

# Agenda

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ENVIRONMENTAL SERVICES COMMISSION MEETING  
 450 110<sup>th</sup> Ave. NE (City Hall)  
 Conference Room 1E-113  
 Thursday 6:30PM  
 November 2, 2017 Regular Meeting

		<u>Page</u>	<u>Action</u>
<b>Commissioners:</b>	1. Call to Order – Diann Strom, Chair		
<i>Diann Strom</i> <i>Chair</i>	2. Approval of Agenda *	1	X
<i>Sanjay Kumar</i> <i>Vice Chair</i>	3. Oral Communications Note: Three-minute limit per person, maximum of three persons for each side of topic. Additional comments may be heard at Agenda Item 10.		
<i>Anne Howe</i> <i>Vanja Knezevic</i>	4. Approval of Minutes * • October 16, 2017 Regular Meeting Minutes	2 - 8	X
<i>Aaron Morin</i> <i>Lisa Schreiner</i>	5. Reports & Summaries • ESC Calendar/Council Calendar *	9 - 10	
<i>Gregg Takamura</i> <b>City Council Liaison:</b> <i>Ernie Simas</i>	6. New Business • Solid Waste Contract Performance <i>Presenter(s):</i> Stephanie Schwenger, Solid Waste Contract Administrator Jennifer Goodhart, Program Administrator	11 - 16	
<b>Staff Contact:</b> <i>Andrew Lee</i> 425-452-7675	• New Standardized Commission Bylaws <i>Presenter:</i> Catherine Drews, Assistant City Attorney	17 - 33	
<b>Staff Support:</b> <i>Katie LaFree</i> 425-452-4497	7. Commission Report 8. City Council Communications 9. Director's Office 10. Continued Oral Communications 11. Adjournment		

\* Materials included in packet  
 # Materials separate from packet

Wheelchair accessible. American Sign Language (ASL) interpretation available upon request by calling (425) 452-6466 (v) at least 48 hours in advance. Assistance for the hearing-impaired: Dial 711.

**CITY OF BELLEVUE  
ENVIRONMENTAL SERVICES COMMISSION  
MEETING MINUTES**

Thursday  
October 19, 2017  
6:30 p.m.

Conference Room 1E-113  
Bellevue City Hall  
Bellevue, Washington

**COMMISSIONERS PRESENT:** Diann Strom (Chair), Sanjay Kumar (Vice Chair), Anne Howe, Vanja Knezevic, Aaron Morin, Lisa Schreiner

**COMMISSIONERS ABSENT:** Gregg Takamura

**OTHERS PRESENT:** Andrew Lee, Deputy Director; Laurie Devereaux, Program Administrator; Andy Tuchscherer, Asset Manager; Jay Hummel, Senior Utilities Engineer; Ernie Simas, City Council Liaison

**MINUTES TAKER:** Laurie Hugdahl

**1. CALL TO ORDER:**

The meeting was called to order by Chair Strom at 6:30 p.m.

**2. APPROVAL OF AGENDA**

**Motion made by Commissioner Morin, seconded by Commissioner Schreiner, to approve the agenda as presented. Motion passed unanimously.**

**3. ORAL COMMUNICATIONS**

None

**4. APPROVAL OF MINUTES**

September 7, 2017 Regular Meeting Minutes

**Motion made by Vice Chair Kumar, seconded by Commissioner Morin, approve the minutes as presented. Motion passed unanimously.**

**5. REPORTS AND SUMMARIES**

Deputy Director Lee reviewed these items.

- ESC Calendar/Council Calendar

There are a number of changes to the ESC Calendar for the month of November. Emergency Water Supplies will not be covered. New Standardized Commission Bylaws will be on the agenda with the City Attorney. There will be a presentation on the Solid Waste Contract Performance. There will not be a briefing on the Storm and Surface Water Plan as this will be pushed to 2018. Staff will provide a status update on the AMI contract.

