



# CITY OF MERCER ISLAND UTILITY BOARD HYBRID MEETING

Tuesday, February 13, 2024, at 5:00 PM

## BOARD MEMBERS:

Tim O'Connell, Chair  
Will Quantz, Vice Chair  
Stephen Majewski, George Marshall,  
Meredith Lehr, and Stephen Milton

## LOCATION & CONTACT

Mercer Island Community & Event Center – Zoom Meeting  
8236 SE 24th Street | Mercer Island, WA 98040  
Phone: 206.275.7793 | [www.mercerisland.gov](http://www.mercerisland.gov)

*We strive to create an inclusive and accessible experience. Those requiring accommodation for meetings should notify the City Clerk's Office 3 days prior to the meeting at 206.275.7793 or by emailing [cityclerk@mercerisland.gov](mailto:cityclerk@mercerisland.gov).*

The virtual meeting will be broadcast live on Zoom and recorded and saved on the City Council's [YouTube Channel](#)

**Registering to Speak:** Individuals wishing to speak live during Appearances will need to register their request with the City Clerk at **206.275.7793** or email the [City Clerk](#) and leave a message before 4 PM on the day of the Utility Board meeting. Please reference "Appearances" on your correspondence and state if you would like to speak either in person at Mercer Island Community & Event Center or remotely using Zoom. Each speaker will be allowed three (3) minutes to speak.

**Join by Telephone at 5:00 PM:** To listen to the meeting via telephone, please call **253.215.8782** and enter Webinar ID **869 0002 8763** and Password **363425** if prompted.

**Join by Internet at 5:00 PM:** To watch the meeting over the internet via your computer, follow these steps:

- 1) Click this [link](#)
- 2) If the Zoom app is not installed on your computer, you will be prompted to download it.
- 3) If prompted for Webinar ID, enter **869 0002 8763**; Enter Password **363425**
- 4) The City Clerk will call on you by name or refer to your email address when it is your turn to speak. Please confirm that your audio works prior to participating.

**Join in person at Mercer Island Community & Event Center at 5:00 PM:** — 8236 SE 24<sup>th</sup> Street, Mercer Island, WA 98040

## CALL TO ORDER & ROLL CALL, 5:00 PM

## PUBLIC APPEARANCES

### REGULAR BUSINESS

1. Approval of Minutes for the January 9, 2024, Regular Video Meeting  
**Recommended Action:** Approve minutes.
2. Bylaws update  
**Recommended Action:** Discuss and provide feedback
3. 2024 Utility Board Work Plan Preview  
**Recommended Action:** Discuss and provide feedback

### OTHER BUSINESS

1. Next Meeting – March 12, 2024

## ADJOURNMENT



## UTILITY BOARD MINUTES REGULAR HYBRID MEETING January 9, 2024

### CALL TO ORDER & ROLL CALL

Chair Tim O'Connell called the meeting to order at 5:04 pm from a remote location.

Chair Tim O'Connell, Vice Chair Will Quantz, Board Members Stephen Majewski, and Steve Milton participated remotely using a video teleconferencing platform by Zoom.

Board Members George Marshall and Meredith Lehr, and Council Liaison Jake Jacobson were absent.

Chief of Operations Jason Kintner, Deputy Public Works Director Alaine Sommargren, and other staff members participated remotely.

### PUBLIC APPEARANCES

There were no public appearances.

### REPORT TO THE BOARD

Chair Tim O'Connell reported that the City Council expressed appreciation for the work the Utility Board does.

### REGULAR BUSINESS

#### Approval of Minutes for the following meetings:

October 10, 2023, Minutes

It was moved by Milton; seconded by Quantz to:  
Approve the minutes as presented.  
Passed 4-0

#### 2023 Recology Annual Report

Recology representatives Anthony Brocato, Alissa Campbell and Karen Dawson presented the 2023 Recology Annual Report.

The board received the presentation and asked questions of staff.

It was moved by Milton; seconded by Lehr to:  
Recommend the City Council staff recommendations for an 8% increase in the Water rate.  
Passed 4-0

### OTHER BUSINESS

Chief of Operations Jason Kintner reported that Board Member William Pokorny resigned, and that the vacancy will most likely remain vacant until the annual recruitment and appointments later this spring.

Next meeting February 13, 2024.

### ADJOURNMENT

The meeting adjourned at 5:50 pm.

Tim O'Connell, Chair

Attest:

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Jen Matsuda, CIP Administrative Assistant



# UTILITY BOARD STAFF REPORT

Item (#)  
February 13, 2024  
Regular Business

## AGENDA ITEM INFORMATION

<b>TITLE:</b>	Utility Board Bylaws review	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
<b>RECOMMENDED ACTION:</b>	Discuss and provide feedback	

<b>STAFF:</b>	Andrea Larson, City Clerk
<b>COUNCIL LIAISON:</b>	Jake Jacobson
<b>EXHIBITS:</b>	1. Utility Board Bylaws

## SUMMARY

At the City Manager’s direction, the City Clerk’s office was tasked with updating the advisory board and commission bylaws to meet current needs and address outdated or new practices, while also ensuring consistency with the City Council Rules of Procedure.

