



Environmental Services Commission

By-Laws

The following by-laws of the Environmental Services Commission were amended and adopted by the Commission at its June 9, 2022 meeting.

The by-laws contain the following items:

- I. Objective
 - II. Composition of Commission
 - III. Officer Election and Terms of Office
 - IV. Duties and Responsibilities of Officers and Members
 - V. Absences
 - VI. Establishment of Subcommittees
 - VII. Staffing
 - VIII. Meetings
 - IX. Public Comment
 - X. Recordkeeping
 - XI. Open Public Meetings Act and E-mail Exchanges
 - XII. Reporting Procedure to the City Council
 - XIII. Miscellaneous
 - XIV. By-law Amendments
- I. Objective**
- A. The Environmental Services Commission (“Commission”) shall review and make recommendations to the City Council, City Manager, and City staff on wastewater, stormwater, and solid waste rates, rate structures, services, policies, and programs developed by Environmental Services. Commission members will consider the environment, equity, cultural and economic responsibilities, and the duties, obligations and limitations under state, federal and local laws and regulations.
- II. Composition of Commission**
- A. The Environmental Services Commission consists of 15 members, serving staggered terms of three years, representing a cross-section of Tacoma’s residential, business, and regulatory communities. There are 13 voting members and two ex-officio non-voting members all appointed by the City Manager, or designee.

Members shall represent the following classes of utility customer and interests:

1. **Large Business** (e.g., hospitals, Tacoma Mall, manufacturers);
2. **Small Business** (e.g., retail, restaurant, office);
3. **Developers** (e.g., residential, commercial general contractor/developer, builders association);
4. **Commercial/Business Association** (e.g., Chamber of Commerce, Executive Council);
5. **Government Customer/Interests** (two positions) (e.g., Pierce County, Fife, Fircrest, Metro Parks Tacoma, Port of Tacoma, Puyallup Tribe, Tacoma Public Schools);
6. **Multi-family Residential** (two positions) (e.g., apartment landlord);
7. **Residential** (three positions representing Council Districts);
8. **Residential** (At-large position);
9. **Sustainable Tacoma Commission Liaison**; and
10. **Regulatory Agency/ ex-officio member** (two positions) (e.g. Washington State Department of Ecology, Tacoma-Pierce County Health Department).

III. Officer Election and Terms of Office

- A. The Commission shall elect its own Chair and Vice Chair, both of whom shall be members of the Commission.
 1. Nominations and Elections. Officers shall be nominated and elected at the first meeting of the year. New officers will assume duties at the meeting following their election.
 2. Officer Qualification Considerations. The Officers should:
 - a) be interested in holding the position;
 - b) be able to devote sufficient time to Commission business;
 - c) be committed to attending as many regular and special Commission meetings as possible;
 - d) be prepared to make presentations to the City Manager, City Council, citizens, committees, neighborhood groups, and service clubs regarding Commission responsibilities, projects, plans, and policies;
 - e) have sufficient experience on the Commission to understand its role and functions, and have a basic understanding of the City's Environmental Services utility rates structures, policies, and regulations; and
 - f) be adequately skilled in meeting facilitation and agenda building including a general understanding of parliamentary procedure.
- B. Term of Office. The term of office shall be for one (1) year or until the next scheduled election. In case of any vacancy in office, the vacancy shall be filled by an election at the first regular meeting after the occurrence of such vacancy.

IV. Duties and Responsibilities of Officers and Members

- A. Chair. The Chair shall preside over all meetings of the Commission and assist staff in development of the agenda and other official Commission communications. All official statements adopted by the Commission and Commission correspondence shall be signed in his/her name as Chair of the Commission.
- B. Vice-Chair. In the event of the absence of the Chair or his/her inability to act, the Vice-Chair shall take his/her place and perform his/her duties.
- C. Temporary Chair. In the event of the absences or inability to act of both the Chair and the Vice-Chair, the remaining members of the Commission shall appoint one of their members to temporarily act as Chair.

V. Absences

- A. Upon a member missing three (3) unexcused consecutive regular meetings, the Commission shall afford such member a hearing to determine whether the absences are to be excused. If the Commission determines not to excuse such absences, then the Commission shall determine the question of whether the Commission shall recommend to the City Manager that such member should be deemed to have forfeited his/her office and a new member be appointed to fill the unexpired term.
- B. Requests by members to be excused shall be stated by the member at a Commission meeting or be submitted to the Commission or Staff who shall then present the request to the Commission. The Commission shall then approve or deny the request.

VI. Establishment of Subcommittees

- A. The Commission may establish subcommittees, the members of which shall be appointed by a majority vote. Subcommittees shall expire after their report has been approved by the Commission, or one year after the subcommittee is established.

VII. Staffing

- A. The Environmental Services Department, in coordination with other departments of the City, shall organize and supervise clerical details of the Commission's business and shall be responsible to the Commission for the proper preparation and maintenance of the Commission's public records.

