

ATTACHMENT B

EXCERPTED SECTIONS OF

REVISED CODE OF WASHINGTON PERTAINING TO PLANNING AGENCY

RCW 35A.63.010

Definitions.

The following words or terms as used in this chapter shall have the meanings set forth below unless different meanings are clearly indicated by the context:

(1) "Chief administrative officer" means the mayor in code cities operating under the mayor-council and commission forms, the city manager in code cities operating under the council-manager forms, or such other officer as the charter of a charter code city designates as the chief administrative officer.

(2) "City" means an incorporated city or town.

(3) "Code city" is used where the application of this chapter is limited to a code city; where joint, regional, or cooperative action is intended, a code city may be included in the unrestricted terms "city" or "municipality".

(4) "Comprehensive plan" means the policies and proposals approved by the legislative body as set forth in RCW 35A.63.060 through 35A.63.072 of this chapter and containing, at least, the elements set forth in RCW 35A.63.061.

(5) "Legislative body" means a code city council, a code city commission, and, in cases involving regional or cooperative planning or action, the governing body of a municipality.

(6) "Municipality" includes any code city and, in cases of regional or cooperative planning or action, any city, town, township, county, or special district.

(7) "Ordinance" means a legislative enactment by the legislative body of a municipality; in this chapter "ordinance" is synonymous with the term "resolution" when "resolution" is used as representing a legislative enactment.

(8) "Planning agency" means any person, body, or organization designated by the legislative body to perform a planning function or portion thereof for a municipality, and includes, without limitation, any commission, committee, department, or board together with its staff members, employees, agents, and consultants.

(9) "Special district" means that portion of the state, county, or other political subdivision created under general law for rendering of one or more local public services or for administrative, educational, judicial, or political purposes.

RCW 35A.63.020

Planning agency — Creation — Powers and duties — Conflicts of interest.

By ordinance a code city may create a planning agency and provide for its membership, organization, and expenses. The planning agency shall serve in an advisory capacity to the chief administrative officer or the legislative body, or both, as may be provided by ordinance and shall have such other powers and duties as shall be provided by ordinance. If any person or persons on a planning agency concludes that he or she has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the agency so that he or she cannot discharge his or her duties on such an agency, he or she shall disqualify himself or herself from participating in the deliberations and the decision-making process with respect to the matter. If this occurs, the appointing authority that appoints such a person may appoint a person to serve as an alternate on the agency to serve in his or her stead in regard to such a matter.

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RCW 35A.63.030

Joint meetings and cooperative action.

Pursuant to the authorization of the legislative body, a code city planning agency may hold joint meetings with one or more city or county planning agencies (including city or county planning agencies in adjoining states) in any combination and may contract with another municipality for planning services. A code city may enter into cooperative arrangements with one or more municipalities and with any regional planning council organized under this chapter for jointly engaging a planning director and such other employees as may be required to operate a joint planning staff.

RCW 35A.63.030

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RCW 35A.63.050

Receipt and expenditure of funds.

Any code city or any regional planning commission that includes a code city, when authorized by the legislative bodies of the municipalities represented by the regional planning commission, may enter into an agreement with any department or agency of the government of the United States or the state of Washington, or its agencies or political subdivisions, or any other public or private agency, to arrange for the receipt and expenditure of funds for planning in the interest of furthering the planning program.

RCW 35A.63.060

Comprehensive plan — General.

Every code city, by ordinance, shall direct the planning agency to prepare a comprehensive plan for anticipating and influencing the orderly and coordinated development of land and building uses of the code city and its environs. The comprehensive plan may be prepared as a whole or in successive parts. The plan should integrate transportation and land use planning.

RCW 35A.63.061

Comprehensive plan — Required elements.

The comprehensive plan shall be in such form and of such scope as the code city's ordinance or charter may require. It may consist of a map or maps, diagrams, charts, reports and descriptive and explanatory text or other devices and materials to express, explain, or depict the elements of the plan; and it shall include a recommended plan, scheme, or design for each of the following elements:

(1) A land-use element that designates the proposed general distribution, general location, and extent of the uses of land. These uses may include, but are not limited to, agricultural, residential, commercial, industrial, recreational, educational, public, and other categories of public and private uses of land. The land-use element shall also include estimates of future population growth in, and statements of recommended standards of population density and building intensity for, the area covered by the comprehensive plan. The land use element shall also provide for protection of the quality and quantity of groundwater used for public water supplies and shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound.