## BACKGROUND

Revised bylaws have been reviewed and adopted by the Arts Council, Parks & Recreation Commission, and Planning Commission. The bylaws being presented to the Utility Board are consistent with what was adopted by the other advisory boards and commissions.

Since the onset and sunset of the COVID-19 Pandemic, several internal procedures were modified to meet current needs and address outdated or new practices. At the request of the City Clerk’s office, all board and commission bylaws were reviewed and amended to address these changes and to ensure consistency across the City’s boards and commissions as well as the City Council Rules of Procedure. In the review of all board and commission bylaws the City Clerk’s office was unable to locate current Utility Board bylaws.

## DISCUSSION

In accordance with Mercer Island City Code [3.52.040](#), which reads, in part “Utility board shall determine the time and place of its meetings and other rules and regulations.” The proposed bylaws attached as Exhibit 1 were reviewed by staff and by the City Attorney’s office this winter. The bylaws included the following:

**1. City Council Rules of Procedure, City Code, and State Law**

The Legislature recently amended the Open Public Meetings Act (OPMA), which requires a physical meeting location even if all meeting participants are remote. Additionally, appearances are now a requirement of all public meetings. The bylaws were amended to address the changes in the OPMA and align with City Council Rules of Procedure, City Code, and state law.

**2. Training and Elections (Sections 2 and 3)**

Training requirements were added to address Code of Ethics and the Open Government Trainings Act. The election process for the Chair and Vice Chair was also revised to align with the City Council election of the Mayor and Deputy Mayor.

**3. Meetings and Agenda Preparation (Sections 4 and 5)**

Consistent with City Council Rules of Procedure, sections on remote attendance, the “order of meeting agendas,” and printed agenda materials were added.

**4. Planning Commission Protocols (Section 6)**

Like the City Council, a section on Planning Commission Protocols was added to address appearances, discussion, decisions, no surprise rule, prohibited conduct, and appearance of fairness.

**5. Appendices A-D**

Consistent with the City Council Rules of Procedure, appendices were added to address the following:

- Parliamentary Rules and Motions
- Planning Commission Meeting Code of Conduct
- Planning Commission-Staff Communication Guidelines
- How does the City use Nextdoor.com?

The City Clerk, City Attorney’s Office, and staff liaisons to each of the City’s boards and commissions worked diligently over the last nine months to develop updated, effective, and consistent bylaws across all City appointed bodies. Staff recommend minimizing further revisions. The staff recommendation is to adopt the revised Bylaws at the February 13, 2024, meeting.

## RECOMMENDED ACTION

Adopt the Utility Board bylaws as presented.

# MERCER ISLAND UTILITY BOARD BYLAWS



**ADOPTED**  
**XXXX XX, 2024**

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SECTION 1. PURPOSE – FUNCTION AND JURISDICTION

- 1.1 Pursuant to Mercer Island City Code (MICC) [3.52.020](#), the Utility Board (Board) shall serve in an advisory capacity to the City Council on issues related to utilities and shall have the following duties and responsibilities:
  - A. The purpose of the board shall be to advise the City Council on issues related to utilities. These issues might include such items as proposed modifications to utility rate structures and policy issues regarding storm drainage. In January of each year the board shall present to the City Council, for approval, a proposed program of work to be accomplished by the board in the upcoming year.
  - B. The board shall have such further duties as may from time to time be assigned to it by the City Council.



## SECTION 2. MEMBERSHIP AND TRAINING

### 2.1 Qualifications.

- A. Applicants who have an interest in utilities, finance, and/or knowledge of municipal processes as evidenced by training, experience or actions will be given preference for appointment; however, a broad mix of occupational backgrounds is desired.
- B. An intent of the appointment process shall be to evenly represent the areas of interest as stated above and reflect the city's diverse community. Appointed members shall represent the public interest and not specific interest groups.

### 2.2 Members.

- A. **Number.** The Utility Board shall consist of seven members, serving in nonpartisan positions.
- B. **Residency.** City residency is required.
- C. **Terms.** The term of each member is four years and expires on May 31 of the last year of the term or until the member's successor is appointed and qualified. The year of expiration of the terms of the positions shall be staggered with the following groups of positions expiring in successive years: positions 1 and 2; positions 3 and 4; position 5; positions 6 and 7.
- D. **Term limits.** Preference shall be given to applicants who have served fewer than two full consecutive terms. If a member is appointed to a vacancy with two or more years remaining on the term, that term will be deemed a full term. If a member is appointed to a vacancy with less than two years remaining in the term, that term will not count toward the two-consecutive-term limit. In the event there are two or more applicants for a position, and an applicant has previously served two full consecutive terms, preference shall be given to the applicant(s) who has not previously served two full consecutive terms.
- E. **Staff liaison.** The City Manager shall appoint a staff liaison to assist with support services for the Utility Board. Such staff support shall include, but not be limited to, the development of work plans and schedules, guidelines and procedures, correspondence, and agenda preparation and distribution.
- F. **Council liaison.** The mayor and deputy mayor shall annually designate one councilmember to act as liaison between the city council and the utility board.

