ORDINANCE NO. 2019-01
(Formerly Ordinance No. 2018-46)

AN ORDINANCE of the City of Bainbridge Island, Washington, amending Title 2 of the Bainbridge Island Municipal Code to create a uniform process governing the removal and resignation of members of the City's citizen advisory boards, commissions, committees, and task forces, as well as a uniform process for the demotion of a chair of one of the City's citizen advisory boards, commissions, committees, or task forces.

WHEREAS, the City Council has previously created various citizen advisory boards, commissions, committees, and task forces to provide recommendations to the City Council and perform other functions for the City; and

WHEREAS, the City Council now desires to create a uniform process to govern the removal and resignation of members of the City's citizen advisory boards, commissions, committees, and task forces; and

WHEREAS, the City Council also desires to create a uniform process to govern the demotion of chairs of the City's citizen advisory boards, commissions, committees, or task forces.

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

Section 1. A new Chapter 2.01, General Procedures for Citizen Advisory Bodies, is added to Title 2 of the Bainbridge Island Municipal Code, to read as follows:

Chapter 2.01 General Procedures for Citizen Advisory Committees

2.01.010 Applicability of Chapter

A. The provisions of this chapter apply to each citizen advisory board, commission, committee, or task force created by the city council, except as otherwise provided by this chapter or where in conflict with state law.

B. For purposes of this chapter, the terms "board," "commission," "committee," and "task force" have identical meanings and shall collectively be referred to as a "committee."

2.01.020 Grounds for Removal of Members of Citizen Advisory Committees

A. The mayor may remove a member of a citizen advisory committee for one or more of the following reasons:

1. Good cause, which shall be as determined solely by the mayor and shall be stated with each removal action.

2. A confirmed appointee to a citizen advisory committee fails to qualify and assume the duties of a member of the committee within 30 calendar days of confirmation by the city council.

3. A member of a citizen advisory committee is absent from three consecutive regular meetings of the citizen advisory committee and such absences have not been excused by a majority vote of the citizen advisory committee.

4. A member of a citizen advisory committee is absent from fifty percent (50%) of all meetings of the citizen advisory committee in any six-month period, provided that a member of a citizen advisory committee may request a leave of absence, which must first be approved by the mayor.

5. A member of a citizen advisory committee ceases to have the qualifications prescribed for the members of the committee by state law or by ordinance of the city council.

6. A member of a citizen advisory committee is convicted of a gross misdemeanor or felony while serving on the committee.

B. At the next regularly scheduled meeting of the city council following a removal under this section, the mayor shall notify the city council of such removal. A majority of the full city council may reverse the mayor's decision to remove within 30 days of the mayor's notice to the city council of the removal, after which time the mayor's decision to remove is final.

C. This section shall not apply to members of the following citizen advisory committees: the Ethics Board, created under Chapter 2.07 BIMC; the Civil Service Commission, created under Chapter 2.28 BIMC; the LEOFF Disability Board, created under Chapter 2.45 BIMC; the Salary Commission, created under Chapter 2.74 BIMC; and the Lodging Tax Advisory Committee, created under BIMC 3.65.040.

2.01.030 Grounds for Demotion of Chairs of Citizen Advisory Committees

A. The mayor may demote the chair of a citizen advisory committee for good cause, which shall be as determined solely by the mayor and shall be stated with each demotion.

B. At the next regularly scheduled meeting of the city council following a demotion under this section, the mayor shall notify the city council of such demotion. A majority of the full city council may reverse the mayor's decision to demote

within 30 days of the mayor's notice to the city council of the demotion, after which time the mayor's decision to demote is final.

C. A member of a citizen advisory committee that has been demoted from the position of chair of the committee may continue to serve on the committee for the remainder of his or her term and any future terms that she or he may be eligible to be appointed to.

D. A member of a citizen advisory committee that has been demoted from the position of chair of the committee may not again serve as chair of the committee without city council approval.

E. This section shall not apply to the chairs of the following citizen advisory committees: the Civil Service Commission, created under Chapter 2.28 BIMC; the Cultural Funding Advisory Committee, created under Chapter 2.43 BIMC; the LEOFF Disability Board, created under Chapter 2.45 BIMC; and the Lodging Tax Advisory Committee, created under BIMC 3.65.040.

2.01.040 Resignations and Automatic Vacancies

A. A member of a citizen advisory committee may voluntarily resign from her or his position on the committee by submitting her or his written resignation to the mayor.

B. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation. If no effective date is specified in the resignation, the resignation will be deemed to be effective immediately.

C. A position on a citizen advisory committee shall automatically become vacant upon the death of the individual appointed to that position.

Section 2. Section 2.14.020.C.3 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

3. The officers of the commission shall consist of a chairperson and a vice chairperson elected by the members of the commission for a one-year term. The election of officers shall take place at the first meeting of the year. In the event of the vacancy of the chair, the chairperson would be replaced by the vice chairperson, and the vice chairperson would be replaced by a vote of the members of the commission. Demotion of the chairperson or vice chairperson shall be governed by Chapter 2.01 BIMC.