(2) A circulation element consisting of the general location, alignment, and extent of existing and proposed major thoroughfares, major transportation routes, and major terminal facilities, all of which shall be correlated with the land-use element of the comprehensive plan.

RCW 35A.63.062

Comprehensive plan — Optional elements.

The comprehensive plan may include also any or all of the following optional elements:

- (1) A conservation element for the conservation, development, and utilization of natural resources.
- (2) An open space, park, and recreation element.
- (3) A transportation element showing a comprehensive system of surface, air, and water transportation routes and facilities.
- (4) A public-use element showing general locations, designs, and arrangements of public buildings and uses.
- (5) A public utilities element showing general plans for public and franchised services and facilities.
- (6) A redevelopment or renewal element showing plans for the redevelopment or renewal of slum and blighted areas.
- (7) An urban design element for general organization of the physical parts of the urban landscape.
- (8) Other elements dealing with subjects that, in the opinion of the legislative body, relate to the development of the municipality, or are essential or desirable to coordinate public services and programs with such development.
- (9) A solar energy element for encouragement and protection of access to direct sunlight for solar energy systems.

RCW 35A.63.070

Comprehensive plan — Notice and hearing.

After preparing the comprehensive plan, or successive parts thereof, as the case may be, the planning agency shall hold at least one public hearing on the comprehensive plan or successive part. Notice of the time, place, and purpose of such public hearing shall be given as provided by ordinance and including at least one publication in a newspaper of general circulation delivered in the code city and in the official gazette, if any, of the code city, at least ten days prior to the date of the hearing. Continued hearings may be held at the discretion of the planning agency but no additional notices need be published.

RCW 35A.63.071

Comprehensive plan — Forwarding to legislative body.

Upon completion of the hearing or hearings on the comprehensive plan or successive parts thereof, the planning agency, after making such changes as it deems necessary following such hearing, shall transmit a copy of its recommendations for the comprehensive plan, or successive parts thereof, to the legislative body through the chief administrative officer, who shall acknowledge receipt thereof and direct the clerk to certify thereon the date of receipt.

RCW 35A.63.072

Comprehensive plan — Approval by legislative body.

Within sixty days from its receipt of the recommendation for the comprehensive plan, as above set forth, the legislative body at a public meeting shall consider the same. The legislative body within such period as it may by ordinance provide, shall vote to approve or disapprove or to modify and approve, as modified, the comprehensive

plan or to refer it back to the planning agency for further proceedings, in which case the legislative body shall specify the time within which the planning agency shall report back to the legislative body its findings and recommendations on the matters referred to it. The final form and content of the comprehensive plan shall be determined by the legislative body. An affirmative vote of not less than a majority of total members of the legislative body shall be required for adoption of a resolution to approve the plan or its parts. The comprehensive plan, or its successive parts, as approved by the legislative body, shall be filed with an appropriate official of the code city and shall be available for public i

RCW 35A.63.073

Comprehensive plan — Amendments and modifications.

All amendments, modifications, or alterations in the comprehensive plan or any part thereof shall be processed in the same manner as set forth in RCW [35A.63.070](#) through [35A.63.072](#).

RCW 35A.63.080

Comprehensive plan — Effect.

From the date of approval by the legislative body the comprehensive plan, its parts and modifications thereof, shall serve as a basic source of reference for future legislative and administrative action: PROVIDED, That the comprehensive plan shall not be construed as a regulation of property rights or land uses: PROVIDED, FURTHER, That no procedural irregularity or informality in the consideration, hearing, and development of the comprehensive plan or a part thereof, or any of its elements, shall affect the validity of any zoning ordinance or amendment thereto enacted by the code city after the approval of the comprehensive plan.