**2.3 Appointment.** Appointments to the Utility Board will be made by a vote of the City Council during a regularly scheduled City Council meeting. Members shall serve without compensation.

**2.4 Removal.** Members may be removed by the Mayor and Deputy Mayor, with the concurrence of the City Council, for neglect of duty, conflict of interest, malfeasance in

office, or other just cause, or for unexcused absences from more than three consecutive regular meetings. The decision of the City Council shall be final and there shall be no appeal therefrom. Members finding themselves unable to regularly attend meetings are expected to resign and notify the chair and staff liaison.

## 2.5 Training.

- A. **Code of Ethics.** All board and commission members are required to attend a Code of Ethics training provided by the City Attorney's office, regarding [MICC Chapter 2.60](#) and [Chapter 42.23 RCW](#).
- B. **Open Government Trainings Act.** The Open Government Trainings Act (OGTA) enacted by the 2014 Legislature requires every member of a governing body subject to OPMA to receive in the fundamentals of the Open Public Meetings Act (OPMA), Public Records Act (PRA), and records retention requirements. Training must be completed no later than 90 days after assuming their duties. These trainings may be completed before assuming office, and each member must take a refresher course at least every four years.
- C. **Violation of Open Government Trainings Act.** Those members that fail to complete the required training within 30 days' notice by the City Clerk will be referred to the Mayor and Deputy Mayor. Members found in violation of the OGTA may be removed for neglect of duty/just cause in accordance with Section 2.4 of the Bylaws and MICC 3.52.030(D).

## SECTION 3. UTILITY BOARD ORGANIZATION

**3.1 Election of Chair and Vice Chair.** The Utility Board shall elect a Chair and Vice Chair for a term of one year from among themselves at its June Utility Board meeting, or as soon as possible thereafter, or upon vacancy or resignation of the Board Member filling the Chair or Vice Chair position. The Staff Liaison shall conduct the elections for Chair as follows:

- A. Any Board Member may nominate a candidate for Chair; no second is needed.
- B. Nominees may accept or decline the nomination.
- C. If only one (1) nomination is made, it is appropriate to make a motion and obtain a second to instruct the Staff Liaison to cast a unanimous ballot for that nomination for Chair. Approval is by majority vote of Board Members present.
- D. If more than one (1) nomination is made, an open election is conducted by roll call vote.
- E. To be elected, the nominee needs a majority vote of the Utility Board.
- F. Elections will continue until a Chair is elected by a majority vote of the Utility Board.
- G. The Staff Liaison shall declare the nominee receiving the majority vote as the new Chair.

This process is repeated for the election of the Vice Chair.

### 3.2 Duties of Officers.

- A. **Chair.** The Chair serves as the Presiding Officer and acts as chair at all meetings of the Utility Board. The Chair may participate in all deliberations of the Utility Board in the same manner as any other member and is expected to vote in all proceedings unless recusing themselves. The Chair does not possess any power of veto.

In consultation with the Vice Chair, the Chair appoints Board Members to serve as liaisons to ad hoc committees.

- B. **Vice Chair.** The Vice Chair serves as the Presiding Officer in the absence of the Chair and assumes the responsibilities of the Chair when needed. If both the Chair and Vice Chair are absent, the Chair will appoint another Board Member to serve as acting Chair. If the Chair fails to appoint an acting Chair, the Board Members present shall elect one of its members to serve as Presiding Officer until the return of the Chair or Vice Chair.
- C. **Presiding Officer.** The Presiding Officer shall:
  - 1. Preserve order and decorum during Utility Board meetings;
  - 2. Observe and enforce these Rules;

3. Call the meeting to order;
4. Keep the meeting to its order of business; and,
5. Recognize Board Members in the order in which they request the floor. The Presiding Officer, as a Board Member, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Board Members.

**3.3 Filling a Utility Board Vacancy.** If a vacancy occurs in the office of Board Member, the City Council will follow the procedures outlined in Section 8 within the [City Council Rules of Procedure](#).

## SECTION 4. MEETINGS

Pursuant to [MICC 3.52.040](#), the Utility Board shall determine the time and place of its meetings and other rules and regulations, which shall be on file with the City Clerk.