Staff is planning on providing the briefing on Pikes Peak and the presentation regarding awarding the AMI contract to Council on November 20.

- Conservation & Outreach Events & Volunteer Opportunities

Deputy Director Lee highlighted the volunteer opportunities as contained in the packet.

## 6. NEW BUSINESS

- Stream Team Update

*Presenter: Laurie Devereaux, Program Administrator*

Ms. Devereaux gave an overview of the Stream Team program and an update on activities this year. The Stream Team program is divided into two basic groups that are both very important to the NPDES permit. The focus of her volunteer time is on monitoring, but restoration is done on an as-needed basis. She also provides technical assistance to O&M and Engineering on some special projects.

There are 35 trained volunteer Salmon Watchers throughout the City who watch for and identify salmon. Salmon Watcher volunteers donate at least 100 hours and make hundreds of visits to the stream. Ms. Devereaux gave an update on the fish the Salmon Watchers have spotted so far this year.

Peamouth Patrol is the volunteer program in the spring similar to Salmon Watchers. Peamouth are a native fish in Lake Washington that shows up every spring to spawn in Kelsey Creek. Last year 19 volunteers made 191 stream visits that added up to 70 hours of time. Volunteers talked to 46 different citizens while out in the community. There is also a traffic camera on a pole pointed at Kelsey Creek.

The volunteer program has a great partnership with the professional monitoring with our Fish and Wildlife surveys that happen in the City. Volunteers also participate in electrofishing and macroinvertebrate monitoring in the summer.

Ms. Devereaux reviewed some of the public education and outreach messages and materials regarding storm drains, car washing, pet waste, watershed protection, dumpster care, and vehicle leaks. Outreach is done at science fairs, school presentations, farmers markets, watershed outreach campaigns, and various community events and groups. Regional programs and partners are also very important.

#### Questions and Comments:

Commissioner Morin asked about salmon numbers for this year. Ms. Devereaux replied that it is too early because it is only midway through the season; however, the last few years Kelsey Creek has had almost nothing, but this year volunteers have spotted over 20 fish already. Everyone is very excited. Commissioner Morin thanked Ms. Devereaux for all she does.

Chair Strom also expressed appreciation for the presentation. She suggested putting the car wash piece in the newsletters that go out in the spring. Ms. Devereaux concurred.

Commissioner Knezevic referred to an issue with lack of garbage cans in downtown Bellevue. She has noticed that people who smoke end up just dropping their cigarettes which then end up in the storm drains. She recommended looking into increasing the number of garbage cans to reduce cigarette dumping downtown. Ms. Devereaux indicated it would be necessary to do research on that, but one of the ways the City raises awareness about the storm drains is the markers. Commissioner Knezevic commented that a lot of foreigners in downtown Bellevue might not understand the signs.

- **Asset Management Update**  
*Presenter: Andy Tuchscherer, Asset Manager*

Mr. Tuchscherer highlighted some of the improvement efforts the City has made this year. He stated that the goal of asset management is to maximize ratepayer investment, maximize asset life, minimize asset cost, and minimize risk. He reviewed the large depth and breadth of assets in the system in terms of water, wastewater and stormwater. He explained how the City tracks data related to things such as water main breaks and sewer overflows to develop strategies for maintaining the system in an effective manner. The 5-year roadmap was developed in 2016 and contains 16 focus areas for asset management. From those focus areas, 139 initiatives were created, 11 projects are in progress, 66 are completed, and 62 are remaining. The City is working on 32 Strategic Asset Management Plans (SAMPS) in order to have robust asset information all in one location. One of the things discovered is how to strategize the meter testing and repair replacement priorities. Having more knowledge gives the City the ability to make the best decisions about asset management. A life cycle cost analysis model provides an economic model of

individual pipe asset replacement costs, risk costs, failure probability, and optimal replacement schedule.

