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Clerk 05/26/99

Introduced By:

Brian Derdowski
Louise Miller

Proposed No.:

1999-0303

MOTION NO. **10708**

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A MOTION approving the Upper Bear Creek community council as a King County unincorporated area council.

WHEREAS, the King County executive has, by Executive Order PRE 7-1 (AEO), established a citizen participation initiative for King County which includes the recognition of unincorporated area councils, and

WHEREAS, the King County council established policy direction for the citizen participation initiative in Motion 9643, and

WHEREAS, the King County council requested in Motion 9643 that the executive submit proposed unincorporated area councils to the council for approval, and

WHEREAS, the Upper Bear Creek community council has completed the application for formal recognition as a King County unincorporated area council and fulfilled the protocols for recognition criteria in Motion 9643;

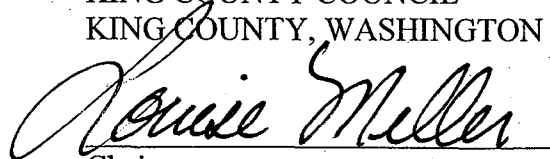
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NOW, THEREFORE, BE IT MOVED by the Council of King County:

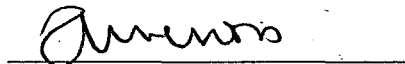
King County hereby approves the Upper Bear Creek community council as an official unincorporated area council.

PASSED by a vote of 11 to 0 this 14th day of June, 1999.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Chair

ATTEST:


Clerk of the Council

Attachments: Upper Bear Creek Community Council Application for Unincorporated Area Council Recognition
Upper Bear Creek Community Council Citizen Participation Initiative Unincorporated Area Council Application Check-List

Application for Unincorporated Area Council Recognition

Introduction

Effective December 30, 1994, King County Executive Gary Locke issued Executive Order PRE 7-1 (AEO) implementing the Citizen Participation Initiative to enhance opportunities for public involvement and to improve citizen access to the information and services provided by King County government. On August 14, 1995, the King County Council passed Motion 9643 providing policy direction to the Citizen Participation Initiative.

One element of the Citizen Participation Initiative establishes Unincorporated Area Councils (UACs) to improve opportunities for meaningful involvement by citizens of unincorporated areas in decisions regarding the future of their communities. UACs will exercise a vital advisory role for King County and will provide a means for effective and continuing opportunities for citizens to participate in County government processes and decisions that affect their communities. The Executive Order and Council Motion are included in this packet for your information as Attachments A and B.

How to Apply For UAC Recognition

1. We can help.

Please call Terry Mark at (206) 296-7689 if you have questions or need assistance while you are working on your application. Terry is available to help you find the information you need and guide you through the application process.

2. Complete the following information.

Name of community council or group Upper Bear Creek Comm Council

Mailing Address

* 18718 NE 161st Pl
Woodinville WA 98072

Telephone 425-788-5841

Fax _____

Contact person(s)

* Nancy Stafford

3. Provide information concerning the membership of your proposed UAC.

Below are the specific criteria, drawn from the Executive Order and the Council Motion, that your proposed UAC must meet in order to be recognized. Please submit materials that describe how your proposed UAC meets each of these criteria.

- Open to all area residents (residents within the recognized boundaries of the UAC)

- *Non-resident property/business owners may be members if provided in the UAC bylaws*
- *Must demonstrate sufficient size and breadth of citizen participation of the area*
- *Must not discriminate against individuals/groups on the basis of race, religion, color, sex, sexual orientation, disability, national origin, income, or political affiliation*
- *Membership contributions collected on a voluntary basis only*

4. Provide a copy of your bylaws.

Please note that your bylaws must meet the criteria outlined in the Executive Order and the Council Motion. These criteria are as summarized below.

- *The UAC must have bylaws*
- *Up-to-date bylaws must be maintained at a public location designated by King County*
- *Bylaws must provide for a public process for voting/choosing UAC officers and board members*
- *Bylaws must state UAC geographic boundaries*
- *Bylaws must establish meeting requirements*
- *Bylaws must provide for open, regularly scheduled public meetings*
- *Bylaws must address conflict of interest/ethics issues (Attachment C contains some guidelines and suggestions on how to ensure that your bylaws meet this criterion.)*

5. Describe the boundaries of your proposed UAC.

Please draw the boundaries of your proposed UAC on a street map.

Please describe the boundaries of your UAC with attention to the following criteria.