### 4.1 General Meeting Guidelines.

- A. **Open Public Meeting Act.** All Utility Board meetings shall comply with the requirements of the Open Meetings Act (chapter [42.30 RCW](#)). All regular meetings and special meetings of the Utility Board shall be open to the public.
- B. **Meetings.** All meetings as described in Section 4.2 may be held in-person, remotely, or as a hybrid, to the extent permitted by law.
- C. **Meeting Cancellation.** Any future Utility Board meeting may be canceled by a majority vote of the Utility Board. The Chair or Vice Chair may cancel a Utility Board meeting for lack of agenda items, adverse weather conditions, or due to an emergency.
- D. **Quorum.** Four members of the Utility Board shall constitute a quorum and are necessary for the transaction of Commission business. In the absence of a quorum, the members present shall adjourn that meeting to a later date.
- E. **Minutes.** The Staff Liaison (or authorized designee) shall attend all regular and special Utility Board meetings and keep an account of all proceedings of the Utility Board (minutes) in accordance with the statutory requirements RCW [42.30.035](#). The minutes from previous meetings will be posted on the City website in draft format prior to Utility Board meetings as part of the Utility Board packet. Board Members are encouraged to inform the Staff Liaison of any errors or proposed changes in advance of the meeting. If a Board Member wishes to make any corrections (except scrivener) to the minutes, they must make a motion to revise the minutes. Any corrections to the minutes will be so noted and the draft minutes will be revised with the corrections. Once the Utility Board has approved the minutes (as presented or revised), the final version of the minutes will be posted to the City's website and archived as the City's official record.
- F. **Utility Board Meetings Code of Conduct.** The Utility Board Meetings Code of Conduct is attached as [Appendix B](#) to these Rules, which outlines acceptable behavior while in a Utility Board Meeting.
- G. **Attendance.** Attendance at regular and special meetings is expected of all Commission members.
  - 1. **Absence.** Any member anticipating absence from a meeting should notify the Chair and staff liaison from the Public Works department.
  - 2. **Chronic Absences.** Chronic absences of any member may be referred by the Commission to the Mayor for a public hearing pursuant to Section 2.5

of these bylaws. "Chronic," for the purposes of this section, means unexcused absences from more than three consecutive meetings within a 12-month period.

- H. Remote Attendance.** Remote attendance by a Board Member who is not able to physically be present, whether for all or part of a meeting, is allowed as needed subject to the following:
- 1. Notice:** A Board Member shall contact the Chair and the Staff Liaison at least one day prior to the meeting for which they will attend remotely or as soon as possible due to an emergency. After the Staff Liaison has called the roll at a meeting, the Chair shall indicate any Board Member attending remotely, which will be noted in the minutes. If joining after roll call, the Staff Liaison shall note the time the Board Member joined and, if before adjournment, when the Board Member left in the minutes.
  - 2. Remote Attendance Requirements:**
    - a.** Remote attendance by a Board Member shall be through the City's preferred teleconferencing platform.
    - b.** A Board Member's camera should be turned on when participating in the meeting.
    - c.** A Board Member attending remotely will be marked present, counting towards a quorum and can vote during the meeting as if they were physically present.
    - d.** A Board Member attending remotely must be able to hear public comment or testimony and staff's presentation in real time.
- I. Roll Call Voting.** All Utility Board voting will be done by roll call. Once a motion has been made, seconded, and discussion has concluded, the Chair will ask the Staff Liaison to call the roll. The Staff Liaison calls the roll, and each Board Member, as their name is called, answers "aye" or "nay," or "abstain" if they do not wish to vote, and the Staff Liaison notes the answers. Board Members shall refrain from additional comments about the motion or their vote when voting. If the vote count is not clear, the Staff Liaison reads the names of those who answered in the affirmative, and afterwards those in the negative, and then those who answered "abstain," and the Chair announces the result.

#### 4.2 Types of Meetings

All meetings of the Commission shall be conducted in accordance with these bylaws, Mercer Island City Code, and Washington state law. Where these bylaws fail to provide otherwise, the meetings shall be conducted in accordance with parliamentary rules and procedures in the most current edition of Robert's Rules of Order.

- A. **Regular Meetings.** The Utility Board’s regular meetings will be held on the second Tuesday of each month at 5:00 p.m. in the Mercer Island Community & Event Center (8236 SE 24<sup>th</sup> Street, Mercer Island). Meetings will be held in a hybrid format including both in person and remote attendance using a videoconferencing platform. If any Tuesday on which a meeting is scheduled falls on a legal holiday, the meeting shall be held at 5:00 p.m., on the first business day following the holiday, or on another day designated by a majority vote of the Utility Board.
- B. **Special Meetings.** A special meeting is any Utility Board meeting other than a regular Utility Board meeting. Notice shall be given at least 24 hours in advance specifying the date, time, and place of the meeting and the business to be transacted. A special Board meeting may be scheduled by the Chair, or in their absence, the Vice Chair, Deputy Public Works Director, the Chief of Operations, or the City Manager. Final disposition cannot be taken on any matter not included on the special meeting notice.

