Bylaws Updates

ACTION REQUIRED

No action is required of the Commission on June 16. The Commission will review and discuss the proposed updates to the Commission's Bylaws on June 16, 2022. Adoption of the updated Bylaws will occur at the next regular meeting on July 7.

BACKGROUND / ANALYSIS

On June 1, 2020, and in response to the COVID-19 pandemic, the City Council amended the Bellevue City Code (BCC) to eliminate the restrictions that prevented all members of City of Bellevue boards and commissions from participating remotely in board or commission meetings. This amendment was intended to be temporary, in order to allow the boards and commissions to meet fully remotely while in-person meetings were not available due to the COVID-19 pandemic.

Prior to the COVID pandemic, the BCC limited remote participation by board and commission members to no more than two members per meeting and no more than four meetings per year. This limitation is included in the current version of the ESC's Bylaws at Article V, Paragraph G. When the City Council eliminated the remote participation restrictions from the BCC in response to the pandemic, the ESC took action to suspend Article V, Paragraph G of the Bylaws on June 23, 2020.

In person attendance at City board and commission meetings is now possible, and on May 16, 2022, the City Council adopted Ordinance 6662. This Ordinance amends the City's Personnel Code, Title 3 BCC, to reinstate limitations on members of commissions and boards attending meetings remotely.

The changes mandated by Ordinance 6662 provide more flexibility with respect to remote participation than existed prior to the pandemic, but Ordinance 6662 does limit remote participation by board and commission members. For example, the limit on the number of board and commission members who can participate remotely at any one meeting has been expanded from two to three, and the previous restriction that a member could not participate remotely more than four times a year was eliminated. There is also a requirement that the presiding officer (PO) attend meetings in person. For meetings where the PO is authorized to attend remotely, the PO must pass the PO role for that meeting to another board or commission member who will be attending in person.

With respect to the ESC, Section 1 of Ordinance 6662 amends BCC 3.55.030 to provide the following:

///

///

Amended BCC 3.55.030.E:

E. Remote Participation.

- 1. Commission members are encouraged to attend meetings in person when practicable. A member not able to be physically present for a meeting may participate remotely using approved teleconferencing equipment. Remote participation must be approved by the commission in advance of the meeting.*
- 2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a commission member who is physically present at the meeting.*
- 3. No more than three members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.*

Following adoption of the updated ESC Bylaws, the Commission's Bylaws will comply with the remote participation requirements in Ordinance 6662 and with BCC 3.55.030.E. For the Commission's convenience, a red-lined version of the updated ESC Bylaws is included as Attachment A; Ordinance 6662 is included as Attachment B; and Chapter 3.55 BCC is included as Attachment C.

The City Council intends to revisit the updated remote participation parameters adopted through Ordinance 6662 in a year to determine their effectiveness. That assessment will include input from the boards and commissions, the public, and relevant city staff.

In addition to complying with recently adopted City legislation, the updated Bylaws provide clarity and consistency, fix typos, and update incorrect citations in the current Bylaws. The updates contain amended language in Article I – Scope of Authority/Responsibility to include reference to chapter 3.55 BCC, the operative code provision that pertains to the ESC; Article II – Membership and Organization of the Commission to clarify that quorum must be maintained throughout the entirety of the meeting and correct typographical errors; Article V – Meetings to correct typographical errors and citations; Article XI – Minutes – to ensure consistency with other advisory commission bylaws; and Article XIV — Records to ensure consistency with other advisory commission bylaws and correct citations.

With respect to the updated language in Article VIII.A, the purpose of “seconding the motion” and the Chair announcing the motion is to be sure that at least two people on the Commission want to discuss the proposed action prior to the Commission entertaining and debating the motion. Even in the absence of seconding the motion or the Chair announcing the motion, if a majority of the Commission votes to pass the motion, then it is self-evident that at least two people wanted to discuss the motion, and did. Although all motions should be seconded and announced by the Chair, the minor update to Article VIII provides flexibility so that failure to second the motion or formally announce the motion does not invalidate later action on the motion taken by a majority of the Commission.

All of these updates to the Bylaws will further the City's requirement of uniformity and consistency among the City Council-appointed boards and commissions. The ESC is advisory to the City Council. However, the ESC's authority, as well as the authority of other boards and commissions in the City, is limited to the specific functions set forth in the City's Personnel Code, Title 3 BCC.

More broadly, the ESC must comply at all times with the requirements of the Open Public Meetings Act (OPMA,) the Public Records Act (Chapter 42.56 RCW), and the City's Ethics Code (Chapter 3.92 BCC)—all of which are incorporated by reference into the ESC's authorizing statute, chapter 3.55 BCC. By requiring uniformity and consistency for the board and commission Bylaws, the City ensures that each set of Bylaws also complies with the OPMA, the Personnel Code, and the Ethics Code.