The comprehensive plan shall be consulted as a preliminary to the establishment, improvement, abandonment, or vacation of any street, park, public way, public building, or public structure, and no dedication of any street or other area for public use shall be accepted by the legislative body until the location, character, extent, and effect thereof shall have been considered by the planning agency with reference to the comprehensive plan. The legislative body shall specify the time within which the planning agency shall report and make a recommendation with respect thereto. Recommendations of the planning agency shall be advisory only.

RCW 35A.63.100

Municipal authority.

After approval of the comprehensive plan, as set forth above, the legislative body, in developing the municipality and in regulating the use of land, may implement or give effect to the comprehensive plan or parts thereof by ordinance or other action to such extent as the legislative body deems necessary or appropriate. Such ordinances or other action may provide for:

(1) Adoption of an official map and regulations relating thereto designating locations and requirements for one or more of the following: Streets, parks, public buildings, and other public facilities, and protecting such sites against encroachment by buildings and other physical structures.

(2) Dividing the municipality, or portions thereof, into appropriate zones within which specific standards, requirements, and conditions may be provided for regulating the use of public and private land, buildings, and structures, and the location, height, bulk, number of stories, and size of buildings and structures, size of yards, courts, open spaces, density of population, ratio of land area to the area of buildings and structures, setbacks, area required for off-street parking, protection of access to direct sunlight for solar energy systems, and such other standards, requirements, regulations, and procedures as are appropriately related thereto. The ordinance encompassing the matters of this subsection is hereinafter called the "zoning ordinance". No zoning ordinance, or amendment thereto, shall be enacted by the legislative body without at least one public hearing, notice of which shall be given as set forth in RCW [35A.63.070](#). Such hearing may be held before the planning agency or the board of adjustment or such other body as the legislative body shall designate.

(3) Adoption of design standards, requirements, regulations, and procedures for the subdivision of land into two or more parcels, including, but not limited to, the approval of plats, dedications, acquisitions, improvements, and reservation of sites for public use.

(4) Scheduling public improvements on the basis of recommended priorities over a period of years, subject to periodic review.

(5) Such other matters as may be otherwise authorized by law or as the legislative body deems necessary or appropriate to effectuate the goals and objectives of the comprehensive plan or parts thereof and the purposes of this chapter.

RCW 35A.63.120

Administration and enforcement.

In order to carry into effect the purposes of this chapter, administrative and enforcement responsibilities, other than those set forth in RCW 35A.63.110, may be assigned by ordinance to such departments, boards, officials, employees, or agents as the legislative body deems appropriate.

RCW 35A.63.140

Duties and responsibilities imposed by other acts.

Any duties and responsibilities which by other statutes are imposed upon a planning commission may, in a code city, be performed by a planning agency, as provided in this chapter.

RCW 35A.63.150

Public hearings.

The legislative body may provide by ordinance for such additional public hearings and notice thereof as it deems to be appropriate in connection with any action contemplated under this chapter.

RCW 35A.63.152

Public notice — Identification of affected property.

Any notice made under chapter 35A.63 RCW that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means.

RCW 35A.63.160

Construction — 1967 ex.s. c 119.

This title is intended to implement and preserve to code cities all powers authorized by Article XI, section 11 of the Constitution of the state of Washington and the provision of this title shall not limit any code city from exercising its constitutionally granted power to plan for and to make and enforce within its limits all such local police, sanitary, and other regulations in the manner that its charter or ordinances may provide.

RCW 35A.63.170

Hearing examiner system — Adoption authorized — Alternative — Functions — Procedures.

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use;

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

(2) Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or

(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

RCW 35A.63.220

Moratoria, interim zoning controls — Public hearing — Limitation on length.

A legislative body that adopts a moratorium or interim zoning ordinance, without holding a public hearing on the proposed moratorium or interim zoning ordinance, shall hold a public hearing on the adopted moratorium or interim zoning ordinance within at least sixty days of its adoption, whether or not the legislative body received a recommendation on the matter from the planning agency. If the legislative body does not adopt findings of fact justifying its action before this hearing, then the legislative body shall do so immediately after this public hearing. A moratorium or interim zoning ordinance adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium of [or] interim zoning ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

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CITY OF COLVILLE
COLVILLE, WASHINGTON
PLANNING COMMISSION BYLAWS

Article I – Name

The official name shall be, "The City of Colville Planning Commission."