#### 4.3 Order of Regular Utility Board Meeting Agenda

- A. **Call Meeting to Order & Roll Call.** The Chair calls the meeting to order. The Staff Liaison will take roll call and record names of those present and absent in the minutes.
- B. **Appearances (Public Comment).** During the Appearances section of the regular meeting agenda, members of the audience are invited to address the Utility Board regarding any matter, except campaign-related matters. Each person wishing to address the Utility Board should register with the Staff Liaison by 4 p.m. on the day of the Utility Board meeting. When the speaker’s name is called, the speaker will give their name and city of residence for the record and shall limit their comments to three (3) minutes. No speaker may convey or donate time for speaking to another speaker. The Chair may allow speakers to comment on individual agenda items at times during any regularly scheduled Utility Board meeting other than the regularly scheduled Appearances period.

All remarks will be addressed to the Utility Board as a whole, and not to individual Board Members or staff members. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Utility Board, may be requested by the Chair to leave the meeting. Pursuant to state law, the Utility Board cannot accept comments on any campaign-related matters (elections for individual offices or ballot propositions).

The Staff Liaison will summarize all public comments in the minutes. Traditionally, the Utility Board does not respond to comments made at a meeting; however, the Staff Liaison may follow up with the speaker as appropriate.

- C. **Special Business.** Special Business may include Chair and Vice Chair Elections,

review of bylaws or other presentations to the Commission.

- D. Regular Business.** Regular Business items are all other regular Utility Board business, including but not limited to staff presentations and reports requiring Utility Board review including making recommendations to City Council.
- E. Other Business.**
  - 1. Staff Liaison's Report.** The Staff Liaison will discuss the meeting schedule and report on significant activities since the last meeting; provided, however, that Board Members may not enter into debate or discussion on any item raised during the Staff Liaison's Report.
  - 2. Absences.** The Utility Board will note upcoming Board Member absences and make a motion to excuse or not excuse a Board Member's absence.
- F. Adjournment.** With no further business to come before the Utility Board, the Chair adjourns the meeting.



## SECTION 5. AGENDA PREPARATION

- 5.1 Agenda Setting.** An agenda shall be prepared and distributed by the Public Works department to each member not less than 5 calendar days prior to the date of the meeting at which such agenda is to be considered. The agenda shall be accompanied with a complete copy of the unapproved minutes of the previous meeting, staff reports, and other materials as may pertain to the agenda.
- 5.2 Agenda Modification.** All meetings shall be conducted in accordance with the agenda. To the extent it does not violate public notice requirements, a Regular Agenda may be modified, supplemented, or revised at the beginning of the meeting by an affirmative vote of the majority of Commission members present. The Commission, by a majority vote, can add matters for discussion to a Special Meeting agenda; however, in accordance with the OPMA, final disposition cannot be taken on any matter not listed in the special meeting notice.
- 5.3 Agenda Materials.** All agenda materials will be posted to the City's website and a link to the online packet will be emailed to an established mailing list by 5:00 p.m. no later than the Friday prior to the meeting, in accordance with section 4.1. If the deadline cannot be met, the Utility Board and the established mailing list will be notified of when it will be posted. Hard copies of agenda materials will be available for pick up at the Customer Service Counter upon Board Member request, with 24 hours' notice.

## SECTION 6. UTILITY BOARD PROTOCOLS

- 6.1 Governance and Procedures.** All Utility Board discussion shall be governed by *Robert's Rules of Order, Newly Revised* and by these Bylaws. Examples of parliamentary rules and motions are shown in [Appendix A](#) to these Bylaws. In the event of a conflict, these Bylaws shall control. The Staff Liaison shall answer questions of a parliamentary nature that may arise during a Utility Board meeting. The Staff Liaison shall decide all questions of interpretations of these Bylaws.
- 6.2 Appearances (Public Comment).** The Utility Board agrees to adhere to the following protocols during Appearances:
- A. The Utility Board shall listen attentively to the speaker's comments.
  - B. The Utility Board shall avoid discourteous behavior such as lengthy or inappropriate sidebar discussions or nonverbal, disparaging actions.
  - C. The Utility Board shall not engage in debate or discussion with any individual but may be recognized by the Chair to ask the speaker clarifying questions.
- 6.3 Discussion Protocols.** The Utility Board agrees to adhere to the following protocols for Utility Board discussion and debate:
- A. Be courteous and professional at all times.
  - B. Avoid discourteous behavior such as lengthy or inappropriate sidebar discussions or nonverbal disparaging actions when colleagues or staff are speaking.
  - C. Be recognized by the Chair before speaking.
  - D. Be respectful of staff.
  - E. Speak in turn after being recognized.
  - F. Do not personally criticize other Board Members who vote against or disagree with you.
  - G. Do not be repetitive in your arguments or discussion.
  - H. Respect each other's differences, honor disagreements, vote and move on.
- 6.4 Recommendations.** The Utility Board's goal is to provide a consensus recommendation to the City Council on issues related to utilities in all cases, however, a majority vote is taken.
- A. To document the recommendations of the Commission, the Public Works department staff shall prepare a written statement or memorandum, including the facts and rationale for the final recommendations. This statement shall be approved and signed by the Chair.
  - B. A Board Member is never required to state reasons for a dissenting vote; provided, however, that any member of the Commission shall have the right to state the reasons for their dissent from, or protest against, any action of the Commission. Such statement shall be noted in the minutes along with the record of the vote in the following format: "Board Member XX verbally stated their reasons for voting in the minority on this matter." No other statement is proper or will be allowed to be recorded in the minutes of the meeting.