POLICY ISSUES

The updated Environmental Services Commission Bylaws comply with the Bellevue City Code and state law; implement changes mandated by Ordinance 6662, which reinstated, with more flexibility, limits in City Code on remote participation by Environmental Service Commission (ESC) members; provide for clarity and conformance with current City process; and further the City's requirement of uniformity and consistency among the City Council-appointed boards and commissions.

FISCAL IMPACT

No fiscal impact.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Red-lined version of the updated ESC Bylaws
- B. Ordinance 6662
- C. Chapter 3.55 BCC



ENVIRONMENTAL SERVICES COMMISSION BYLAWS

These Bylaws constitute the official rules of procedure for the Environmental Services Commission. Where rules of procedure are not addressed in these Bylaws, the Environmental Services Commission shall be governed by the City Council's adopted Rules (Resolution No. 8928) and/or by *Robert's Rules of Order, Newly Revised*.

ARTICLE I - Scope of Authority/Responsibility

The members of the Environmental Services Commission accept the responsibility of the office and declare their intention to execute the duties defined under the State law and Bellevue City Code to the best of their ability and to respect and observe the requirements established by the Bellevue City Council.

The authority of the Environmental Services Commission is limited to those specific functions set forth in the Bellevue City Code, [Chapter 3.55](#). The purpose of the Commission is advisory to the City Council.

The Commission shall have no authority or responsibility relating to the following activities:

- A. The Commission or its individual members shall not speak for or advocate on behalf of the City or Commission, or act in a manner that may be construed as representing the City, unless specifically authorized to do so by the City Council.
- B. The Commission or its individual members have no supervisory authority and shall not direct administrative operations, maintenance, or hiring of consultants and other independent contractors.
- C. The Commission shall not participate in regional issues not specifically assigned to the Commission by the City Council.

A member of the Commission is not authorized to speak for the Commission unless the Commission has expressly authorized the member's communication.

An individual member is free to voice a position, oral or written, on any issue after making it clear that the member is not speaking as a representative of the City or as a member of the Commission.

ARTICLE II - Membership and Organization of the Commission

A. Membership.

1. Each person at time of nomination and continuing uninterrupted thereafter while serving on the Commission shall be a resident of the City of Bellevue or reside within the city's service area for the water or sewer systems.
2. Each person to be appointed shall be nominated by the Council Liaison for a specific, numbered position on the Commission.

3. Appointees shall commence service after confirmation by the City Council and the effective date of the previous member's resignation or expiration of the existing term for the position, as applicable.
4. Each confirmation motion by the Council shall include the ending date and term for the position to which the member is appointed and that information shall be entered into the Council meeting minutes and maintained in the Commission's records by the Deputy City Clerk.

- B. Election of Officers. The Environmental Services Commission shall elect a Chair and Vice-Chair, and any other officers the Commission deems necessary, for a term of one year at their first regular meeting in June of each year, or as soon thereafter as feasible based on seating of newly-appointed members.

The election process shall be in accordance with *Roberts Rules of Order Newly Revised*.

In the event of the resignation of the Chair or Vice-Chair, the Commission shall expeditiously elect a new officer to fill the vacancy.

In the absence of the Chair and Vice-Chair, a Chair pro tern shall be elected informally by the members present to conduct the meeting.

- C. Committees. The Chair, with the concurrence of the Commission, may appoint standing committees or special committees of the Commission and assign one or more members to such committees.
- D. Quorum. At all meetings of the Commission, quorum shall consist of a majority of the members. Quorum must be maintained throughout the entirety of the meeting.
- E. Ex officio members. The Council may approve the appointment of an ex officio member to the Commission. Ex officio members are authorized to sit at the table and participate in discussions, but are non-voting members.
- F. Resignation. A member may resign by giving written notice to the City Clerk and the Chair of the Commission.
- G. Removal from office. Members of the Commission may be removed at any time by the ~~m~~Mayor, upon approval of a majority of the Council, for neglect of duty, conflict of interest, unexcused absence from three consecutive regular meetings of the Commission, or for any reason deemed sufficient by the majority of the City Council. The decision of the Council shall be final and there shall be no appeal.
- H. Vacancies. Vacancies shall be reported immediately to the City Clerk.
- Vacancies occurring for reasons other than the expiration of a term shall be filled for the unexpired portion of the term by appointment by the Mayor upon approval of a majority of the City Council.
- I. Staffing. The Utilities Director shall assign staff support to the Commission.