Acoustic testing using sound waves to measure pipe wall thickness and storm video pipe assessment have been very useful tools to help make informed decisions about the condition of and management of pipes. Through the assessment of the pipeline, staff has discovered 487 defects so far that need to be either repaired or replaced. Over 300 miles of pipe still need to be assessed. The sewer video program has been going on for years. There has been a huge increase in defects because the cameras have gone to areas that had not previously been evaluated. Most of the issues are root intrusion problems. A root chemical treatment may be a viable and cheaper alternative to digging and repairing.

Vice Chair Kumar asked if the chemical process used for roots is corrosive to the pipes. Mr. Tuchscherer replied that it is not. He noted that the Sewer department has worked with King County to make sure that it is an approved product, and it has been approved.

Commissioner Morin asked if sewer pipes leak into the ground. Mr. Tuchscherer stated there would be a potential of that if there are pipes that are corroded with holes. Leaking is only occasionally seen with force mains because they are pressurized pipes. Gravity sewer mains are generally flowing pretty empty so there is not enough water pressure for it to leak out. There is actually a problem of too much groundwater leaking in to the pipes.

Commissioner Morin asked if there is any long-term impact to the trees that have roots going into the pipes. Mr. Tuchscherer stated that staff does not anticipate that. One product the City is looking at only kills the roots five or six inches outside the pipe and another product being looked at doesn't even take it that far.

Commissioner Morin asked if it is possible that illegal tie-ins might be the cause of some problems. Mr. Tuchscherer replied that it is possible. Deputy Director Lee commented that a greater concern is when a storm drain is plumbed into the sewer because of the large volume of storm water compared to the volume of sewage. Commissioner Morin asked if AMI would be used on commercial meters as well as residential properties. Mr. Tuchscherer replied it would be used on both.

Deputy Director Lee commented that there is a strong connection between this information and the budget. The program is constantly learning more about our system and the needs that the City has.

- Pikes Peak Reservoir & Cherry Crest Pump Station Replacement  
*Presenter: Jay Hummel, Senior Utilities Engineer*

Mr. Hummel gave some background on the Pikes Peak Reservoir project, the public outreach program, the alternatives evaluation process, and the project status. Following public concern about the initial project and a series of meetings, several reservoir alternatives were narrowed down to four options to be looked at in depth: rectangular reinforced concrete with the pump station on site, circular pre-stressed concrete with the pump station on site, circular pre-stressed concrete with the pump station moved off-site, and circular steel with the pump station moved off-site. After doing a triple bottom line evaluation, the community group and staff independently came up with the same alternative to move forward with. He pointed to this as a testimony to how well they worked together as a group.

The selected alternative is a pre-stressed concrete reservoir. This alternative stays within the boundaries of the existing lease (easement), does not permanently affect existing trails, minimizes how many trees would have to be removed, and has no pump station on site. The plan involves moving the pump station down to the Cherry Crest reservoir and pump station site. This will involve moving up the replacement of the Cherry Crest pump station by several years, but at the same time it would combine two pump stations into one which has its own advantages. From a hydraulic pumping standpoint with the change in location there is a need to upsize some existing water mains to accommodate this change.

Moving forward, staff is looking at three projects: the Cherry Crest Pump Station replacement, the off-site water main upsizing, and the Pikes Peak Reservoir replacement. Because the reservoir and the pump station are both critical for providing water to that service area, both cannot be shut down at the same time. This means the pump station needs to be done first, and then the reservoir will be replaced. Design will begin soon. By 2019, the pump station and water main work will be under construction and by mid-2020 the reservoir construction is planned to begin. It is expected that all the work will be done by mid-2021. The City will continue with community outreach by meeting periodically with the Community Advisory Group, mailers, website updates, briefings, open houses, etc.

Chair Strom commended the team for their work with the community. She reported that she received comments from someone in the community who was very pleased with the process.