Article II – Official Meeting Place

The official meeting place of the Commission shall be in the City Hall of Colville, Washington, and meetings shall be held there except at such times a majority vote of the Commission otherwise directs.

Article III – Organization of the Commission

1. Members: There shall be seven members appointed by the Mayor. Appointment shall be in accord with 1935 Washington Planning Enabling Act and the City of Colville Ordinance creating the Commission.

2. Officers: A Chairman, Vice-Chairman and any other officers the Commission deems necessary shall be elected at the first Commission meeting in April of each year. A secretary shall be appointed by the Chairman.

3. Duties of Chairman: The Chairman shall preside over all regular and special meetings of the Commission. He shall appoint all committees and serve as an ex-officio member of each. The Chairman shall have the privilege of discussing any matter before the Commission and voting thereon. He shall have all the duties and authority afforded a Chairman by standard parliamentary procedure as detailed in Robert's Rules of Order, Revised.

4. Duties of Vice-Chairman: The Vice-Chairman shall assume the duties and powers of the Chairman during his absence. In the event both the Chairman and Vice-Chairman are absent, the members of the Commission present shall elect a temporary Chairman, who shall have full powers of the Chairman.

5. Duties of Secretary: The Secretary shall keep a record of all meetings of the Commission and any of its committees. The Secretary shall give notice of all special meetings, shall prepare in conjunction with the Chairman, the agenda for meetings, and shall maintain a file at City Hall of all studies, plans, reports, recommendations, and correspondence of the Commission. In addition, the Secretary shall perform such other duties as the Chairman may determine.

6. Terms of Office: The Chairman, Vice-Chairman and any other elected officers shall serve for a period of one year. In the event of a vacancy in an office, an election shall be held at the next regular meeting to fill the unexpired term except that the Vice-Chairman shall assume the office of Chairman in the event of his resignation.

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Article IV – Meetings

1. The Commission shall hold regular meetings on the second and fourth Wednesdays of each month at 7:00 p.m. except when changed by a majority vote of the Commission.

2. The Chairman may call for a special meeting of the Commission by providing at least 72 hours notice to the Commission members, and to the public via the local media. The Commission, by request of two members, may also call for a special meeting in accord with the requirements specified above.

3. All meetings of the Commission shall be open to the public.

Article V – Transaction of Business

1. A quorum shall consist of not less than four appointed members as determined at the opening of the meeting. Action shall be taken by a majority vote of those present and shall be taken as an action of the Commission.

2. Official actions are limited to those matters included on the agenda.

3. In order for an item to be placed on the agenda of a regular meeting, it must be received by the Chairman or the Secretary the Wednesday preceding the meeting, except if a public hearing is required the Secretary must receive the request soon enough to allow sufficient time for publication prior to the meeting, in accord with requirements of ordinance under which the public hearing is being held. Copies of the agenda shall be available to the Commission and the public at least ~~two~~ days prior to the meeting.

4. Order of Business:

a) Quorum determination

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- b) Call to order
- c) Approval of minutes of preceding meeting
- d) Reading of written communications
- e) Public hearings
- f) Petitions or communications from audience
- g) Communications from Planning Commission members or committees
- h) Communications from staff
- i) Adjournment

5. Procedures for Public Hearings:

- a) The Chairman reviews the subject of the hearing orally. The Planning staff adds any background or related information. The Commission members may ask relevant questions of the Commission or staff. The hearing is opened. All petitions and/or data from the staff, Commission and audience shall be presented.
- b) The Planning staff presents a technical analysis, reviews planning considerations and implications, cites alternatives and makes recommendations, if any.

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- c) Spokesman for proponents are given the opportunity to speak in favor of the hearing subject or application. All information should be factual, relevant, and not repetitious of previous presentations. A reasonable time shall be allowed the spokesman; others shall be limited to short supporting remarks. Every individual that speaks shall give their name and address.
- d) Spokesman for opponents are given the opportunity to speak in opposition to the hearing subject or application. All information should be factual, relevant, and not repetitious of previous presentations. A reasonable time shall be allowed the spokesman; others shall be limited to short supporting remarks. Every individual that speaks shall give their name and address.
- e) Spokesman for the proponents and opponents are allowed brief rebuttal time.
- f) Commission members or the staff voice any other significant considerations or pose questions.
- g) The public hearing is closed.
- h) Motion for disposition from Commission and seconding of motion.
- i) The Chairman restates the motion as presented and identifies the author and second of the motion.
- j) Additional discussion by Commission members.
- k) Disposition of motion.