ARTICLE III - Duties of Officers

- A. Presiding Officer. The Chair shall be the presiding officer of the Commission. In the temporary absence of the Chair, the Vice-Chair shall perform the duties and responsibilities of the Chair. The Presiding Officer is required to attend meetings in person. If the Presiding Officer is authorized to participate in a meeting remotely under Article V.G of these Bylaws, the Presiding Officer must pass the Presiding Officer role for that meeting to

| a commission member who will attend that meeting in person.

It shall be the Presiding Officer's duty to see that the transaction of Commission business is in accord with these Bylaws.

B. Presiding Officer Duties. It shall be the duty of the Presiding Officer to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Control the discussion in an orderly manner.
 - a. Introduce the agenda topic, provide for staff presentation and questions from the Commission, and call for discussion among the Commission members.
 - b. Give every Commission member who wishes an opportunity to speak.
 - c. Permit audience participation at the appropriate times.
 - d. Require all speakers to speak to the question and to observe the rules of order.
 - e. Give pro and con speakers opportunities to speak to a question when practicable.
 - f. Guide the Commission in providing direction to staff and making recommendations to the City Council.
4. State each motion before it is discussed and before it is voted upon.
5. Put motions to a vote and announce the outcome or summarize consensus direction achieved by the Commission.
6. Decide all questions of order, subject to the right of appeal to the Commission by any member.

The Presiding Officer may at his or her discretion call the Vice-Chair or any member to take the Chair so the Presiding Officer may make a motion.

C. Commission Staff. The Commission staff, or an authorized designee, shall attend all meetings of the Commission. The Commission staff shall:

- a. Provide for noticing of special meetings or changed locations of meetings;
- b. Post agendas and Commission packet materials for each meeting;
- c. Record and retain, by electronic means, each meeting for the official record;
- d. Provide for timely preparation of summary minutes of all Commission meetings;
- e. Maintain the Commission's official records;
- f. Manage correspondence on behalf of the Commission.

ARTICLE IV - Council Liaison

- A. The Mayor, with the concurrence of Council, shall appoint a Councilmember to serve as Liaison to the Environmental Services Commission.
- B. The Council shall identify roles and responsibilities for Liaisons to the Council's appointed Boards and Commissions.

ARTICLE V -- Meetings

Public notice of meetings ~~of~~ or hearings before the Commission shall be provided as required by law. Noticing of special meetings and public hearings is provided by the Deputy City Clerk.

- A. Regular meetings. The regular meetings of the Environmental Services Commission shall be held at 6:30 pm on the first Thursday of each month; unless there is critical or time-sensitive work, the Commission may recess for either the month of August or December.

Regular or continued meetings that fall on a holiday shall be rescheduled by the Commission.

B. Special meetings. Special meetings may be held by the Commission subject to notice requirements prescribed in state law. The notice for special meetings shall state the subjects to be considered, and no subjects other than those specified in the notice shall be considered. Electronic mail shall be considered written notice to members for purposes of this rule.

C. Meeting place. Meetings of the Environmental Services Commission shall be held at Bellevue City Hall unless otherwise noticed.

D. Open Public Meetings. No legal action may be taken by the Commission except in a public meeting. "Action" is defined as the transaction of official business, but is not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions.

All meetings of the Commission shall be open to the public; provided, the Commission may hold Executive Sessions as permitted by law (RCWs 42.30.110 ~~and 43.30.140~~).

Minutes will be prepared for all regular and special meetings and presented as soon as practicable for Commission review and approval. Minutes will include all pertinent information, motions, decisions made, and actions and votes taken. Minutes are not required to be taken at an Executive Session (RCW 42.32.03~~50~~).

E. Public Notice. Public notice of meetings or hearings before the Commission shall be provided as required by law. Notice of special meetings will be delivered in writing by mail or electronic mail at least 24 hours in advance to Commission members and to the City's newspaper of record and other media publications that have filed written requests of the City to be notified. The notice will specify the time and place of the special meeting and the business to be transacted.

F. Attendance. Attendance at regular and special meetings is expected of all Commission members.

Any member anticipating absence from an official meeting should notify the Chair ~~or~~ and the City staff assigned to the Commission ~~staff~~ in advance.

Unexcused absences from three consecutive regular meetings shall be reported to the City Council for appropriate action as prescribed by Bellevue City Code, Section 3.55.010.

G. Remote participation. Commission members are encouraged to attend meetings in person when practicable. A member not able to attend a meeting in person may participate remotely using approved teleconferencing equipment. However, remote participation must be approved by the Commission in advance of the meeting.