Commissioner Morin asked if this project would be more expensive now that the City is doing three projects and since it will be taking seven years of life off the existing Cherry Crest Pump Station. Mr. Hummel explained that Cherry Crest was already a projected budget expenditure. The reservoir

already had a budget and so did the Pikes Peak Pump Station. The offsite watermain is driven by the fact that the pump station is moving to Cherry Crest. Deputy Director Lee explained that staff would review all the numbers during the budgeting process, but his recollection was that the combining of the two pump stations into one actually saves the City about \$1 million even with moving it sooner. The overall project cost is increased primarily because of inaccurate budget numbers that were initially established several years ago for the reservoir portion of the project. A life cycle cost analysis of the different alternatives was done and this alternative ended up having the lowest life cycle cost. There was discussion about the value of the process and how staff believes the end project turned out to be even better than the one initially planned.

Chair Strom asked if the triple bottom line model is used for all projects. Mr. Hummel replied that it is not used for all projects, but just for ones that are more complicated and require key decision making.

#### **7. COMMISSION REPORT**

Councilmember Simas thanked the staff for the excellent presentations. He emphasized the importance of staff regularly following up with the Environmental Services Commission to report on projects at periodic points during the process after the items have been forwarded to the City Council. He encouraged the ESC to continue asking good questions about the costs and cost savings, especially with AMI. He stated he sees the ESC as the representatives of the community to make sure that tax dollars are being used as effectively as possible. He commended the staff for the excellent work they do. He said he would have liked to have seen the actual cost projections as part of the Pikes Peak Reservoir/Cherry Crest Pump Station presentation.

#### **8. DIRECTOR'S OFFICE REPORT**

Deputy Director Lee reported that the City has started on the CIP and rate process. Starting in January 2018 staff will come back with many presentations. A lot of 2018 will be spent going over the budget process.

The City Council received a report on the Diversity Initiative for the City. Deputy Director Lee stated that Utilities prepared a Utilities-specific Diversity Plan which is geared at addressing diversity inside the Utilities Department as well as interacting with diverse customers. There is an increasing demand coming from customers for more diverse communications.

The rain has resulted in staff rapidly responding to events. So far there has been no major flooding, but staff will continue to be watchful and respond where necessary. He encouraged people to call if there are catch basins that need to be cleaned or to take small measures and clean away leaves themselves.

Commissioner Morin suggested that Laurie Devereaux consider producing her materials in multiple languages if she isn't already doing that. She could target certain communities based on census data. Deputy Director Lee concurred and suggested there might be ways to convey messages that don't require English. Commissioner Morin noted it would be useful to try to measure the saturation of the Stream Team's message.

**9. CONTINUED ORAL COMMUNICATIONS**

None

**10. ADJOURNMENT**

**Motion made by Commissioner Howe, seconded by Commissioner Knezevic, to adjourn the meeting at 8:13 p.m. Motion passed unanimously.**

The meeting was adjourned at 8:13 p.m.

DRAFT





# 2017 Tentative Environmental Services Commission Calendar

October 17

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## November

- 2 New Standardized Commission Bylaws (Catherine D)  
Solid Waste Contract Performance (Stephanie/Jennifer)

April 18

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## December

- 7 Retreat

November 17

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## January

- 4 Sewer/Storm Cost of Services Studies (Lucy/Martin)

May 18

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## February

- 1 Storm & Surface Water Plan Implementation (Kit)

December 17

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June 18

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July 18

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August 18

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March 18

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# 2017 Tentative Council Calendar

October 17						
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## November

- 6** Motion to award Commercial Water Meter Replacement 2017 (Andrew/Regan)
- 20** Pikes Peak Reservoir & Pump Station Project Update (Andrew)

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June 18						
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January 18						
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July 18						
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February 18						
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August 18						
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March 18						
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# MEMORANDUM

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- Action
- Discussion
- Information

**DATE:** November 2, 2017

**TO:** Environmental Services Commission

**FROM:** Stephanie Schwenger, Solid Waste Contract Administrator  
Jennifer Goodhart, Conservation and Outreach Program Administrator

**SUBJECT:** Results of 2017 annual solid waste collection contract performance review

- Part 1 – Single-family container labeling performance audit
- Part 2 – Customer surveys

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### Action Required at this Time

No action by the Commission is required. This is an informational briefing.