**B.** The Chair has the responsibility to present the recommendations to the City Council on behalf of the Commission when requested by either the Utility Board or City staff.

**C.** Board Members recognize that they are part of an advisory body. As such, when the Utility Board has voted to recommend an agenda item, the members shall not contact staff to encourage actions inconsistent with such Utility Board recommendation or take other action adversely impacting staff resources.

**D.** Board Members who voted on the prevailing side may bring any approved recommendation up for reconsideration, only on the same day that the vote was taken, and immediately following Utility Board review and approval of such agenda item, before the Utility Board has moved on to other items. The Utility Board's goal is to make final recommendations and not to revisit or reconsider such decisions. (See [Appendix A](#) for more details).

**6.5 No Surprises Rule.** Board Members should use best efforts to contact the Staff Liaison to advise of emerging issues. Generally, Board Members agree not to propose substantial amendments and/or revisions to any agenda item unless they provide each other and City staff at least 48-hours advance notice to review any written proposal. To provide staff the necessary preparation time, Board Members will use best efforts to provide staff advance notice of any questions or concerns they may have regarding an agenda item prior to a public meeting.

**6.6 Prohibited Conduct.** In addition to the requirements applicable under RCW Chapter 42.23, which establishes the minimum standards for officials, officials shall be subject to the City's Code of ethics as provided within MICC Ch. 2.60.

SECTION 7. AMENDMENTS TO BYLAWS

These bylaws may be amended by a majority vote (4 votes) of the entire membership of the Utility Board.

\_\_\_\_\_  
Date Approved by Utility Board

\_\_\_\_\_  
Utility Board Chair

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date filed with City Clerk

## APPENDIX A PARLIAMENTARY RULES AND MOTIONS

1. Following the presentation of the item and questions of staff, a motion should be made before the Commission begins discussion to frame and guide the discussion.
2. If a motion does not receive a second, it dies and will not be included in the minutes. Motions that do not need a second, include: nominations, withdrawal of motion, request for a roll call vote, and point of order.
3. When making motions, be clear and concise and do not include arguments for the motion within the motion.
4. No comments may be made or heard until there is a second on the motion.
5. After a motion and second, the Chair will indicate the names of the Board Members making the motion and second.
6. When the Commission concurs or agrees to an item that does not require a formal motion, the Chair will summarize the agreement at the conclusion of the discussion. Board Members may object to such summary if any feel the summary does not reflect the Commission's consensus.
7. If the maker of a motion wishes to withdraw their motion, the Chair shall ask the Commission if there is any objection to the maker withdrawing their motion. If none, the motion is withdrawn. If there is objection, the Commission will vote whether the motion can be withdrawn. The text of the withdrawn motion and the fact of its withdrawal will not be included in the minutes.
8. A **motion to table** is undebatable and shall preclude all amendments or debates of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future regular or special meeting at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting.
9. A **motion to postpone to a certain time** is debatable as to the reason for the postponement but not to the subject matter of the motion, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future regular or special Utility Board meeting.
10. A **motion to postpone indefinitely** is debatable as to the reason for the postponement as well as to the subject matter of the motion; is not amendable and may be reconsidered at the same meeting only if it received an affirmative vote.
11. A **motion to call for the question** shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds' (2/3) vote; debate is reopened if the motion fails.
12. A **motion to amend** is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.

13. Motions that cannot be amended include motion to adjourn, agenda order, point of order, reconsideration, and take from the table. A motion to amend an amendment is not in order.
14. Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
15. The motion maker, Chair, or Staff Liaison should repeat the motion prior to voting.
16. All votes of the Utility Board will be conducted by roll call voting.
17. When voting, Board Members will reply with “aye,” “nay,” or “abstain” and shall refrain from additional comments about the motion or their vote.
18. At the conclusion of any vote, the Chair will announce the results of the vote.
19. A motion requires a majority of the quorum to pass.
20. A motion that receives a tie vote is deemed to have failed.
21. When a question has been decided, any Board Members who voted in the majority may move for reconsideration.
22. A **motion for reconsideration** can only be made by someone who voted on the prevailing side, and it must be made on the same day that the vote to be reconsidered was taken. All action that might come out of the original motion is stopped at the time a motion for reconsideration is made and seconded.

## APPENDIX B UTILITY BOARD MEETING CODE OF CONDUCT

The Mercer Island Utility Board welcomes the public to the Utility Board meetings and dedicates time at these meetings to hear from the public on agenda items and other issues of concern.