No more than three Commission members may participate remotely during any one Commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum. A member not able to be physically present for a meeting may participate remotely using approved teleconferencing equipment. Remote participation must be approved in advance, by majority vote of the Commission, either at an earlier Commission meeting or before joining a current meeting. A member may participate remotely no more than four times per year, unless absent for medical reasons, and only two members may participate remotely during any one Commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

G.H. Recess. The Commission may, by a majority vote or consensus, recess for a short break. The proposal to recess may set a time limit or run until the Chair calls the meeting back to order.

H.I. Continuation. The continuation of a meeting shall be to a definite time and place and approved by majority vote.

I.J. Adjournment. Regular meetings of the Environmental Services Commission shall adjourn at 9 pm. The adjournment time may be extended to a later time certain upon approval of a motion carried by a majority of Commission members.

At the conclusion of the agenda, after calling for any additional business, the Chair may declare the meeting adjourned.

ARTICLE VI- Order of Business/Agenda

- A. Preparation of meeting agendas will be the duty of the Commission staff in coordination with the Chair.
- B. Copies of the agenda will be available to all Commission members at least two days prior to a regular meeting and 24 hours in advance of special meetings.
- C. The agenda will indicate whether formal action is intended to be taken by the Commission on a particular matter.
- D. The order of business for each regular meeting shall be as follows:
 - 1. Call to Order and Roll Call
 - 2. Approval of the Agenda
 - 3. Oral and Written Communications
 - 4. Communication from City Council, Community Council, Boards and Commissions
 - 5. Staff Reports
 - 6. Approval of Minutes
 - 7. Unfinished Business
 - 8. New Business
 - 9. Oral and Written Communications
 - 10. Review of Commission Calendar
 - 11. Adjournment
- E. The printed agenda of a regular meeting may be modified, supplemented or revised by a majority affirmative vote of the Commission members present.
- F. A topic on the agenda may be continued to subsequent meetings when it is apparent that one meeting will not be sufficient to complete the scheduled business.
- G. The order of business does not apply to Special Meetings.

ARTICLE VII - Public Comment

- A. Timing of Communications. The Commission shall not take public comment at regular meetings except for that given at a public hearing or at Oral and Written Communications. Written comments may be submitted to the Commission staff in advance of the meeting.
- B. Addressing the Chair. Speakers shall address all statements to the Chair. Commission members may direct questions to speakers only with the Chair's permission.

C. Public hearings. The purpose of a public hearing is to gather information and opinions on a specific subject the Commission is studying. The following rules shall be observed during any public hearing:

1. The Chair shall, at the opening of a public hearing, state the purpose of and process for the hearing and may request that staff provide an introductory staff report.
2. Persons wishing to speak, either in-person or through remote participation, shall sign in on the paper or electronic sign-in sheet provided. Speakers-and will be called to speak in the order in which they signed in, subject to the Chair's discretion to modify the order in the interest of a fair public hearing that allows an opportunity for everyone wishing to speak.
3. Speakers will be allowed three (3) minutes in which to make their comments. Additional time will not be allowed unless the Chair or a majority of the Commission determines to allow additional time.
4. Speakers are encouraged to indicate support for or opposition to previous comments rather than repeating prior testimony.
5. No specific time limitations are placed on the length of public hearings.
6. The Commission may continue a hearing to a future date or close a hearing after everyone wishing to speak has spoken.
7. All written material provided before or during the hearing will be included in the hearing record.
8. The Chair may allow additional time for receipt of written comments when needed.

D. Oral Communications.

1. The time allowed for Oral Communications shall not exceed 30 minutes.
2. Persons wishing to speak, either in-person or through remote participation, shall sign in on the paper or electronic sign-in sheet provided and will be called to speak in the order in which they signed.
3. Speakers will be allowed to speak for three (3) minutes. Additional time will not be allowed unless the Chair or a majority of the Commission determines to allow additional time.
4. Suspension of these rules will require a majority vote of the Commission members present and must be consistent with requirements of the Open Public Meetings Act, Chapter 42.30 RCW.

E. Decorum. Persons participating in Commission meetings are strongly encouraged to aid the Commission in maintaining the decorum and orderly progression of the meeting agenda. Engaging in shouting, use of profanity or slurs against others, disruptive noise, or comments that are off-topic detract from the ability of the Commission to conduct business. Where such conduct results in actual disruption of the meeting, the Chair may issue a verbal warning to the speaker and, if the behavior continues, have the speaker removed from the meeting room. Repeated disruption may result in the speaker being excluded from participating in public comment at one or more subsequent Commission meetings. If the Chair issues an exclusion to any speaker, he or she shall inform the person of the basis for the exclusion and the term of the exclusion. The Chair shall also notify the speaker that if he or she desires to address the Commission during the period of exclusion from public

comment, he or she may submit written comments which will be received by the Commission staff and provided to each of the Commission members.