### Fiscal Impact

None.

### Policy Issues

None.

### Background

Consistent with 2014 Comprehensive Garbage, Recycles, and Organics Collection Contract (the Contract) between the City of Bellevue and Republic Services, the City conducts an annual review of Republic Services' performance under the Contract. This review consists of two-parts:

1. **An audit of Republic Services' performance relative to Contract requirements and standards.** Each year, the City selects an area of focus for the performance review. This year, the performance review focused on cart labeling for single-family customers. Providing properly-labeled solid waste containers is one of the most effective ways to reinforce proper waste disposal and recycling practices, and reduces public health and safety concerns. Last year, the performance review focused on container labeling for multifamily and commercial customers.
2. **A survey of customers** about: a) their satisfaction with Republic Services' performance in specific areas, and b) their awareness of, and practices and preferences around, recycling and organics.

This memorandum summarizes results of the residential cart labeling audit and the customer surveys.

**PART 1 – PERFORMANCE AUDIT RESULTS - RESIDENTIAL CART LABELING**

As part 1 of the 2017 solid waste contract performance review, the City conducted an audit of single-family residential solid waste container labeling during the month of July. The audit covered a statistically representative sampling of 1,037 garbage, recycling, and organics carts. Auditors checked carts for compliance with the requirements of Republic Services to use current, city-authorized labels or stickers on the carts it provides customers. Outdated labels or stickers with the Rabanco, Allied Waste, or Waste Management logos are non-compliant with the Contract.

This table outlines the proper residential cart labels required under the Contract:

Label type	Label
Garbage	
Recycling	
Organics (yard debris and food scraps)	

## Findings

The audit found non-compliant carts with missing or inaccurate material preparation instructions or outdated collection contractor information (i.e. Rabanco, Allied Waste, or Waste Management logos) at approximately 36% of homes, meaning that more than one-third of customers audited have at least one incorrectly labeled cart out of the three Republic Services-provided carts at their homes. About 20% (208 of 1,037) of audited residential customer carts do not meet the city's labeling requirements because the applicable sticker or label is missing, outdated, or unauthorized.

This table provides a summary of the audit findings, along with applicable performance fees, according to *Section 5.1.2 Performance Fees, #34* of the Contract.

<b>Error</b>	<b>Problem observed in the field</b>	<b>Number of containers with labeling problem</b>	<b>Performance fee</b>	<b>Amount owed</b>
The use of outdated, or unauthorized stickers, or lack of required stickers on Contractor provided Containers	Missing, outdated, or unauthorized cart sticker or label	208	\$50 per container	\$10,400

Mislabeled containers are problematic, regardless of the type of container, because they cause customer confusion. Mislabeled organics carts are especially problematic as they impact the City's organics program. About 18% of audited organics carts had "Yard Waste" or "Yard Debris" labels. These labels may confuse our customers, because organics collection includes not only yard debris, but also kitchen food scraps and uncoated, food-soiled paper. The correct labels are "Food Scraps and Yard Debris" or "Organics."

## Next steps

### *City of Bellevue*

- ♦ Assess performance fee of \$10,400 (or \$50 per container) for 208 containers with missing, outdated, or unauthorized stickers or labels.
- ♦ Continue to enforce labeling provisions in the Contract, including conducting additional container audits of the single-family sector in the future.

### *Republic Services*

- ♦ Pay performance fees of \$10,400 for 208 carts with missing, outdated, or unauthorized stickers within 30 days of invoice.
- ♦ Develop an action plan by October 31<sup>st</sup>, 2017 to relabel carts properly that includes steps to:
  - Relabel carts with missing, damaged, outdated, or unauthorized labels with up-to-date materials preparation instruction stickers and/or Republic Services-branded labels by December 31<sup>st</sup>, 2017;
  - Cover "Yard Waste" and "Yard Debris" labels with "Food Scraps and Yard Debris" or "Organics" labels by December 31<sup>st</sup>, 2017; and,
  - Ensure newly delivered carts include proper labels.