- *Clearly stated boundaries which correspond to existing community identities and historic associations*
- *Boundaries shall not overlap with any other UAC*
- *Boundaries in urban areas should include a minimum population of 7,500. However, there will be some consideration and review of areas that go below the threshold if they can demonstrate sufficient size and breadth of citizen participation to adequately represent the interests of the community.*
- *Boundaries should have the flexibility to adjust to community changes when necessary.*

6. Provide an indication of current topics of interest.

Attachment D provides a sampling of plans, programs, projects, and issues currently underway by King County departments. Please review this listing and select several (as many as you want) items that are of particular interest to your UAC at this time. Items of interest that you do not find on the list are also welcomed. This initial list will help us to establish department contacts with your UAC that are relevant to your particular interest areas.

Finally, Attachment E includes a chart which depicts the organization of King County Government and a chart which describes the organization and scope of King County Council Committees. Attachment F describes how UACs are linked to King County Executive Branch departments. We hope these charts and information will be useful as you consider your proposal for recognition as a UAC.

BY-LAWS OF THE UPPER BEAR CREEK COMMUNITY COUNCIL**Article I
Name and Purpose**Section A: Name

1. The name of the organization shall be Upper Bear Creek Community Council; and shall be referred to as UBCCC in these by-laws.

Section B: Purpose

1. The purposes of UBCCC is to represent the residents, business owners, and property owners of the Upper Bear Creek area in their dealings with the government of King County and other entities with respect to issues affecting them and their property.

**Article II
Composition and Membership**Section A: Area of Representation/Boundaries

1. The area to be served by UBCCC is generally the Upper Bear Creek watershed. Actual description: Starting at NE 124th west to the Sammamish River, then north to the Woodinville city limits. Following the eastern boundary of the City of Woodinville north to the county line. West along the Snohomish County line. To West Snoqualmie Valley Road going south to NE 145th. Bounded on the south by NE 145th (if extended) west to Bear Creek Road, south on Bear Creek Road to NE 132nd, west to Avondale, south to NE 128th, west to Red-Wood Highway, representing a portion of unincorporated King County.

Section B: Individual and Organizational Memberships

1. UBCCC is a voluntary organization composed of residents, businesses, or local organizations within the boundaries. Discrimination against any person or group on the basis of race, religion, color, sex, sexual orientation, disability, national origin, income, political affiliation, or other legally protected classification shall not be allowed.
2. Individual membership shall be open to all individuals interested in the purpose of UBCCC. Members must have their primary residence, own property, own a business, or officially represent an organization within the UBCCC boundaries.
3. Each individual member, 18 and older, shall be entitled to one vote. An annual voluntary donation of \$10 for operational funds is suggested.

Article III
General Meetings

Section A: General Meetings

1. General meetings are open to all members and interested visitors and shall be held at least annually at a time and place as designated and publicized by the Board of Directors (the "Board"). (See Section C – Annual Meetings.)
2. General membership meetings shall be held on a regular basis, at a regular time, at a place determined by the Board.

Section B: General Meeting Provisions

1. UBCCC intends that all meetings be open and public and all persons shall be permitted to attend any meeting, except as otherwise provided by the Open Public Meetings Act, RCW 42.30.
2. No member of the public shall be required to register his/her name or other information, pay a fee, or otherwise fulfill any condition precedent to attendance at any public meeting of the Council.
3. All meetings and procedures are to be governed by Robert's Rules of Order, Revised.

Section C: Annual Meetings

1. An annual meeting of the UBCCC shall be held at approximately the same time each year, in the month of March. The date and time shall be set by the Board. Notice shall be given concurrently with notice of the immediately-preceding general membership meeting or earlier.
2. The purpose of the annual meeting shall to be hear the annual reports, to receive nominations for and elect new members of the Board, to vote on proposed amendments to these by-laws, and to conduct such other business as may properly come before it.

Section D: Special Membership Meetings

1. Special Membership meetings may be called by the Board. The Board will provide at least 7 days of public notice in advance of special meetings.
2. Special Membership meetings will have at least two weeks advance notice published in the local newspaper.

Section E: Meetings of the Board

1. The Board shall meet not less than once each quarter. The time and place of the meetings shall be determined by the President. Special meetings of the Board may be called by the President. The President shall call a special meeting of said Board upon request of at least four members of that Board.
2. It is the intent of the Board to meet monthly on the second Tuesday of each month in the Cottage Lake Community Service Center. Notice to that affect will be given to the local newspaper.