It is important for all community members to feel welcome and safe during Utility Board meetings. Audience members will be expected to treat all attendees with respect and civility.

### 1. **Appearances Ground Rules:**

Appearances is the time set aside for individuals to speak to the Utility Board about any issue during a Utility Board meeting. The ground rules are:

- A. Each person wishing to address the Utility Board should register with the Staff Liaison by 4 p.m. on the day of the Utility Board meeting.
- B. Please (1) speak audibly, (2) state your name and city of residence for the record, and (3) limit your comments to three minutes.
- C. Traditionally, the Utility Board does not respond to comments made at the meeting, but may follow up, or have staff follow up, with the speaker if needed.
- D. Comments must be addressed to the entire Utility Board, not to individual Board Members, staff members, or the audience.
- E. Audience members shall refrain from applause, comments, or disapproval of individuals' comments.
- F. Any person who makes personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Utility Board, may be requested to leave the meeting.
- G. The Utility Board cannot accept comments on any campaign-related matters (elections for individual offices or ballot propositions).

### 2. **General Rules:**

- A. Please silence cell phones, computers, tablets, and cameras while in the Utility Board meetings.
- B. Please limit conversations in the audience seating area. You may be asked to step into the lobby to continue a conversation.

## APPENDIX C UTILITY BOARD-STAFF COMMUNICATION GUIDELINES

Governance of a City relies on the cooperative efforts of elected officials, who provide oversight and set goals, policy, and priorities, and City staff, which analyze problems and issues, make recommendations, and implement and administer the Utility Board's policies and priorities consistent with the Utility Board goals. The following are general guidelines to help facilitate effective communications between the Utility Board and City staff.

**1. Channel communications through the appropriate City staff.**

While any staff member is available to answer Board Member questions and requests for information, the Public Works (PW) Staff Liaison is the primary information liaison between the Utility Board and City staff. Questions of PW staff should be directed to the Staff Liaison. When a Board Member makes a request to a particular staff member, it is important to inform/copy the Staff Liaison. In addition, staff will inform/copy the Staff Liaison so that the Staff Liaison is aware of the Board Member's requests and needs.

**2. All Board Members should have the same information with which to make decisions.**

When one Board Member has an information request, the response will be shared with all members of the Utility Board so that each member may be equally informed.

**3. Depend upon the staff to respond to concerns and complaints as fully and as expeditiously as practical.**

A key value in the City's organizational culture is providing quality customer service. Rely on staff to solve customer problems and concerns.

**4. Code Compliance Complaints.**

The Community Planning and Development Code Compliance team answers questions and investigates complaints on a wide variety of issues, including zoning, building, and nuisance violations. If you have a complaint, please complete a Code Compliance Request Form, and fill it out as completely as possible.

Go to <https://www.mercerisland.gov/cpd/webform/code-compliance-request-form> to complete an online form or download or print the form and attach it to an email to [codecompliance@mercergov.org](mailto:codecompliance@mercergov.org). You may also come to City Hall to drop off or complete a paper copy. Using this form will give staff the information needed to review and process the complaint.

**5. Complaints/Concerns Directed to Utility Board.**

The Utility Board may receive customer letters or emails directly. Due to limited staff resources to handle the amount of correspondence, if a response is warranted, appropriate or necessary, the Staff Liaison or designee will direct the correspondence to the appropriate staff member. Correspondence related to matters outside of the purview of the Utility Board will be directed to the appropriate staff by the Staff Liaison or designee. Board Members should not respond to correspondence that is outside of the



purview of the Utility Board. On occasion, a letter or email is directed specifically to a Board Member. The Board Member should forward the correspondence to the Staff Liaison or designee to provide a response (if a response is warranted, appropriate, or necessary).

**6. The Utility Board provides recommendations – City staff is responsible for administrative functions and City operations.**

The purpose of the Utility Board is to serve in an advisory capacity to the City Council and have the following duties and responsibilities pursuant to Mercer Island City Code 3.52.020

- A.** The purpose of the board shall be to advise the City Council on issues related to utilities. These issues might include such items as proposed modifications to utility rate structures and policy issues regarding storm drainage. In January of each year the board shall present to the City Council, for approval, a proposed program of work to be accomplished by the board in the upcoming year.
- B.** The board shall have such further duties as may from time to time be assigned to it by the City Council.

The primary functions of staff are to forward the Utility Board recommendations to City Council and keep the Utility Board informed. Staff is obligated to take guidance and direction only from the Staff Liaison, Department Director, or City Manager.

Individual Board Members shall not knowingly or willfully interfere with the administration of City business including, but not limited to: coercing, or influencing staff in the selection of personnel or consultants, the awarding of contracts, the processing of development applications, licenses, permits, or public records requests, and the interpretation and implementation of the Utility Board policy.