VIII. Meetings

- A. Regular Meetings. The Commission shall schedule at least four regular meetings per year at dates and times to be determined by the Commission. The notice for any regular public meeting shall conform to the requirements of the Washington State Open Public Meetings Act (OPMA), Chapter 42.30 RCW.
- B. Special Meetings. Special meetings may be called by the Chair of the Commission, or by a majority of the Commission members. Notices of special meetings and the transaction of business at a special meeting shall conform to the requirements of the OPMA.
- C. Quorum. A quorum is required for the transaction of official business. A quorum is defined as a majority of the voting members of the Commission.

D. Every official act taken by the Commission shall be by motion by an affirmative vote of a majority of the quorum. In the event that a member disqualifies themselves or passes, this is to be registered as "not voting". Notwithstanding Robert's Rules of Order, the presiding Chair shall vote on all motions.

E. Order of Business.

1. Roll Call.
2. Approval of meeting minutes not previously approved.
3. Public Comment.
4. Consideration of business items in the order set forth in the meeting agenda.
5. Staff Reports.
6. Other Items of Interest.
7. Adjournment.

The preceding order of business may be modified for any meeting by a majority of the quorum present.

F. Conduct of public meetings:

1. The Chair of the Commission shall preside over all public meetings of the Commission except as provided for in Section III of these by-laws.
2. The Chair introduces the agenda items.
3. Staff, if appropriate, summarizes the staff report or other information prepared or received by the staff on the agenda item.
4. The Commission considers requests and may ask questions of the staff or others in attendance at the direction of the Chair.
5. The Commission takes appropriate action, if an action is required.

IX. Public Comment

- A. Written Comment. Written comments will only be accepted for items on the agenda. Comments must be submitted to before 12 noon prior to that evening's meeting. Comments will be compiled and sent to the Commissioners and posted as public record on the ESC web page. Posted comments are not edited and will include all content and information submitted, which, for comments submitted via email, will include the email address from which it was sent.
- B. Verbal Comment. Public comments will be taken at the beginning of each meeting. Comments will only be accepted for items on the agenda.

X. Recordkeeping

- A. The Commission's adopted minutes of the public meetings shall be the official records.
- B. Supplemental records pertaining to matters of public meetings shall be kept on file in the Environmental Services Department. These supplemental records may include but not be limited to the following:
 - 1. Description of agenda items, including all submitted information therewith.
 - 2. Reports by Environmental Services staff on the matter as presented to the Commission at a meeting thereof, including such material submitted in writing and in map form.
 - 3. Written communications concerning the matter.
 - 4. Records of all actions taken by the Commission in the matter.
 - 5. Record of actions taken by the City Council in the matter.

XI. Open Public Meetings Act and E-mail Exchanges

- A. E-mail exchanges between members of the Commission can constitute a violation of the Washington State Open Public Meetings Act (OPMA), Chapter 42.30 RCW. Generally, if a majority of the members participate in an e-mail discussion of Commission business, the members are conducting a meeting in violation of the OPMA requirement that meetings must be "open to the public with prior notice." It is suggested that Commission members observe the following guidelines to avoid OPMA problems with e-mail exchanges:
 - 1. When possible, limit e-mail exchanges on issues related to Commission business to less than a majority of Commission members. Sending copies of an e-mail to less than a majority may not suffice if subsequent exchanges relay the content of the original exchange to a majority of members.
 - 2. Never decide at an open meeting that a majority of the Commission will continue or complete discussion of an agenda item by e-mail.
 - 3. One-sided (no response anticipated) informational e-mails to a majority or more of Commission members are probably consistent with the OPMA. In open meetings, the Commission members should verbally announce that they have sent this type of e-mail if it relates to the discussion at hand. Commission members are free to engage in e-mail exchanges with staff on one-sided e-mails, but not with each other.
 - 4. E-mail exchanges on issues that the Commission will not address are consistent with the OPMA. However, if any reasonable chance exists that an issue relates to a vote that may or will come before the Commission, a majority of the Commission should not subject the issue to e-mail discussion.

XII. Miscellaneous

- A. Code of Ethics. Members of the Commission shall comply with the City of Tacoma's Code of Ethics pursuant to the Tacoma Municipal Code Chapter 1.46 while conducting Commission business. The types of conduct that constitute violations of the Code of Ethics include 1) conflicts of interest, 2) financial interests and personal gain in contracts, 3) beneficial influence in contract selection, 4) representation of private person at City proceeding, 5) certain private employment, 6) disclosure of confidential information, 7) improper use of position, 8) improper use of City personnel, 9) improper use of City property, and 10) acceptance of compensation, gifts, favors, rewards, or gratuity.
- B. Conferences. Members of the Commission may attend, at their own expense, conferences, meetings and training courses closely related to Commission business.

XIII. By-laws Amendments

- A. The by-laws may be amended by the Commission by a majority of vote at any regular or special meeting.