Section F: Meeting Notices

1. Notice of Annual Meetings will begin to appear in the local newspaper at least three months in advance of meetings and will contain meeting time, location and subject matter. (See Article IV, Section D – Elections.)
2. Meeting notices will be posted in local public places such as the Library and the Cottage Lake Community Service Center.

**Article IV
Board of Directors**

Section A: Responsibilities of the Board of Directors-Policy and Management

1. Policy: The Board shall develop short-range and long-range goals to help UBCCC fulfill its mission, decide priorities for spending funds, evaluate programs and its own performance, and represent and promote the UBCCC. Each Board member will contribute to the running of the UBCCC.
2. Management: The Board shall be responsible for drawing up the budget, planning and/or supervising fund-raising, ensuring that expenditures are kept within the budget and that projects are carried out on schedule, and ensuring that financial records are kept.

Section B: Responsibilities of Individual Board Members

1. In addition to attending UBCCC meetings, Board members must actively contribute to the operation of the UBCCC. This contribution may include, but is not limited to, heading UBCCC committees and performing the duties of an Officer. The Board may also choose to recognize active contributions to other community groups within the boundaries of the UBCCC.
2. Hold-harmless clause: Action taken by the Board has no force of law and individual Board members are held harmless for any action taken by the UBCCC.

Section C: Composition

1. The Board shall consist of 7 members, including officers (Executive Committee, all members at large), and standing committee chairpersons. There may be no more than two ad-hoc members appointed by the President and approved by the executive committee. An Executive Committee will include the President, Vice-President, Secretary, and Treasurer. Board members must meet membership requirements.

Section D: Elections

1. Election of Board members shall take place at the annual meeting in March, at a time and place which the Board will designate, as described in Article III, Section F.
2. The election meeting will be organized and directed by a nomination and election committee.
3. The committee shall include all those Board members who are not standing for election and one non-member, who is not standing for election.

4. Starting at least 90 days before the election date, the committee shall publicize the election in the community and seek out interested members of the community to run for those board positions open for election.
5. The committee shall publicize a slate of candidates at least 30 days before the election.
6. The chair of the nominating committee shall be selected by the committee from among its own members.
7. Members may offer to serve by written notification to the Board at least 7 days before the annual meeting.
8. Board members will be elected by simple majority of those voting members attending the annual meeting.

Section E: Term of Office

1. Members of the Board shall serve a two-year term. Efforts will be made to stagger terms of office to ensure continuity of the Board.
2. All terms of office shall begin the first day of the membership year. The membership year is from April 1 of a calendar year, through March 31st of the following calendar year.

Section F: Quorum

1. A quorum of the Board shall be a majority of its current membership. However, the Board may conduct its business if there are present two UBCCC officers and at least three more Board members. A quorum exists when a majority of currently elected Board members meet.

Section G: Removal/Vacancies

1. An officer or member of the Board may be removed for conduct detrimental or prejudicial to UBCCC, or for failure to meet their responsibilities as defined under this Article. The member may be removed by a two-thirds vote of the Board, provided that notice of such contemplated action shall have been sent to the member to be removed at least 30 days prior to the meeting at which the vote of removal is to take place.
2. An officer or member of the Board may be disqualified and removed for missing three consecutive meetings. A simple majority vote of the Board shall be required to remove a director for this cause.
3. The Board shall have the power to fill vacancies by a majority vote. Board members so appointed shall serve the remainder of the unfulfilled term.

Article V
Officers

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Section A: Officer Designation

1. The officers of the UBCCC shall be: President, Vice- President, Secretary, and Treasurer. Officers will be selected from the Board, by the Board at the first board meeting following the annual meeting.
 - a) President: The duties of the President are to preside at all meetings of the UBCCC and its Board, prepare the agendas for such meetings, report actions of the Board, be the official spokesperson for UBCCC, convene special meetings as provided in these by-laws, and appoint special representatives. The President shall enforce these by-laws and be responsible for decorum at all meetings. The President shall be a member of the Executive Committee.
 - b) Vice-President: The duties of the Vice-President shall be to serve in the absence of the President, to develop and encourage broader membership participation, and to organize special projects and functions. The Vice-President shall be a member of the Executive Committee.
 - c) Secretary: The Secretary shall notify the members of next meeting date, time, and location. The Secretary shall maintain a list of member's names, addresses, and telephone numbers. Minutes of each UBCCC meeting shall be maintained by the Secretary, with a summary of actions taken and assignments made ready to be presented at subsequent meetings. The Secretary shall perform such duties as may be assigned by the President and Executive Committee and shall be a member of that Committee.
 - d) Treasurer: The Treasurer shall receive and disburse funds as instructed by the UBCCC and its Board in accordance with laws and regulations relating to non-profit organizations. The Treasurer shall file appropriate reports of the financial position of UBCCC at each meeting and arrange for an annual financial audit , making the financial records available for public inspection. The Treasurer shall be a member of the Executive Committee.