- F. Timekeeping. The City staff assigned to the Commission ~~staff~~ shall be the timekeeper, unless the Chair shall designate another appropriate individual to serve as the timekeeper.

ARTICLE VIII - Motions

- A. No motion ~~shall~~should be entertained or debated until ~~seconded and~~ announced by the Chair.
- A.B. The motion shall be recorded and, if desired by any member, read by the Clerk before it is debated. With the consent of the Commission, a motion may be withdrawn at any time before action is taken on the motion.
- B.C. Motions shall be entertained in the order of precedence outlined in *Robert's Rules of Order Newly Revised*.

ARTICLE IX - Voting

- A. Action. Action may be taken by a majority of the members present when a quorum exists.
- B. Votes on Questions. Each member present or participating remotely shall vote on all questions put to the Commission except on matters in which he or she has been disqualified for a conflict of interest or under the Appearance of Fairness doctrine. Such member shall disqualify himself or herself prior to any discussion of the matter, stating the reason for the disqualification unless there is a legal impediment to disclosure. The disqualified member will then leave the meeting room.
- Voting shall be accomplished by voice or through a showing of hands. Secret balloting is prohibited. Proxy votes of members not present are not valid votes. All votes shall be recorded in the Summary Minutes.
- C. Tie Vote. The passage of a motion is defeated by a tie vote, provided that the question may be brought forward again at the request of any member at the same meeting or at the next meeting when any members who were absent or disqualified at the time of the tie vote are present.
- D. Failure to Vote. Any Commission member who fails to vote without a valid disqualification shall be declared to have voted in the affirmative on the question.
- E. Six-month Time Limitation. Except as otherwise provided in these Bylaws, once a matter has been voted on and the time for reconsideration has passed with no action, the matter may not be taken up again for six months unless there is a showing of a substantial change of circumstances.
- F. Decisions. The Commission shall act as a body in making its decisions and in announcing them. The Chair or the Chair's designee shall serve as the spokesperson for the Commission in reporting decisions.

ARTICLE X - Conflict of Interest, Appearance of Fairness, and Legal Assistance

Commission members are held to high ethical standards and shall at all times comply with the provisions of Chapter 3.92 of the Bellevue City Code, as they exist now or as amended in future.

Any member of the Commission who, in his or her opinion, has an interest in any matter before the Commission that would tend to prejudice his or her actions shall so publicly indicate and shall step down and refrain from voting and participating in any manner on the matter in question to avoid any possible conflict of interest or violation of the appearance of fairness.

When there is doubt concerning the legality of an issue, the City Attorney (or designee) may be

called upon to advise members as to the legality of the proposed action. If necessary, a hearing

or deliberation may be continued until legal matters can be clarified. Care must be taken in maintaining records of the proceedings when litigation is a possibility.

ARTICLE XI - Minutes

- A. Minutes are the official record of a meeting. Electronic recordings of meetings (if made) are retained for six years. ~~After that period, the minutes are the only source of information about what took place at a meeting. For this reason, it is important that minutes accurately reflect what occurred.~~

Minutes should be sufficiently detailed to provide what was done, by whom, and why, in order to provide an accurate summary of the main points of the discussion. Minutes are written to provide a readable, concise record of lengthy meetings, and as such not every speaker's comments on every topic are included.

If a Commission member wishes to ensure that a particular statement is included in the minutes, he or she should indicate, "For the record, ~~I believe~~.... " to signal the desire to have this comment included.

- B. Draft minutes presented for ~~approval~~ approval in the meeting packet may be amended if a legally sufficient reason to do so exists.

Once approved, that page of amended minutes will subsequently show the following wording next to the spot of the amendment: "Corrected- see minutes of _____"

ARTICLE XII- Compliance with Laws

All Commission members shall comply with all federal, state, and local laws and ordinances, including but not limited to Chapter 49.60 RCW (Washington's Law Against Discrimination) and 42 U.S.C. 12101 et. seq. (ADA), BCC 3.92 (Code of Ethics), RCW 42.56 (Public Records Act), RCW 42.30 (Open Public Meetings Act), BCC 2.26 (Public Records) and the Civil Rights Act of 1964 (Public Law 88-352).

