

July 13, 2015

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Amendments to Bellevue City Code, repealing and replacing Chapters 3.55 (Environmental Services Commission), 3.56 (Arts Commission), 3.61 (Human Services Commission), 3.62 (Parks and Community Services Board), 3.63 (Transportation Commission), and 3.64 (Planning Commission).

FISCAL IMPACT

None.

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POLICY CONSIDERATION

State law

RCW 35.18.060 states that "The council may provide for the appointment by the mayor, subject to confirmation by the council, of the city planning commission, and other advisory citizens' committees, commissions and boards advisory to the city council."

RCW 35A.11.020 further provides that "The legislative body of each code city shall have power to organize and regulate its internal affairs...; and to define the functions, powers, and duties of its officers and employees."

City Code

The City Code contains unique chapters for each of the six Council-appointed Boards and Commissions. Amendments to these City Code chapters are necessary to implement direction provided at the February, 2015 Council Retreat.

DIRECTION NEEDED FROM COUNCIL

☐ Action
☒ Discussion
☒ Information

Council action on the draft Code amendments is tentatively scheduled for July 20, 2015.

BACKGROUND

The six Council-appointed Boards and Commissions were established at different times in the City's history, starting with the Planning Commission in 1953 and concluding with the Environmental Services Commission in 1991. As a result of the extended time span, the Boards

and Commissions were established by different Councils and Code language was prepared by different City staff, resulting in sometimes inconsistent approaches to the assigned powers/duties as well as the “logistics” of how the groups are administered. The most recent minor amendments to the Code provisions occurred in 2003 and 2008. As a housekeeping measure, staff were asked to compile recommended code amendments for Council’s review and adoption.

At its February Retreat, Council reviewed the proposed code amendments accumulated over the past few years. The revised language reflected recommendations from current and former Council Liaisons, Board and Commission chairs, and staff together with direction provided earlier by the full Council. This feedback, together with direction provided at the February 2015 Retreat, has now been incorporated into the draft Code language provided for review and discussion this evening. Since the modifications are so substantive, staff recommend that the old Code language be repealed and replaced with the proposed revised language.

Each Board or Commission’s unique Code chapter is comprised of two major sections:

- Organizational details, such as appointment of members, terms of office, filling of vacancies, election of officers, conduct of meetings, and staff support; and
- Powers, duties, and any limitations.

The focus for the organizational sections has been to provide greater consistency and ease of administration. Major modifications include:

- Including ability for the Council Liaison to recommend appointment of an ex officio member to his/her board/Commission;
- Clarification that all members are selected without respect to political affiliation and that members serve without compensation;
- Confirming that appointments are made and members may be removed from office by the Mayor with the approval of a majority of Council;
- Clarifying the reasons for which members may be removed from the Board/Commission;
- Identifying that each Board/Commission shall adopt Bylaws for the conduct of their meetings (a draft format for Bylaws is being developed to provide for consistency in approach);
- Clarifying provisions relating to the election and duties of officers;
- Specifying the frequency of meetings;
- Confirming that all meetings are open to the public and are conducted in accord with the Open Public Meetings and Public Records Acts;
- Confirming that a quorum is necessary for the taking of action; and
- Clarifying voting provisions.

The focus of the powers and duties sections has been to:

- Clarify that all Boards and Commissions serve in a policy advisory capacity to City Council;
- Provide greater specificity to each Board’s and Commission’s unique existing duties;
- Amend provisions to include that Boards and Commissions may:
 - Recommend particular concepts for inclusion in the City’s vision, subject to approval by Council;

- Research and provide suggestions on new matters/initiatives that Council may wish to consider;
- Provide at least quarterly communications to the Council highlighting major activities, future work plans, and changes in work plans, and any policy direction requested from Council;
- Provide the public with opportunities for involvement in their activities;
- Cooperate and coordinate with other Council-appointed boards, commissions, committees and task forces.
- Clarify that Boards and Commissions shall have no powers or duties related to:
 - Advocacy on behalf of the City or Commission without express Council approval;
 - Administrative operations, maintenance or supervision of staff;
 - Regional issues not specifically assigned by the City Council;
 - Unique restrictions for some Boards/Commissions based on the nature of their work.

Draft Code language reflecting the above amendments is provided in Attachments 1 - 6 and scheduled for Council action on July 20.

Following the Retreat discussion, staff have received two suggestions for additional Code amendments, one affecting solely the Planning Commission and the other affecting all Boards and Commissions. Those proposed amendments are:

1. **Proposed Planning Commission Code amendment (BCC 3.64)** – May bring need for new or revised policy to Council’s attention. Council will decide whether to take up the issue or request that the Commission add to their work program.

(This addition had earlier been considered by Council but was not directed to be included in Code amendment package.)

2. **Proposed comprehensive Board/Commission Code amendment (BCC 3.55, 3.56, 3.61, 3.62, 3.63, and 3.64)** – *(Staff recommend that, if added, this provision be placed under the “no powers and duties” section of each Code chapter).* Communications with or feedback to the Council shall represent the majority opinion of the Board/Commission, and not that of an individual Board/Commission member.

(New provision.)

Staff seek Council feedback on whether to include one or both of these proposed amendments in the package brought to Council on July 20 for action.

ATTACHMENTS

1. Chapter 3.56 – Arts Commission
2. Chapter 3.55 – Environmental Services Commission
3. Chapter 3.61 – Human Services Commission
4. Chapter 3.62 – Parks and Community Services Board
5. Chapter 3.64 – Planning Commission
6. Chapter 3.63 – Transportation Commission