**Part 2 - CUSTOMER SURVEY RESULTS**

As part two of the 2017 solid waste contract performance review, the City hired Elway Research, Inc. to conduct two market research surveys to gauge single-family residential customers’ and multifamily and commercial customers’:

- A. Satisfaction with Republic Services’ services; and,
- B. Awareness of, and practices and preferences around, recycling and organics.

The survey details are provided in the following table:

<b>Customer</b>	<b>Dates of survey</b>	<b>Sample size</b>	<b>Overall margin of error at 95% level of confidence</b>
Single-family (i.e. heads of household at stand-alone homes)	September 5-16, 2017	202 by telephone, 425 online	±3.9%
Multifamily/Commercial (i.e. apartment and condominium complex managers and business owners)	August 22-28, 2017	201 by telephone	± 6.5%

**Part 2(A) - Customer Satisfaction**

To comply with the minimum satisfaction levels established in the Contract, Republic Services must score at least 80% satisfaction for each customer satisfaction question, less the relevant margin of error. Republic Services’ satisfaction ratings for each question are based on the combined score of “very satisfied” and “somewhat satisfied.”

**Findings**

Among single-family customers, Republic Services scored well in 6 of 7 areas of customer satisfaction surveyed, an improvement over last year’s results. Republic Services did not meet minimum satisfaction scores in only one area, response time following a missed collection. This is the third year in a row that Republic Services received low marks for response time following a missed collection.

Among apartment and condominium complex managers and business owners (i.e. multifamily/commercial customers), Republic Services improved its ratings, earning sufficiently high scores in all 7 areas of customer satisfaction surveyed.

Satisfaction question	Single-family ratings		Multifamily/Commercial ratings	
	<i>Items appearing in red type did not meet minimum satisfaction ratings</i>			
	2016	2017	2016	2017
Over the past year, would you say you have been generally satisfied/unsatisfied with Republic Services?	85%	86%	90%	93%
How satisfied/unsatisfied have you been with the collection crew that picks up at your home?	81%	80%	79%	84%
How satisfied/unsatisfied were you with the response time following a missed collection?*	51%	52%	57%	74%
Were you satisfied/unsatisfied about the response time following a request for a new or replacement cart?***	67%	74%	69%	75%
How satisfied/unsatisfied are you with the telephone courtesy you get from Republic Services?***	76%	82%	90%	81%
How about the knowledge of customer service staff on the phone?***	80%	78%	81%	77%
How satisfied/unsatisfied are you with the handling of phone requests by customer service?***	76%	76%	79%	79%

\*Asked only of customers that had a missed collection in the past year.

\*\*Asked only of customers that had requested a new or replacement cart in the past year.

\*\*\*Asked only of customers that had reason to call Republic Services in the past year.

### Next steps

Republic Services did not meet the satisfaction ratings required by the Contract. As a result, Republic Services is required to pay the City a performance fee of \$50,000.

Additionally, Republic Services is required to develop and implement an action plan for improving response times following a missed collection among single-family residential households. The action plan must include mutually agreed-upon scheduled milestones for implementing changes that improve response times meet the minimum customer satisfaction rating at the time of the next annual survey in 2018. The action plan is due to the City October 31, 2017.

Per the Contract, the City will assess a performance fee each year until Republic Services has achieved the required minimum customer satisfaction rating or higher on all satisfaction questions in the annual survey.

### **Part 2(B) - Customer awareness of, and practices and preferences around, recycling and organics**



## **Findings**

### ***Single-family***

This year's single-family survey reinforced many of the findings from last year's single-family survey about customer awareness of, and practices and preferences around, recycling and organics. For instance, as in the 2015 and 2016 surveys, the 2017 survey found that single-family customers were not as knowledgeable about non-routine collection services, such as scheduling special pick-ups, identifying items that require special pick-ups, and knowing where to take unusual items for recycling. These results suggest Republic Services and the City should continue to improve outreach to customers about their recycling options for special or unusual items.