Article VI – Conflict of Interest

Any Commission member who, in his opinion, has an interest in any matter before the Commission that could prejudice his actions shall so indicate publicly and shall refrain from any discussion on the matter as well as voting thereon.

Article VII – Attendance

1. Attendance is expected of all Commission members at all regular and special meetings.
2. In the event a Commission member is absent from 3 or more consecutive regular meetings, the Commission shall so indicate to the City Council and may recommend the removal of the Commission member.
3. A Commission member may, for personal reasons or to fulfill a required obligation, request a leave of absence. The request shall be made in writing and submitted to the Planning Commission. The Commission shall forward the result, together with its recommendation, to the Mayor.

A leave of absence may be granted by the Mayor, who may temporarily fill the Commissioner's position during the term of the leave of absence.

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Article VIII – Records

The following are official records of the Commission: All written studies, plans, correspondence, agendas, minutes, staff or committee reports, and other documents and public record except documents pertaining solely to personnel matters.

Article IX – Amendments to Bylaws

These bylaws may be amended at any regular meeting of the Commission. Amendment shall require the affirmative vote of four members and shall have been submitted at the previous meeting. Any bylaws previously adopted are hereby repealed.

Adopted this 23rd day of June 2004.

/s/ Jody Hoffma

Chairman

ATTEST:

/s/ Susan Davis

Secretary

**BY-LAWS AND RULES OF PROCEDURE
OF THE**

PLANNING COMMISSION OF THE COUNTY OF DOUGLAS

We, the members of the Planning Commission of the County of Douglas, authorized by Chapter 36.70 RCW and duly appointed by the Douglas County Board of Commissioners, do hereby adopt, publish, and declare the following by-laws and rules of procedure:

ARTICLE I. NAME AND MAILING ADDRESS

A. The official name shall be the "DOUGLAS COUNTY PLANNING COMMISSION", herein referred to as "Planning Commission."

B. The official mailing address of the Planning Commission shall be the same as the mailing address for the Douglas County Department of Transportation and Land Services.

ARTICLE II. MEETINGS AND QUORUM

A. Regular meetings of the Planning Commission shall be held at 6:30 PM in the Douglas County Public Services Building, 140 14th Street NW, East Wenatchee, Washington, or such other place as the Chair shall designate, on the third Wednesday of the month. A meeting may be canceled if there are no matters for the Planning Commission to consider. Five (5) days written notice of such meeting shall be given to each member of the Planning Commission. Special meetings of the Planning Commission may be held upon the call of the Chair, Vice-Chair, Executive Secretary or at the request of a majority of the members of the Planning Commission.

B. A majority of the total members of the Planning Commission shall constitute a quorum for the transaction of any business that may come before any regular or special meeting of the Planning Commission.

C. The sessions of the Planning Commission shall be open to the public and shall proceed in accordance with provisions of the Open Public Meetings Act of 1971, RCW 42.30 as amended.

D. Except where in conflict with these By-laws and Rules of Procedure, Roberts Rules of Order shall govern the conduct of all public meetings and hearings of this body.

PLANNING COMMISSION BY-LAWS February 20, 2008

ARTICLE III. OFFICERS, ELECTIONS AND TERMS

A. The officers of the Planning Commission shall be a Chair, Vice-Chair, and Executive Secretary. The officers, except the Executive Secretary, shall be regularly appointed members of the Planning Commission.

B. The Chair shall preside over the meetings of the Planning Commission and exercise all the powers usually incident of the office, retaining the full right to vote in all deliberations of the Planning Commission. The Chair shall decide on all points of order and procedure, subject to these by-laws and Roberts Rules of order. The Chair shall appoint any committees found necessary to investigate any matters before the Planning Commission.