ARTICLE XIII - Communications

- A. Communications with Council. The Commission shall provide at least quarterly communications to the Council, either at Reports of Boards and Commissions or in written form. Reports should highlight major activities, future work plans, changes in work plans, and request any policy direction needed from Council.
- B. Communications among Commission members. To avoid possible violations of the Open Public Meetings Act, Commission members shall refrain from back-and-forth exchange of information, viewpoints, positions, or other dialogue via email, telephone, or in person among a quorum of the membership about the business of the Commission outside of a public meeting. Communications among less than a quorum that are then relayed by a participant to other members, who together constitute a quorum, are also prohibited.

ARTICLE XIV -- Records

The term "public records" applies to any paper, correspondence, completed form, bound record book, photograph, film, audio or video recording, map drawing, machine-readable material, video stream, email, text message, or social media that has been created or received by any state or local government agency during the course of public business and legislative records described in RCW 40.14.100. The following requirements apply to the Environmental Services Commission and its individual members:

- A. Public records are the property of the City and must be managed (preserved, stored, transferred, destroyed, etc.) according to the provisions of RCW 40.14.
- B. Tools are in place to manage all emails sent to the Commission's email account (environmentalservicescommission@bellevuewa.gov), as well as individual city of Bellevue email accounts of Commission members, according to state law.
- C. Commission members are responsible for including Commission staff on all Commission-related communications, including forwarding any emails sent to the member in his/her individual capacity to the environmental_servicescommission@bellevuewa.gov address. Any hard copy records shall also be transferred to staff for long-term maintenance.
- D. Members may be required to produce emails or documents that relate to the activities or operations of the Commission in response to a public disclosure request. Members may also be required to produce their personal notes taken at Commission meetings that relate to the activities and deliberations of the Commission. To the extent that those notes contain information that is purely personal or material that is exempt under the Public Disclosure Act, they may not need to be provided to the requestor.
- E. As required by WAC 44-14-04003(23) and the City's Public Records Act Rules, the City must provide the fullest assistance in response to public disclosure requests. The City's Public Records Officer and a representative of the City Attorney's Office will review any documents that may be exempt from disclosure and will provide the necessary explanations of any exemptions to the requestor if access to particular records is denied. Courts may award monetary penalties should the City not respond fully or promptly.
- F. Commission members are advised to establish a separate, clearly-named file within their personal email account and/or on the hard drive of their personal computer to which they file all materials relating to the Commission.

ARTICLE XV - Compensation and Reimbursement of Expenses

Members of the Commission shall serve without compensation. Members shall be reimbursed for authorized travel or other expenses incidental to that service, which are authorized by the City Manager or City Council. Members should seek pre-authorization for any proposed expense.

ARTICLE XVI - Amendments

These Bylaws may be amended, revised, or repealed by the entire Board at any regular meeting or any special meeting, provided that notice of such changes is included on the agenda and the vote to change takes place at the next regular meeting. Amendments will not be valid unless two-thirds of the membership of the Board vote in favor of amending the Bylaws.

ARTICLE XVII - Validity

If any part or parts of these Bylaws are found to be invalid, that part or parts will not invalidate the remainder of the Bylaws.

Approved this ____ day of _____, 2022.

Chair

Director

Utilities Department

_____, Commission Staff

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6662

AN ORDINANCE amending Sections 3.55.030, 3.56.030, 3.61.030, 3.62.030, 3.63.030, and 3.64.030 of the Bellevue City Code to reinstate limitations on members of commissions and boards attending meetings remotely.

WHEREAS, on June 1, 2020, the City Council adopted Ordinance 6516, amending the Bellevue City Code (BCC) to eliminate the restrictions that prevented all members of the Environmental Services Commission, Arts Commission, Human Services Commission, Parks and Community Services Board, Transportation Commission, and Planning Commission from participating remotely in board or commission meetings; and

WHEREAS, this amendment was intended to be temporary, to allow the boards and commissions to meet fully remotely while in-person meetings were not available due to the COVID-19 pandemic; and

WHEREAS, in-person attendance by board and commission members is now possible; and

WHEREAS, the Council desires more flexible parameters than previously existed in the BCC for remote participation by board and commission members, to accommodate all abilities to attend meetings, and also desires consistency between all boards and commissions; and

WHEREAS, the Council intends to revisit these parameters in a year to determine their effectiveness, now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.55.030 of the Bellevue City Code is hereby amended to read as follows:

- A. The commission shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the commission may recess for either the month of August or December.
- B. All meetings shall be open to the public; provided, the commission may hold executive sessions as permitted by law. Commission business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.

C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.

D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.

E. *Remote Participation.*

1. Commission members are encouraged to attend meetings in person when practicable. A member not able to be physically present for a meeting may participate remotely using approved teleconferencing equipment. Remote participation must be approved by the commission in advance of the meeting.

2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a commission member who is physically present at the meeting.

