

**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion on and Possible Motion to Adopt Ordinance No. 522, Relating to Appointments to the Arts Commission, Parks and Recreation, and Planning Commission Advisory Boards		<b>Meeting Date:</b> August 24, 2009
<b>Department:</b> City Manager	<b>Attachments:</b> <u>Draft Ordinance No. 522</u>	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Monica Lusk, City Clerk		
<b>Telephone:</b> (206) 248-5517		
<b>Adopted Initiative:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Initiative Description:</b> Anticipate a successful annexation	
<b>PURPOSE/REQUIRED ACTION:</b>		
<p>The purpose of this agenda item is for Council to consider a proposed ordinance that will allow representation of the residents within the North Highline South Annexation area on the Arts Commission, Parks and Recreation, and Planning Commission advisory boards.</p> <p><b>BACKGROUND (Include prior Council action &amp; discussion):</b></p> <p>The City Council has previously created an Arts Commission, Parks and Recreation, and Planning Commission advisory boards that provides for selection and appointment of members from those residents living within the jurisdictional limits of the City.</p> <p>In anticipation of a vote supporting annexation, the City desires to allow for representation of the residents within the area to be annexed on the advisory boards.</p> <p>There is currently one vacancy on both the Arts Commission and Parks and Recreation advisory boards.</p> <p><b>OPTIONS (Including fiscal impacts):</b></p> <ol style="list-style-type: none"> <li>1. Approve the adoption of proposed Ordinance No. 522.</li> <li>2. Revise proposed Ordinance No. 522 and adopt as amended.</li> <li>3. Do not approve proposed Ordinance No. 522.</li> </ol>		
<b>Administrative Recommendation:</b> Hold discussion and adopt proposed Ordinance No. 522.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> Move to Adopt Ordinance No. 522, Relating to Appointments to the Arts Commission, Parks and Recreation, and Planning Commission Advisory Boards.		
Submitted by: Monica Lusk <b>Administration</b>	Mike Martin <b>City Manager</b>	
<b>Today's Date:</b> August 19, 2009	<b>File Code:</b> R:/CC/AgendaBill2009/082409cm-1 advbds-urban growth area	



CITY OF BURIEN, WASHINGTON



ORDINANCE NO. 522

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, RELATING TO APPOINTMENTS TO THE PLANNING COMMISSION, ARTS COMMISSION, AND PARKS AND RECREATION ADVISORY BOARD; AMENDING SECTIONS 2.45.020, 2.60.020, AND 2.55.020 BMC; PROVIDING FOR APPOINTMENTS FROM WITHIN THE CITY OF BURIEN URBAN GROWTH AREA; PROVIDING FOR SERVERABILITY; AND, ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Burien has previously created a Planning Commission, Arts Commission, and Parks and Recreations Advisory Board and providing for selection and appointment of members from those residents living within the jurisdictional limits of the City; and

WHEREAS, the City has asked to have placed on the ballot in November of 2009, a proposition for the annexation of that area of unincorporated King County known as the North Highline South Annexation Area; and

WHEREAS, the North Highline South Annexation Area is described in City of Burien Resolution No. 288; and

WHEREAS, in anticipation of a vote supporting annexation, the City desires to allow for representation of the residents within the area to be annexed on the Planning Commission, Public Arts Commission, and Parks and Recreation Advisory Board;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment to Section 2.45.020 BMC (Membership). Section 2.45.020 of the Burien Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

- (1) Number of Members. The planning commission shall consist of seven voting members.
- (2) Appointment. All members of the planning commission shall be appointed by the city council. The four positions filled in 2003 (Positions 1, 2, 3, and 4) shall be appointed for terms expiring March 31, 2006, or until their successors are duly appointed and confirmed. The three incumbent positions (Positions 5, 6, and 7) shall

expire March 31, 2004, or until their successors are duly appointed and confirmed. Subsequent appointments for full terms shall begin as of April 1st and shall be for four-year terms, or until their successors are duly appointed and confirmed. Members must reside within the city or within the North Highline South Annexation Area as described in City of Burien Resolution No. 288. The planning commission shall at all times include between five and seven voting members. All planning commission members shall be selected without respect to political affiliation and shall serve without compensation. The city council shall attempt, but shall not be obligated, to appoint planning commission members so that all geographic areas of the city are represented.

(3) Removal. Planning commission members may be removed by a majority vote of the entire city council for neglect of duty, conflict of interest, malfeasance in office or other just cause, including absence for more than eight regular meetings in a calendar year. The city manager shall notify the city council of any such absences. The decision of the city council shall be final and there shall be no appeal therefrom.

(4) Vacancies. Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term in the same manner as for appointments as provided in this chapter.

Section 2. Amendment of Section 2.60.020 BMC (Creation – Eligibility). Section 2.60.020 of the Burien Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

(1) There is hereby created an advisory arts commission, consisting of nine voting members, each appointed by a majority vote of the city council, from among the residents of the city and within the North Highline South Annexation Area as described in City of Burien Resolution No. 288. Appointments shall emphasize citizens involved in nonprofit arts organizations.

(2) The council may also appoint alternate (nonvoting) members. The commission may from time to time create short-term ad hoc committees that include nonmembers who are deemed important in performing the commission's duties. Tenure shall vary with the need as determined by the commission's voting members. Nonmembers and alternate members shall not have voting rights.

Section 3. Amendment of Section 2.55.020 BMC (Creation – Eligibility). Section 2.55.020 of the Burien Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

2.55.020 Creation – Eligibility.

(1) There is hereby created an advisory parks and recreation board, consisting of seven voting members, each appointed by a majority vote of the city council, from among the residents of the city and within the North Highline South Annexation Area as described in City of Burien Resolution No. 288. Appointments shall be made from citizens of recognized fitness for the position, based on a demonstrated interest in parks and recreation, dedication to representing the interests of the public, and to some degree, based on professional training/expertise in related fields.

(2) The council may also appoint alternate (nonvoting) members. The board may from time to time create short-term ad hoc committees that include nonmembers who are deemed important in performing the board's duties. Tenure shall vary with the need as determined by the board's voting members. Nonmembers and alternate members shall not have voting rights.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.

CITY OF BURIEN

\_\_\_\_\_  
Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

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Monica Lusk, City Clerk

Approved as to form:

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Chris Bacha, Interim City Attorney  
Kenyon Disend, PLLC

Filed with the City Clerk: August 10, 2009.

Passed by the City Council:

Ordinance No.: 522

Date of Publication: