

ORDINANCE NO. 2009-12

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the form of municipal government; adopting the Council/Manager form of government; amending Sections 2.08.010 and .050 of the Bainbridge Island Municipal Code; and repealing Sections 2.08.060 and .070 of the Bainbridge Island Municipal Code.

WHEREAS, RCW Chapter 35A.06 authorizes a non-chartered code city to abandon its plan of government and reorganize under another plan of government, and to pass a resolution requesting that a proposition be submitted to the qualified voters within the City of Bainbridge Island to decide whether the City should abandon its form of government and reorganize under another plan of government; and

WHEREAS, on September 15, 2008 and in accordance with RCW 35A.06.040, citizens of the City of Bainbridge Island submitted to the City Council a petition proposing that the City of Bainbridge Island abandon the Council/Mayor form of government and adopt the Council/Manager form of government; and

WHEREAS, the Bainbridge Island City Clerk subsequently submitted said petition to the Kitsap County Auditor; and

WHEREAS, on October 21, 2008 and in accordance with RCW 35A.06.040, Walter E. Washington, Kitsap County Auditor, issued a Certificate of Sufficiency that provided "that the number of voters that signed the petition [was] at least 10% of the total ballots cast (9,664) in the City of Bainbridge Island at the last general election"; and

WHEREAS, the City Council determined that the best interests and general welfare of the City would be served by submitting to the qualified voters in the City the proposition of whether the City should adopt the Council/Manager form of government and abandon the Council/Mayor form of government; and

WHEREAS, the City Council passed Resolution No. 2009-06 requesting that the Kitsap County Auditor hold a special election in the City on May 19, 2009 for the purpose of submitting to the qualified voters of the City the proposition of whether the City should adopt the Council/Manager form of government and abandon the Council/Mayor form of government; and

WHEREAS, on May 19, 2009, a majority of the voters participating in said special election voted in favor of adopting the Council/Manager form of government and abandoning the Council/Mayor form of government;

WHEREAS, the City Council desires to amend BIMC Chapter 2.08 to reflect said change in the form of government of the City of Bainbridge Island; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 2.08.010 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

“2.08.010 Mayor and Council-manager form of government.

The city having been duly established and recorded with the Secretary of State of the state as a noncharter code city with mayor council form of government, the elective officers shall consist of a mayor and seven councilmembers, each of whom shall have been a registered voter and resident of the city for a period of at least one year preceding their election. Pursuant to an election held on May 19, 2009 in accordance with RCW 35A.06.040, 35A.06.050, 29.04.330 and other applicable law, the results of which were certified by the Kitsap County Auditor on June 3, 2009, the city adopted the council-manager form of government as set forth in RCW Chapter 35A.13, endowed with all the applicable rights, powers, privileges, duties and obligations of noncharter code cities as set forth in RCW Title 35A as the same now exists, including, but not by way of limitation, those set forth in RCW Chapter 35A.11, and further including any and all supplements, amendments or other modifications of said RCW Title 35A which may hereafter be enacted.”

Section 2. Section 2.08.050 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

“2.08.050 Creation, continuance or deletion of city employee position– Filling of emergency positions.

A. Subject to all applicable laws and regulations, including those relating to civil service, the city council may provide for the creation, continuance, or deletion of any city employee position without the necessity of an amendment to the ordinance codified in BIMC 2.08.030 through 2.08.050070. For the purposes of this section, the term “city employee” means any paid person on the staff of the city who is not an officer as defined in BIMC 2.08.030.

B. Subject to all applicable laws and regulations, including those relating to civil service, the ~~mayor~~ city manager may authorize the hiring of personnel to fill emergency positions for a period not in excess of 30 days. Any positions thereby created shall be nonrenewable without the concurrence of a majority of the whole of the city council.”

Section 3. Sections 2.08.060 and .070 of the Bainbridge Island Municipal Code are hereby repealed.

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 provided by law.

PASSED by the City Council this 10th day of June 2009.



Christopher Snow, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff
Rosalind D. Lassoff, City Clerk

APPROVED AS TO FORM:

Paul McMurray, City Attorney

FILED WITH THE CITY CLERK:	May 19, 2009
PASSED BY THE CITY COUNCIL:	June 10, 2009
PUBLICATION DATE:	June 19, 2009
EFFECTIVE DATE:	June 24, 2009
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