

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Adoption of Ordinance No. 593 Amending Shoreline Municipal Code Section 15.20, Landmarks Preservation
<b>DEPARTMENT:</b>	City Manager's Office
<b>PRESENTED BY:</b>	John Norris, CMO Management Analyst

**PROBLEM/ISSUE STATEMENT:**

The current process to appoint the City of Shoreline Special Member of the King County Landmarks and Heritage Commission must be clarified so that the process conforms to current Council appointment practices. Furthermore, the current City of Shoreline Special Member of the Commission has served in the role longer than term limits allow. Ordinance No. 593 proposes to amend Shoreline Municipal Code section 15.20.020.B by clarifying the appointment process of the Special Member of the King County Landmarks Commission. Staff has also identified potential amendments for Council to consider if Council is interested in amending the length of term and/or term limits of the Special Member identified in proposed Ordinance No. 593.

**FISCAL IMPACT:**

There is no fiscal impact to adopting Ordinance No. 593. This Ordinance proposes technical corrections to Shoreline Municipal Code Section 15.20.020.B by clarifying the appointment process of the Special Member of the King County Landmarks Commission. Additionally, there is no fiscal impact to recruiting a Special Member of the Commission, as recruitment would be done with current City resources.

**RECOMMENDATION**

Staff recommends that the Council adopt Ordinance No. 593, which amends Shoreline Municipal Code Section 15.20.020.B by clarifying the appointment process of the Special Member of the King County Landmarks and Heritage Commission. Staff also recommends that Council consider the potential motions to amend the length of term and/or term limits of the Special Member identified in proposed Ordinance No. 593.

Approved By:

City Manager 

City Attorney 

**BACKGROUND:**

On January 10<sup>th</sup> of this year, Council met to discuss Shoreline Municipal Code section 15.20, titled Landmarks Preservation. Specifically, Council discussed proposed Ordinance No. 593, which proposed technical amendments to the Landmarks Preservation code regarding the appointment of the Special Member of the King County Landmarks and Heritage Commission (Commission), as well as the policy considerations of the length of term and term limits for the Special Member.

As a reminder, the Commission is a nine-member citizen board in charge of designating landmarks in unincorporated King County and in those cities and towns in King County that have entered into an interlocal agreement with the County for historical preservation services. In 1995, the City of Shoreline entered into an interlocal agreement with King County for that very purpose. Under the terms of the interlocal agreement, the Shoreline City Council appoints a Special Member to the Commission. The Special Member, whose term is for three years with a term limit of two consecutive terms (total of six years), only hears cases related to historic resources nominated for landmark status within Shoreline's borders. This length of term and term limit language mirrors the length of term and term limits stated in the King County Landmarks Preservation code for the regular members of the Commission.

Vicki Stiles, the Executive Director of the Shoreline Historical Museum, is currently the Special Member of the Commission for Shoreline. Ms. Stiles has been the appointed Special Member on the Commission since 1996, and has obviously served in this role longer than the codified term limits allow. Since the City's incorporation, there have only been two historic structures that have gone through the landmarking process. They are the Ronald School Building, which was landmarked in October of 2008, and the Richmond Masonic Lodge, which was just recently landmarked in September of 2010.

Although Ms. Stiles' tenure as Special Member has only coincided with these two landmark designations, staff has spoken with Ms. Stiles about her tenure as Special Member, and she has stated that she is more than comfortable in stepping down from the role. Ms. Stiles also stated that she is open to remaining in the role if Council is not able to find another community member who could serve in this role or would like her to remain.

**SPECIAL COMMISSION MEMBER APPOINTMENT CODE AMENDMENTS:**

At the January 10<sup>th</sup> Council meeting, Council seemed to be supportive of the two technical amendments being proposed by staff for the Landmarks Preservation code. They are:

- Remove the code language that states that the special member of the King County Landmarks and Heritage Commission shall be appointed by the "planning and community development committee" (of the City Council), subject to confirmation of the City Council, and instead have the Special Member appointed directly by the City Council; and
- Amend the King County Code reference in this same section of the Landmarks Preservation code (SMC 15.20.020B) so that it references the correct King County Code number.

Staff continues to recommend that Council adopt Ordinance No. 593, which would codify these two technical amendments.

#### **SPECIAL COMMISSION MEMBER LENGTH OF TERM AND TERM LIMITS:**

Council also discussed the tenure of the current Special Member, Vicki Stiles, at the January 10<sup>th</sup> meeting and the considerations for amending the Landmarks Preservation code with regard to the length of term and term limits of the Special Member. The following options were discussed by Council at that meeting:

- Keep the current Special Member term limits in place.
- Eliminate Special Member term limits so that the Special Member would be able to serve consecutive terms indefinitely.
- Keep the length of term for the Special Member at three years.
- Amend the length of term for the Special Member to either two or four years.
- Assign the length of term to fixed dates, rather than having the term begin upon Council appointment.

Staff is amenable to all of these options for Council consideration, except for the length of the Special Member's term being assigned to fixed dates. Assigning a Council appointee's term to a fixed date is typically done on boards and commissions where there is a desire to have overlap of commission members to assure for board continuity during times of transition and disruption. Given that the Council is only appointing one Special Commission Member at a time, attaching the Special Member's term to a fixed date does not seem to provide much benefit. Thus, staff recommends that Council continue to have the Special Member's term begin upon appointment and end upon the corresponding anniversary date.