Article VI
Committees

Section A: Committee Designation

1. The committees of the UBCCC may include standing committees and ad-hoc committees. Each chairperson of a standing committee shall be a member of the Board. Ad-hoc committees may be appointed by the President with approval of the Board to respond to the special, limited needs of the UBCCC.

Section B: Nominating Committee

1. A nominating committee of three will be appointed by the Board 90 days before an election meeting, for the purpose of recruiting members willing to serve as Board members. Members may offer to serve by written notification to the board at least 7 days before the annual meeting. (see Article IV section C.)

**Article VII
Conflict of Interests and Ethics Rules**

Section A: Conflicts of Interest

1. Members of the Board shall not participate in any discussion or decision in which the Board member, any member of his or her immediate family, or any partner or close business associate, has a material financial interest in the issue being discussed or decided.

Section B: Gratuities

1. No member or employee of the UBCCC may accept any gift, favor, loan retainer, entertainment, or other thing of value when such acceptance would conflict with performance of the member's or employee's duties, or would give rise to the appearance of such a conflict.

Section C: Definitions

1. Immediate family members include spouse, domestic partner, dependent children, other dependent relatives, and other dependent members of the same household.
2. A conflict, or apparent conflict of interests shall be deemed to exist any time a reasonable and prudent person would believe that a thing of value was given for the purpose of obtaining special consideration.
3. Participation in a discussion or decision includes any discussion of an issue or matter among Board members, whether in a session or not. The presence of a Board member during any discussion or deliberation shall be deemed to constitute participation, except that a Board member may participate in any public meeting or session of the UBCCC as set forth below.

Section D: Discussion of Issues

1. A Board member having a conflict of interest, as described above, may at any public meeting of the Board or a committee, after disclosing the conflict to those present, observe the discussions and deliberations of the UBCCC, and speak from the audience in the same manner as any member of the public who is present.

Article VIII
Amendment

Section A: Amending By-Laws

1. These by-laws may be amended by a two-thirds vote of the entire Board or by a two-thirds attending vote at any General Membership meeting, providing that the proposed changes to the by-laws are submitted in writing for discussion at a meeting of the Board 30 days prior to consideration for adoption, and providing that notice has been given to the membership at least ten days prior to the meeting for consideration of the proposal.

Adopted by Upper Bear Creek Community Council, an Unincorporated Area Council of King County Washington, this 9th day of March, 1999.

Prepared by the Organizing Committee:

Bob McCormick

Chuck Eberhart

Nancy Stafford

Steve Gallagher

Kevin Coughlin

Bong StoDomingo, Community Services Representative, King County Department of Community & Human Services

Maria Cain, King County Council, Committee for Unincorporated Affairs

Dana Tonkin Chapman, Legislative Aide to King County Councilmember Louise Miller

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Upper Bear Creek Community Council

18718 NE 161st Place, Woodinville WA 98072

Contact person: Nancy Stafford 425-788-5841 email: n_stafford@juno.com

Upper Bear Creek Community Council Steering Committee

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18000 Bear Creek Farm Rd

Woodinville WA 98072

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Upper Bear Creek Community Council

Items of current interest

- Water quality – especially in the Cottage Lake drainage basin;
- Transportation – this includes mass transit and adequate roads;
- Public Safety – this includes traffic safety especially speeding through traffic – traffic that has to travel through our rural area to an urban area;
- A stronger voice in County affairs – including public hearing notifications, County Council committee meetings;
- Coordination with County departments – This would include being advised at the beginning of a process that will affect the area we represent (this will require County departments and agencies to become pro-active in including the Community Council in planning)

Citizen Participation Initiative
UNINCORPORATED AREA COUNCIL
APPLICATION CHECK-LIST