3. No more than three members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

Section 2. Section 3.56.030 of the Bellevue City Code is hereby amended to read as follows:

A. The commission shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the commission may recess for either the month of August or December.

B. All meetings shall be open to the public; provided, the commission may hold executive sessions as permitted by law. Commission business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.

C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.

D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.

E. *Remote Participation.*

1. Commission members are encouraged to attend meetings in person when practicable. A member not able to be physically present for a meeting may participate remotely using approved teleconferencing equipment. Remote participation must be approved by the commission in advance of the meeting.

2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass

the presiding officer role to a commission member who is physically present at the meeting.

3. No more than three members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

Section 3. Section 3.61.030 of the Bellevue City Code is hereby amended to read as follows:

A. The commission shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the commission may recess for either the month of August or December.

B. All meetings shall be open to the public; provided, the commission may hold executive sessions as permitted by law. Commission business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.

C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.

D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.

E. *Remote Participation.*

1. Commission members are encouraged to attend meetings in person when practicable. A member not able to be physically present for a meeting may participate remotely using approved teleconferencing equipment. Remote participation must be approved by the commission in advance of the meeting.

2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a commission member who is physically present at the meeting.

3. No more than three members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

Section 4. Section 3.62.030 of the Bellevue City Code is hereby amended to read as follows:

A. The board shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the board may recess for either the month of August or December.

B. All meetings shall be open to the public; provided, the board may hold executive sessions as permitted by law. Board business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.

C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.

D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.

E. *Remote Participation.*

1. Board members are encouraged to attend meetings in person when practicable. A member not able to be physically present for a meeting may participate remotely using approved teleconferencing equipment. Remote participation must be approved by the board in advance of the meeting.

2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a board member who is physically present at the meeting.

3. No more than three members may participate remotely during any one board meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

Section 5. Section 3.63.030 of the Bellevue City Code is hereby amended to read as follows:

A. The commission shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the commission may recess for either the month of August or December.

B. All meetings shall be open to the public; provided, the commission may hold executive sessions as permitted by law. Commission business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.

C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.

D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.

E. Remote Participation.

1. Commission members are encouraged to attend meetings in person when practicable. A member not able to be physically present for a meeting may participate remotely using approved teleconferencing equipment. Remote participation must be approved by the commission in advance of the meeting.

2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a board member who is physically present at the meeting.

3. No more than three members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

Section 6. Section 3.64.030 of the Bellevue City Code is hereby amended to read as follows:

A. The commission shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the commission may recess for either the month of August or December.

B. All meetings shall be open to the public; provided, the commission may hold executive sessions as permitted by law. Commission business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.

C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.

D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.

E. Remote Participation.

1. Commission members are encouraged to attend meetings in person when practicable. A member not able to be physically present for a meeting may participate remotely using approved teleconferencing equipment. Remote participation must be approved by the commission in advance of the meeting.

2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a board member who is physically present at the meeting.

3. No more than three members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

Section 7. This Ordinance shall take effect and be in force five (5) days after its passage and legal publication.

Passed by the City Council this 16th day of MAY, 2022 and signed in authentication of its passage this 16th day of MAY, 2022.

(SEAL)



L. Robinson
Lynne Robinson, Mayor

Approved as to form:

Kathryn L. Gerla
Kathryn L. Gerla, City Attorney

Attest:

Charmaine Arredondo
Charmaine Arredondo, City Clerk

Published 5/19/22

Chapter 3.55 ENVIRONMENTAL SERVICES COMMISSION



Sections:

- [3.55.010 Environmental services commission established.](#)
- [3.55.020 Officers.](#)
- [3.55.030 Meetings.](#)
- [3.55.040 Council communications.](#)
- [3.55.050 Bylaws and procedures.](#)
- [3.55.060 Staff support.](#)
- [3.55.070 Powers and duties.](#)
- [3.55.080 Limitations.](#)

3.55.010 Environmental services commission established.



There shall be an environmental services commission of the city of Bellevue.

A. *Membership and Appointment.* The environmental services commission shall consist of seven members appointed by the mayor following the consent of a majority of the city council. Commission members shall be appointed without respect to political affiliation and shall serve without compensation. The council liaison may recommend appointment of a nonvoting ex-officio member.

B. *Eligibility.* Members of the environmental services commission must be residents of the city of Bellevue or reside within the city's service area for the water or sewer systems.

C. *Terms of Office.* The term for all positions on the commission shall be four years. Each position shall expire on May 31st of the last year of the term. The expiration date of the terms of the positions on the commission shall be staggered so that no more than four positions expire in the same year.