Single-family customers also cited material preparation instruction stickers on the carts and mailed brochures as the most useful ways to provide them with garbage, recycling, and organics instructions, followed by Republic Services' and the City's websites.

### ***Multifamily/Commercial (apartment and condominium managers and business owners)***

Over the last year, the City and Republic Services reinitiated efforts to improve organics recycling in apartments and condominiums. The disappointing survey results showed only a slight improvement in organics recycling participation among these customers.

The survey also indicated that multifamily and commercial property managers'/owners' top preference in a list of city resources are presentations on how to recycle in languages other than English for their tenants/employees.

## **Next steps**

Based on these findings, the City plans to work with Republic Services to prioritize the following activities in the coming year:

- ♦ Improve promotion of options for non-routine collection and special recycling, such as customer use of Republic Services' Customer Resource Center and in-city recycling drop-off.
- ♦ Ensure Republic Services' and the City's websites, both of which were recently redesigned, provide consistent information to customers.
- ♦ Pilot organics recycling program to selected small apartment/condominium properties to increase participation and continue to improve participation in organics recycling among multifamily and commercial customers to divert more materials from the landfill.
- ♦ Offer material preparation instruction posters in languages other than English, such as Spanish (top language requested in survey) and highlight the availability of trainings/presentations in languages other than English.

While satisfaction with Republic Services has improved over the past year, the City will continue to work with Republic Services to increase customer satisfaction, the proper recycling or disposal of materials, and the City's overall recycling rate.



# MEMORANDUM

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- Action
- Discussion
- Information

**DATE:** October 16, 2017

**TO:** Environmental Services Commission

**FROM:** Catherine A. Drews, Assistant City Attorney

**SUBJECT:** Adopting Bylaws for the Environmental Services Commission.

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### **Action Required at this Time**

None. The Bellevue City Code now requires all Council-appointed Boards and Commissions to adopt bylaws consistent with the City Code and state law. At the November 7 Study Session, the Environmental Services Commission will review and discuss the required bylaws and the options for the three variable sections of the required bylaws. Following this study session, the Commission will adopt the finalized bylaws at its December 7, 2017 meeting. Alternatively, the Commission may decide to finalize the bylaws at November 2, 2017 meeting.

### **Fiscal Impact**

None.

### **Policy Issues**

The proposed bylaws comply with the Bellevue City Code and state law, further the City's requirement of uniformity and consistency among the Council-appointed Boards and Commissions, and incorporate the City Council's Rules of Procedure.

### **Background**

In July 2015, the City Council amended the Bellevue City Code (BCC) sections relating to Council-appointed Boards and Commissions. The amended code requires adoption of bylaws that are consistent with the BCC and state law. Specifically, each set of bylaws must comply with the Open Public Meetings Act (Chapter 42.30 RCW); the City's Personnel Code (Title 3 BCC); the City's Ethics Code (Chapter 3.92 BCC); and include elements of the City Council Rules of Procedure (Resolution 8928). The proposed bylaws also provide uniformity and consistency among the various Council-appointed Boards and Commissions.

The purpose of tonight's study session item is to review and discuss the three variable sections of the proposed bylaws. These variable provisions are highlighted in Attachment A. Following a brief overview of the Commission's scope of authority and responsibility, the Commission will consider the variable sections of the bylaws and provide the direction necessary to incorporate Environmental Services Commission procedure and protocol into these sections. A copy of the proposed bylaws is included as Attachment A, and the Environmental Services Commission's authorizing ordinance, chapter 3.55 BCC, is included as Attachment B.

### *Scope of Authority and Responsibility*

The Environmental Services Commission is advisory to the City Council and is limited to the specific functions set forth in the City's Personnel Code, Chapter 3.55 BCC. *See* Attachment B.

