

MEMORANDUM

DATE: January 4, 2024
TO: Environmental Services Commission
FROM: Karen Phu, Assistant City Attorney
SUBJECT: Updates to the Environmental Services Commission bylaws

ACTION REQUIRED

ACTION



DIRECTION



INFORMATION ONLY



The Environmental Services Commission will review required updates to the Commission's Bylaws (**Exhibit A**). Staff seek direction to bring back the updated Bylaws for final action to vote on adoption at the Commission's next regular meeting. The updated Bylaws presented tonight propose three key updates:

- Amending the remote participation rules (Art. V Sec. G) as required to conform with Ordinance 6752;
- Amending the rules of decorum for public comment (Art. VII Sec. E) as required to conform with Ordinance 6752; and
- Amending the order of business (Art. VI Sec. D) to remove the second oral communications period as recommended to be consistent with the City Council's rules.

BACKGROUND / ANALYSIS

Two proposed amendments to the Bylaws concerning remote participation and public participation are required by Bellevue City Code ("BCC" or "Code"). A third proposed amendment to eliminate the second comment period is recommended by staff for consistency with City Council procedures.

Remote Participation – required update

On May 16, 2022, the Council adopted Ordinance 6662, amending the remote participation requirements in Title 3 of the BCC for members of the Council's advisory boards and commissions. At that time the Council indicated its intent to revisit the provisions of that ordinance after a year to determine their effectiveness. Staff received feedback from the boards and commissions concerning Ordinance 6662 and proposed amendments to Title 3 BCC based on that feedback.

Ordinance 6662 limited the number of board or commission members who could participate remotely at a meeting to three, and Council adopted a provision in the Ordinance requiring the approval of remote participation by the board or commission in advance of the meeting. Since the boards and commissions may only make decisions in an open public meeting, the effect of that provision has been to require members to know a few weeks in advance if they want to participate remotely at the next meeting. Board and commission members and staff have found that this provision is burdensome, as members often do not know until closer to the meeting date that they may need to participate remotely.

On August 7, 2023, the Council adopted Ordinance 6752 amending the Code to adopt new rules for board and commission members attending meetings remotely, as codified for the Environmental Services Commission in

BCC 3.55.030.E. Under the new ordinance, board and commission members are required to notify the presiding officer and the staff liaison of their intent to participate remotely no later than noon the day prior to the meeting. If more than three members wish to participate remotely, the staff liaison will determine which members may and may not participate remotely and will notify them of the decision. The proposed amendments to the Bylaws at Article V Section G are required to incorporate these code changes.

Public Participation – required update

In addition, staff also proposed amendments to the Code for the public participation requirements at board and commission meetings, similar to the amendments proposed for the Council meetings, to ensure consistency on those issues.

Ordinance 6752 also amended the rules in the Code concerning public participation, as codified for the Environmental Services Commission in BCC 3.55.030.F. The amendments clarify the limits on topics that may be discussed during public comment, amend the rules of decorum for public comment and conduct at Board and Commission meetings, and add more specificity around enforcement mechanisms. The proposed amendments to the Bylaws at Article VII Section E are required incorporate these code change.

Other changes – recommended update

Staff recommends one additional substantive change to the Commission’s Bylaws in addition to those required by Ordinance 6752. This additional change is to eliminate “Continued Oral Communications” as a standing agenda item to allow for a second public comment period in the Commission’s order of business, set forth in Article VI Section D.

The bylaws for all the boards and commissions were originally drafted to mirror the City Council’s meeting rules on this topic, and thus included a second comment period as a standing agenda item. On April 11, 2022, the Council adopted Resolution 10084, amending the rules and procedure for Council meetings, which removed the second comment period as a standing agenda item, and instead decides on a meeting-by-meeting basis whether to allow additional public comment at the end of the meeting. If a second comment period remains as a standing agenda item, the Commission must allow someone to comment at that second comment period if they sign up or otherwise request to speak.

The proposed Bylaw amendment removing this item from the standing agenda would provide the Commission with more flexibility by allowing the Commission to decide, at any regular meeting, whether to allow a second comment period. Article VI, Section E of the Bylaws allows the printed agenda of a regular meeting to be modified, supplemented or revised by a majority affirmative vote of the Commission members present. A second comment period can be added at any regular meeting by such a vote.

POLICY ISSUES

On August 7, 2023, the City Council adopted Ordinance 6752 (**Exhibit B**) amending the Bellevue City Code provisions for all the Council’s advisory boards and commissions, including Chapter 3.55 BCC (**Exhibit C**), which applies to the Environmental Services Commission.

BCC 3.55.050 provides: “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.”

Pursuant to Art. XVI of the Commission Bylaws, a two-step process is required to amend said bylaws. After this meeting, if direction is given, final revisions will be presented at the Commission's next regular meeting. Amendments require two-thirds of the membership to vote in favor of amending the bylaws.

FISCAL IMPACT

There is no fiscal impact associated with implementing these changes.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Proposed updated Environmental Services Commission bylaws – redline
- B. Ordinance 6752
- C. Chapter 3.55 BCC