No person shall serve more than two consecutive terms, provided a person appointed to fill an unexpired term of less than two years is eligible to serve two successive four-year terms, and provided further, a person who is ineligible to serve for having served two consecutive terms may again serve after two years have elapsed from the end of the second such term.

D. *Vacancies, Removal of Commission Members, and Filling of Unexpired Terms.*

1. The position of a member of the environmental services commission shall become vacant upon such member ceasing to reside in the city or within the city's service area for the water or sewer systems.
2. Members of the commission may be removed at any time by the mayor, upon approval of a majority of the city council, for neglect of duty, conflict of interest, unexcused absence from three consecutive regular meetings of the commission, or for any reason deemed sufficient by a majority of the council. The decision of the council shall be final and there shall be no appeal.

3. Vacancies occurring for reasons other than the expiration of a term shall be filled for the unexpired portion of the term by appointment by the mayor upon approval of a majority of the council.

E. *Ethical Standards.* Commission members shall be held to high ethical standards and shall at all times comply with the provisions of Chapter [3.92](#) BCC, as they exist now or may be hereafter amended. (Ord. 6239 § 2, 2015.)

3.55.020 Officers.



A chair, vice chair and other officers as the commission deems necessary shall be elected annually from its members. The chair shall preside at meetings; the vice chair shall preside at meetings in the absence of the chair. (Ord. 6239 § 2, 2015.)

3.55.030 Meetings.



A. The commission shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the commission may recess for either the month of August or December.

B. All meetings shall be open to the public; provided, the commission may hold executive sessions as permitted by law. Commission business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter [42.30](#) RCW, and the Public Records Act, Chapter [42.56](#) RCW, as they exist now or may be hereafter amended.

C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.

D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative. (Ord. 6516 § 1, 2020; Ord. 6239 § 2, 2015.)

3.55.040 Council communications.



Formal communications with, or feedback to, the council shall represent the official majority and/or minority opinions of the commission, and not those of individual commission members. Members wishing to express an individual opinion shall provide their comments at the public comment opportunities on the meeting agenda. (Ord. 6239 § 2, 2015.)

3.55.050 Bylaws and procedures.



The commission shall adopt bylaws and procedures not inconsistent with any requirements established in the Bellevue City Code for the conduct of its meetings and hearings, setting of times of hearings, and giving of notice to the public. (Ord. 6239 § 2, 2015.)

3.55.060 Staff support.



The utilities department shall provide technical and administrative support for the commission. (Ord. 6239 § 2, 2015.)

3.55.070

Powers and duties.



The commission shall act in a policy advisory capacity to the city council. The commission may hold public hearings and shall conduct studies, perform analyses, and prepare reports requested by the city council. The commission shall review, advise, and make recommendations to the council on city water, sewer, storm and surface water, and solid waste utility programs regarding:

- A. Short and long-range planning, including participating with the planning commission in preparing, reviewing, and recommending comprehensive plan updates and subarea plans; provided, that the planning commission shall review and make final recommendations to the city council on all matters which will be adopted by the city council as part of the comprehensive plan;
- B. Annual budgets;
- C. Rates and rate structures;
- D. Rate assistance programs;
- E. CIP financing proposals and project prioritization;
- F. Contracts for city-provided wholesale and retail intergovernmental service;
- G. Recycling activities and environmental stewardship;
- H. City policies directly related to utility functions and/or recommended for inclusion in the utilities element of the comprehensive plan;
- I. Ordinances and resolutions necessary to carry out assigned duties and responsibilities;
- J. Particular concepts for inclusion in the city's vision, subject to approval by council; and
- K. New matters or initiatives council might want to consider.

In addition, the commission:

- L. May provide the public with opportunities to be involved in the commission's activities;
- M. May recommend particular concepts for inclusion in the city's vision, subject to approval by council;
- N. May research and provide suggestions on new matters and/or initiatives that council may wish to consider;
- O. Shall provide at least quarterly communications to the council highlighting major activities, future work plans, changes in work plans, and any policy direction requested;
- P. Shall cooperate and coordinate duties with other council-appointed boards, commissions, committees and task forces as appropriate; and
- Q. Shall perform other duties directed by the city council. (Ord. 6239 § 2, 2015.)

3.55.080

Limitations.



The commission shall have no powers or duties related to the following activities:

- A. Advocacy on behalf of the city or the commission without express council permission;

B. Supervision of staff, administrative operations, maintenance, or development activities;

The Bellevue City Code is current through Ordinance 6658, passed April 11, 2022.

Disclaimer: The city clerk's office has the official version of the Bellevue City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

City Website: www.bellevuewa.gov

City Telephone: (425) 452-6800

Code Publishing Company