Consistent with Chapter 3.55 BCC, Article I of the updated bylaws explains the scope of the Environmental Services Commission's authority. Because this authority is established by statute, it is not variable and contains the following limitations:

- 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.
- 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.
- 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 on behalf of the Commission unless the Commission has expressly authorized the member's communication.

The updated bylaws also incorporate the ethical and recordkeeping responsibilities imposed on the Environmental Services Commission by statute. For example, Article X of the bylaws addresses conflicts of interest, the appearance of fairness, and confirms that the Commission must comply at all times with the City's Ethics Code. Article XIV identifies the statutory authority controlling Environmental Services Commission management of public records and explains that records generated by the Commission are public records that are the property of the City and must be managed according to the Public Records Act, Chapter 40.14 RCW. It is absolutely critical that each Commissioner understands the scope of the Environmental Services Commission's authority and adheres to the statutory requirements imposed by the City's Personnel Code, the City's Ethics Code, the Open Public Meetings Act, and the Public Records Act.

### *Environmental Services Commission Procedure and Protocol*

The bylaws contain numerous provisions that address Environmental Services Commission procedure and protocol, including certain procedural requirements that are not variable and will be adopted by all Council-appointed Boards and Commissions. For example, Article II.D of the bylaws states that a quorum must be maintained throughout the entirety of the meeting. Article V.G explains that remote participation is allowed, but it must be approved at previous meeting or approved prior to joining current meeting. Articles VI, VIII, and IX all incorporate language that tracks the City Council's Rules of Procedure.

The Environmental Services Commission role in gathering public input to advise the City Council allows for some variation in the updated bylaws. The following three provisions contain procedural

requirements that will be the focus of the Commission’s review and discussion during this study session:

1. Article V.A. — Day and time of Regular Meetings. (Meetings currently are held the first Thursday of the month and begin at 6:30 p.m.)
2. Article V.J.—Time of adjournment.
3. Article VII.D.1.—Length of time for oral communications.

Following discussion, the Environmental Services Commission will provide direction regarding these variable provisions in the bylaws. With respect to the time of adjournment provision, staff recommends that the Commission set a specific adjournment time to facilitate Environmental Services control over length of meeting. Please note that the meeting can always be extended by motion carried by majority of the Commissioners, if necessary.

**Attachments**

- Draft bylaws Bylaws (Attachment A)
- Environmental Services Commission’s authorizing ordinance, chapter 3.55 BCC (Attachment B)

DRAFT



## 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. 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 tem 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.
- 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 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 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 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.
- 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 \_\_\_ pm on the \_\_\_ 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 42.32.030).

- 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 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. 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.

- 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.

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



- J. Adjournment. Regular meetings of the Environmental Services Commission shall adjourn at \_\_\_\_ 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 shall sign in on the sign-in sheet provided and will be called to speak in the order in which they signed.
3. Speakers will be allowed three 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 3 minutes.
2. Persons wishing to speak shall sign in on the 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 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.

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 Commission staff shall be the timekeeper.

## ARTICLE VIII - Motions

- A. No motion shall be entertained or debated until seconded and announced by the Chair. 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. 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 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](mailto:environmentalservicescommission@bellevuewa.gov)) 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 [environmentalservicescommission@bellevuewa.gov](mailto:environmentalservicescommission@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(2) 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Director  
Utilities Department

\_\_\_\_\_, Commission Staff

**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.
- E. 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, 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.

1. Examples of situations where remote participation is authorized include, but are not limited to:

- a. An agenda item is time sensitive, and remote participation is needed to achieve a quorum;
- b. An agenda item is of high importance to the member who cannot be physically present;
- c. It is considered important for all members to participate in a key decision, but a member is unable to be physically present. (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;
- C. Regional issues not specifically assigned to the commission by the city council. (Ord. 6239 § 2, 2015.)

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