An additional question that was raised by Council with regard to term limits was whether any external restrictions existed that would compel the City to maintain the term limits of the Special Member; namely, King County Landmarks Preservation Code or the City's interlocal agreement with King County for historic preservation services. Upon review of these regulations, it is clear that the Council is free to determine the restrictions, or lack thereof, under which the Special Member serves on the Commission. In other words, the Council has the authority to determine the length of term and whether terms limits shall exist for the Special Member.

#### **AMENDMENTS:**

As there was no consensus among Councilmembers about how to proceed with regard to the length of term and term limits of the Special Member, it was suggested to bring back proposed Ordinance No. 593 as an action item where Council would have the ability to amend the ordinance language by motion. Currently, Ordinance No. 593 leaves in the place the current length of term (three years), and term limits (two consecutive three year terms) of the Special Member. If however Council wishes to amend the length of term and/or term limit language in the proposed ordinance, staff recommends that Council make the following motions prior to adoption of the ordinance:

**Length of Term Amendment:** I move to amend Ordinance No. 593 so that the third sentence of subsection B. of Landmarks Preservation section 15.20.020 in the Ordinance reads, "Such appointment shall be made for a four (or two)-year term."

**Term Limit Amendment:** I move to amend Ordinance No. 593 so that the sixth sentence of subsection B. of Landmarks Preservation section 15.20.020 in the Ordinance reads, "Such special member may be reappointed", and the clause "but may not serve more than two consecutive three-year terms" and sentence, " is redacted.

It should also be noted that regardless if Ordinance No. 593 is adopted as is or with the term limit amendment, Council must still initiate the process of selecting a Special Member to the King County Landmarks and Heritage Commission by directing the City Manager to recruit a Special Member for Council consideration and appointment. Given that the current Special Member has served beyond her stated three year term, Council must move forward with the appointment process for a new term. Removing term limits will just allow the current (and potentially future) Special Member to continue to reapply for the role.

**FISCAL IMPACT:**

There is no fiscal impact to adopting Ordinance No. 593. This Ordinance proposes technical corrections to Shoreline Municipal Code Section 15.20.020.B by clarifying the appointment process of the Special Member of the King County Landmarks Commission. Additionally, there is no fiscal impact to recruiting a Special Member of the Commission, as recruitment would be done with current City resources.

**RECOMMENDATION**

Staff recommends that the Council adopt Ordinance No. 593, which amends Shoreline Municipal Code Section 15.20.020.B by clarifying the appointment process of the Special Member of the King County Landmarks and Heritage Commission. Staff also recommends that Council consider the potential motions to amend the length of term and/or term limits of the Special Member identified in proposed Ordinance No. 593.

**Attachments:**

Attachment A: Proposed Ordinance No. 593, Amending SMC 15.20.020

## ORDINANCE NO. 593

### AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING SHORELINE MUNICIPAL CODE CHAPTER 15.20, LANDMARKS PRESERVATION, TO CLARIFY THE APPOINTMENT PROCESS FOR THE SPECIAL MEMBER OF THE KING COUNTY LANDMARKS COMMISSION

WHEREAS, the City authorized and entered into an interlocal agreement relating to landmark designation and protection services between the City of Shoreline and King County on August 21, 1995; and

WHEREAS, the City adopted Ordinance No. 53 (Landmarks Preservation Ordinance) relating to the protection and preservation of landmarks in the City, establishing procedures for designation and preservation of landmarks, and providing for enforcement and prescribing penalties for violation; and

WHEREAS, the City adopted Ordinance No. 323 amending the Landmarks Preservation section of the Shoreline Municipal Code (SMC Section 15.20) to incorporate King County Landmarks Provisions required by the King County landmarks interlocal agreement; and

WHEREAS, the staff has proposed and recommended a technical amendment to the Landmarks Preservation section of the Shoreline Municipal Code relating to the appointment process for the Special Member of the King County Landmarks Commission; and

WHEREAS, amending the Landmarks Preservation section of the Shoreline Municipal Code will bring the code language into compliance with current practice;

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

**Section 1. Amended Section.** Section 15.20.020 of the Shoreline Municipal Code, *Landmarks and heritage commission created – Membership and organization*, is amended as follows:

**Section 15.20.020 Landmarks and heritage commission created – Membership and organization.**

A. The King County landmarks and heritage commission established pursuant to Chapter 20.62 KCC is hereby designated and empowered to act as the landmarks commission for the city of Shoreline pursuant to the provisions of this chapter.

B. The special member of the King County landmarks and heritage commission provided for in ~~KCC 20.60.030~~ KCC 20.62.030 shall be appointed by the ~~planning and community development committee subject to confirmation of the city council~~. Such special member shall have a demonstrated interest and competence in historic preservation. Such appointment shall be made for a three-year term. Such special member shall serve until his or her successor is duly appointed and confirmed. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and the same qualifications as if at the

beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Such special member may be reappointed, but may not serve more than two consecutive three-year terms. Such special member shall be deemed to have served one full term if such special member resigns at any time after appointment or if such special member serves more than two years of an unexpired term. The special members of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or program. The city of Shoreline shall reimburse such expenses incurred by such special member.

C. The commission shall not conduct any public hearings required under this chapter with respect to properties located within the city of Shoreline until its rules and regulations, including procedure consistent with this chapter, have been filed with the city clerk.

**Section 2. 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date and Publication.** A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON FEBRUARY 14, 2011.**

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Mayor Keith McGlashan

**ATTEST:**

**APPROVED AS TO FORM:**

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Scott Passey  
City Clerk

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Ian Sievers  
City Attorney

Date of Publication: February 17, 2011  
Effective Date: February 22, 2011