Applicant: Upper Bear Creek Community Council

CPI CRITERIA	Motion 9643 Criteria	yes/no/needs modification	COMMENTS
MEMBERSHIP			
1. Open to all area residents (within the recognized boundaries of the UAC)	X	YES	Criteria met per Article II. Composition and Membership, Section Organizational Memberships. Section B.1. states, "UBCCC is composed of residents, businesses, or local organizations within B.2. states, "Individual membership shall be open to all individuals for the purpose of UBCCC. Members must have their primary residence in the area, or officially represent an organization within the UBCCC."
2. Non-resident property/business owners may be members if provided in the UAC bylaws	X	YES	Criteria met per Article II. Composition and Membership, Section Organizational Memberships, Section B.2.
3. Must demonstrate sufficient size and breadth of citizen participation of the area	X	YES	The population of the UBCCC is approximately 22,000 per Census Bureau. The UBCCC is approximately 22,000 per Census Bureau. The UBCCC is approximately 22,000 per Census Bureau. The UBCCC is approximately 22,000 per Census Bureau.
4. Must not discriminate against individuals/groups on the basis of race, religion, color, sex, sexual orientation, disability, national origin, income, or political affiliation	X	YES	Criteria met per Article II. Composition and Membership, Section Organizational Memberships, Section B.2.

CPI CRITERIA	Motion 9643 Criteria	yes/no/needs modification	COMMENTS
5. Membership contributions collected on a voluntary basis only	X	YES	Criteria met per Article II. Composition and Membership, Section A.1.
BYLAWS			
6. Provide a copy of your bylaws		YES	Criteria met per submission of Bylaws in the UBCCC Application Council Recognition.
7. Up-to-date bylaws must be maintained at a public location designated by King County	X	YES	Upper Bear Creek Community Council will provide copies to the public at two locations: The Cottage Lake Community Service Center, 10000 Woodinville-Duvall Rd, Woodinville, WA 98072; and the Woodinville Community Center, 10000 Woodinville-Duvall Rd NE, Woodinville, WA 98072.
8. Bylaws must provide for a public process for voting/choosing UAC officers and board members	X	YES	Criteria met per Article II. Composition and Membership, Section A.1. and Article III. Elections. Article II, Section B.1 and B.2, shall be entitled to vote."
9. Bylaws must state geographic boundaries		YES	Criteria met per Article II. Composition and Membership, Section A.1. Representation/Boundaries.
10. Bylaws must establish meeting requirements		YES	Criteria met per general meetings. Article III. Sections A.1. and A.2. describe the meeting process; Sections B.1, B.2., and B.3. describe the meeting process; Sections C.1. and C.2. describe the annual meetings; Sections D.1 and D.2. describe the frequency of board meetings; Sections E.1. and E.2. describe the notification process.
11. Bylaws must provide for open, regularly scheduled public		YES	Criteria met. Article III. General Meetings, Section A.1. states open to all members and interested visitors and shall be held at

CPI CRITERIA	Motion 9643 Criteria	yes/no/needs modification	COMMENTS
meetings			
12. Bylaws must address conflict of interest/ethics issues	X	YES	Criteria met per Article VII. Conflict of Interests and Ethics R
BOUNDARIES			
13. Provided a map with boundaries outlined		YES	Criteria met.
14. Clearly stated boundaries which correspond to existing community identities and historic associations		YES	Criteria met per Article II. Composition and Membership, Section 2.1.1. UBCCC is generally known as the Upper Bear C
15. Boundaries do not overlap with any other UAC	X	YES	Criteria met; there are no UACs at this time in the area.
16. Boundaries in urban areas include a minimum population of 7,500	X	YES	The population of the UBCCC is approximately 22,000 according to the 2000 Census. Development Specialist/Analyst, Office of Regional Policy and Planning
17. Boundaries have the flexibility to adjust to community changes when necessary		YES	Criteria met per Article VIII. Amendment, Section A. 1. w/ 2000 Census. Amendment process.
TOPICS OF INTEREST			
18. Provided a list of topics of interest		YES	Criteria met. See Upper Bear Creek Community Council Application for Recognition of Interest. Area Council Recognition items of current interest.

OTHER GENERAL COMMENTS

Review Team:

Marissa Alegria (Community Services Representative, Dept. of Community and Human Services); Bong StoDomingo (Representative, Dept. of Community and Human Services); Paul Reitenbach (Senior Policy Analyst, Office of Regional Dana Chapman (Legislative Aide, King County Council); Maria Cain (Legislative Aide, King County Council).

On February 22, 1999, the review team was convened to review the changes made by the UBCCC. After discussions a review team recommends that this UAC be forwarded to the Executive and Council for approval.

Prepared by: Bong StoDomingo, DCHS 296-3325.