**7. To provide the Utility Board with timely information, Board Members should submit questions on agenda items to the Staff Liaison and Chair in advance of the Utility Board meeting.**

Board Members are encouraged to submit their questions on agenda items to the Staff Liaison and Chair as far in advance of the meeting as possible so that staff can be prepared to respond before or at the Utility Board meeting. Having a practice of “no surprises” between the Utility Board and City staff and vice versa fosters a productive working relationship.

**8. Respect the will of the “full” Utility Board.**

City staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Board Members. However, if a request reaches a certain degree of workload, it will need to come before the “full” Utility Board. The Staff Liaison will consult with the Director and City Manager with the request

to determine when it is appropriate to bring it before the full Utility Board for discussion and recommendation.

- 9. Depend upon the staff to make independent and objective recommendations.**  
Staff is expected to provide its best professional recommendations on issues, provide information about alternatives to staff recommendations, as appropriate, as well as pros and cons for recommendations and alternatives. Sometimes staff may make recommendations that may be unpopular with the public and/or Board Members. When this occurs, please refrain from attacking the messenger. Staff respects the role of the Utility Board in its advisory capacity to the City Council.
- 10. The Staff Liaison and staff will transmit Utility Board recommendations to the City Council as accurately as possible.**  
Staff will assist the Chair in preparing the written recommendation. The Chair will be provided the opportunity to address the City Council to verbally transmit the recommendation. Staff seek to accurately describe the Commission's legislative review process and recommendation.
- 11. Refrain from publicly criticizing an individual employee. Criticism is differentiated from questioning facts or the opinion of staff.**  
All critical comments about staff performance should be made only to the Staff Liaison or Director through private correspondence or conversation.
- 12. Seeking political support from staff is not appropriate.**  
The City is a non-partisan local government. Neither the staff liaison nor any other person in the employ of the City shall take part in securing or contributing any money toward the nomination or election of any candidate for a municipal office. In addition, some professionals (e.g., Staff Liaison, the Chief of Administration, Chief of Operations, and City Clerk) have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.
- 13. Support life-family-work balance.**  
In a 24-hour, mobile accessible world, expectations for staff to always be available can emerge. However, this expectation is unsustainable. Staff will respond to nonemergency emails or phone messages during business hours only.

## APPENDIX D HOW DOES THE CITY USE NEXTDOOR.COM?

NextDoor is a nationwide platform designed to encourage civil neighbor-to-neighbor interaction and discourse online, focused on highly local topics. The City joined NextDoor in October 2014 and uses its account to make general announcements, advertise meetings, solicit public engagement, provide crime and storm updates, highlight achievements, and more. The platform does not function in the same manner as the City's other social media outlets (i.e., Facebook, Twitter, Instagram). NextDoor is not a City-controlled page, but rather a private membership network that functions more like an online community bulletin board. The City merely has an official presence on the platform via its "Agency Account," but by design, NextDoor tightly limits Agency Accounts in important ways.

Most notably, the City can only see its own posts and replies to them, while ALL other neighbor-to-neighbor content is hidden. This is intended to prevent eavesdropping by the City on local discussions. The last name of anyone replying to a City post is just replaced with an initial and is not spelled out.

In addition, because the City is required to maintain public records of social media to comply with the Public Records Act, the City uses ArchiveSocial to backup Facebook, Instagram, Twitter, YouTube, and other accounts to retrieve records if requested. Unfortunately, NextDoor does NOT allow access by automated archiving services. Instead, the City must execute a complicated manual export process that can be refined only by date range (not topic, or subject line, etc.). This lack of archiving access to NextDoor makes it extremely difficult and potentially risky for Board Members and staff to post about City business or to reply to other posts, as they are unable to be captured in a manner that is suitable for responding to public records requests or in a manner that it can be deleted after meeting the required retention period.

If Board Members post on NextDoor about official City business, they **must** capture the text of the original post and all comments. If they comment on a post, they must capture the original post, all comments before AND after their comment. The Staff Liaison can provide additional guidance regarding public records retention requirements for NextDoor posts/comments.



# Utility Board

## 2024 Draft Work Plan

2nd Tuesday

Meeting Date	Agenda Item
<b>January 9</b>	2023 Recology Annual Report
<b>February 13</b>	Bylaws Update
	2024 Utility Board Work Plan Preview
<b>March 12</b>	Stormwater/NPDES Update
<b>April 9</b>	Recess- Spring break
<b>May 14</b>	Water System Reliability Action Plan Update
<b>June 11</b>	Board Elections
	Water Meter Replacement Project Update
<b>July 9</b>	2025-2026 Utility CIP Preview
	Field Trip (date/time to be scheduled)
<b>August 13</b>	Recess
<b>September 10</b>	EMS/ Stormwater Rate Discussion
<b>October 8</b>	Sewer/Water Rate Discussion
<b>November 12</b>	Recess
<b>December 10</b>	2024 Recology Annual Report
<b>To Be Scheduled:</b>	SPU Wholesale Contract Amendment

Updated 1/30/24