Section 3. Section 2.14.020.D of the Bainbridge Island Municipal Code is hereby amended to read as follows:

D. ~~Forfeiture of Office~~ Removal and Resignation.

1. The removal and resignation of members appointed to the commission shall be governed by Chapter 2.01 BIMC.

~~1. A member appointed to the commission shall forfeit his or her office, creating a vacancy, if he or she ceases to have the qualifications prescribed for such office by law or ordinance, or if he or she is convicted of a gross misdemeanor or felony or a violation of the oath of office.~~

~~2. In the event of a commission member being absent from three consecutive regular meetings, or being absent from 50 percent of all meetings (including committee) in any six-month period, the office shall become vacant and forfeited; provided, that the mayor, with city council approval, may grant an exception when warranted by individual circumstances.~~

~~3. For an extended absence, a commissioner may request a leave of absence, to be approved by the mayor, with city council approval.~~

4~~2~~. Any unexpired term of a vacant ~~or forfeited~~ office shall be filled by a qualified person appointed by the mayor and confirmed by the city council in accordance with the city's appointment cycle.

Section 4. Section 2.14.040.B of the Bainbridge Island Municipal Code is hereby amended to read as follows:

B. Vacancies – Removal. In the event of a vacancy, the mayor, subject to the 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 member from three consecutive meetings shall constitute grounds for removal. Members may be removed upon a majority vote of the city council~~. The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 5. Section 2.14.040.C.1 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

1. The board shall select one member to serve as chair for a one-year term at the first regular meeting of each year. Demotion of the chair shall be governed by Chapter 2.01 BIMC.

Section 6. Section 2.14.060 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

The creation, composition, terms, powers and duties, rules and standards of the historic preservation commission are described in BIMC 18.24.020 and Chapter 2.01 BIMC. In the event of a conflict between BIMC 18.24.020 and Chapter 2.01 BIMC, Chapter 2.01 BIMC shall control.

Section 7. Section 2.14.070 of the Bainbridge Island Municipal Code is hereby repealed in its entirety.

Section 8. Section 2.16.210.E.1 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

E. Subarea Planning Steering Committee.

1. Upon the city council's approval to commence the subarea planning process for a designated center or neighborhood, the mayor, with confirmation by the city council, shall appoint a subarea planning steering committee for that designated center or neighborhood. The steering committee shall be comprised of an odd number of members, totaling no more than nine, with the total number of members to be determined by the city council. The majority of the committee shall be comprised of representatives from categories in subsections E.2.a and E.2.b of this section. The term of the steering committee members shall be until the completion of the subarea planning process under this chapter. The removal and resignation of members shall be governed by Chapter 2.01 BIMC. Demotion of the chairperson shall be governed by Chapter 2.01 BIMC.

Section 9. Section 2.32.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~Members may be removed upon a majority vote of the city council.~~ 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 member from three consecutive meetings shall constitute grounds for removal.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 10. Section 2.32.040.B of the Bainbridge Island Municipal Code is hereby amended to read as follows:

B. The committee shall select from among its members a chairperson for a one-year term at the first regular meeting of each year. Demotion of the chairperson shall be governed by Chapter 2.01 BIMC.

Section 11. Section 2.33.010.C of the Bainbridge Island Municipal Code is hereby amended to read as follows:

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

Section 12. Section 2.33.025 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

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.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 13. Section 2.33.060 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

The committee shall annually elect a chairperson and vice-chairperson. Demotion of the chairperson or vice-chairperson shall be governed by Chapter 2.01 BIMC. 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 meeting 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.

Section 14. Section 2.35.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~Members may be removed upon a majority vote of the city council.~~ 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 member from three consecutive meetings shall constitute grounds for removal.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 15. Section 2.35.040.B of the Bainbridge Island Municipal Code is hereby amended to read as follows:

The committee shall select from among its members a chairperson for a one-year term at the first regular meeting of each year. Demotion of the chairperson shall be governed by Chapter 2.01 BIMC.

Section 16. Section 2.36.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~Members may be removed upon a majority vote of the city council.~~ 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 member from three consecutive meetings shall constitute grounds for removal.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 17. Section 2.36.040.B of the Bainbridge Island Municipal Code is hereby amended to read as follows:

B. The committee shall select from among its members a chairperson for a one-year term at the first regular meeting of each year. Demotion of the chairperson shall be governed by Chapter 2.01 BIMC.

Section 18. Section 2.37.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~Members may be removed upon a majority vote of the city council.~~ 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 absences from three consecutive meetings by any member shall constitute grounds for removal.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 19. Section 2.37.040.C of the Bainbridge Island Municipal Code is hereby amended to read as follows:

C. At the first regular meeting of each term, the committee shall select from among its members a chairperson and a secretary for a one-year term. Demotion of the chairperson or the secretary shall be governed by Chapter 2.01 BIMC.

Section 20. Section 2.41.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~Members may be removed upon a majority vote of the city council.~~ 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 member from three consecutive meetings shall constitute grounds for removal.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 21. Section 2.41.040.B of the Bainbridge Island Municipal Code is hereby amended to read as follows:

B. The committee shall select from among its members a chairperson at the first regular meeting of each year. Demotion of the chairperson shall be governed by the Chapter 2.01 BIMC.

Section 22. Section 2.43.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~Members may be removed upon a majority vote of the city council.~~ 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 absences by any member from three consecutive meetings shall constitute grounds for removal.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 23. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 24. 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 8th day of January, 2019.

APPROVED by the Mayor this 8th day of January, 2019

Kol Medina, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	December 7, 2018
PASSED BY THE CITY COUNCIL:	January 8, 2019
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