C. The Vice-Chair shall, in the absence of the Chair, perform all the duties incumbent upon the Chair. In the absence of the Chair and Vice-Chair, the members present may elect for the meeting an acting Chair who shall have full powers of the Chair during the absence of the Chair and Vice-Chair.

D. The Douglas County Director of Land Services or his/her designee shall serve, ex officio without vote, as the Executive Secretary. The Executive Secretary shall keep a record of all meetings of the Planning Commission and, when requested to do so, its committees. These records, together with the seal, shall remain the property of the Planning Commission and be retained at the office of the Douglas County Department of Transportation and Land Services.

E. The officers, with the exception of the Executive Secretary, shall be elected prior to July 1 of each calendar year and shall assume office on July 1 of each calendar year. The officers shall serve for a period of one year, serving until a successor has been elected and assumes office.

F. Vacancies in office shall be filled by special election

ARTICLE IV. VOTING

A. Each regularly appointed member, including the Chair, shall be entitled to one vote on any matter that may come before the Planning Commission. Except on administrative or procedural matters, the record of the Planning Commission shall show the individual vote of each member.

B. The approval of a comprehensive plan, or any amendment, extension, or addition thereto; or the recommendation to the Board of Commissioners of any official control or amendments thereto, shall require the affirmative vote of not less than a majority of the total membership of the Planning Commission. Passage of other matters upon which the Planning Commission is authorized to act shall require the affirmative vote of the quorum in session at the time.

PLANNING COMMISSION BY-LAWS February 20, 2008

C. Failure of a motion to approve any matter upon which the Planning Commission is authorized to act shall be deemed a denial. Failure of a motion to deny any matter upon which the Planning Commission is authorized to act shall not constitute approval.

D. The Planning Commission shall include findings of fact supporting any action upon which it is authorized to act. A clear description of conditions necessary to carry out the spirit and intent of any comprehensive plan or official control shall be included in the action. The Executive Secretary shall submit to the Board of Commissioners, in writing, the recommendation of the Planning Commission not later than fourteen (14) calendar days following action by the Planning Commission. The transmittal to the Board of Commissioners shall include the motion and findings of fact considered by the Planning Commission.

ARTICLE V. COMMITTEES

Committees may be established by the Chair or by affirmative vote of a majority of the membership of the Planning Commission. Standing or temporary committees of one or more members, shall be charged with such duties of examination, investigation and inquiry relative to one or more subjects of interest to the Planning Commission, as the Chair may direct or the Planning Commission may by motion or resolution determine. No standing or temporary committee shall have the power to commit the Planning Commission to the endorsement of any plan or program without its submission to the Planning Commission for consideration at a regular or special meeting.

ARTICLE VI. AMENDMENTS

The Planning Commission may amend these By-laws and Rules of Procedure by majority vote of the total membership at any regular or special meeting. A copy of the proposed amendments must be transmitted in writing by the Executive Secretary to each member of the Planning Commission at least fourteen (14) calendar days in advance of the meeting at which action is scheduled.

NEWCASTLE PLANNING COMMISSION RULES OF PROCEDURE

Based on the City Council Rules of Procedure
Approved by Resolution #352 on May 16, 2006.

Sections

1. Rules of Order
2. Organization
3. Officers
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5. Conduct
6. Meetings
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8. Agenda Preparation
9. Public Testimony
10. Committees/Subcommittees
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12. Effect/Waiver of Rules

Section 1. RULES OF ORDER.

Parliamentary law and the rules of procedure derived from such law are essential to all deliberative organizations so they may consider all matters before them in an effective and efficient manner and produce results that are legal and binding. Moreover, such procedural safeguards ensure due process during deliberations among members of the Commission while at the same time protecting the rights of the individual Commissioners and the Commission as a whole.

Accordingly, these rules establish guidelines to be followed by all persons attending City Commission meetings, including members of the Planning Commission, staff, news media, citizens, and visitors.

These rules constitute the official rules for the Newcastle City Planning Commission as referred to in the NMC. Procedural and other questions may be answered by referring to these rules. In all decisions arising from points of parliamentary order not addressed within these rules, the Commissions shall be governed by the most current version of Robert's Rules of Order Newly Revised, hereinafter referred to as RONR, a copy of which is maintained in the office of the Newcastle City Clerk.

The Deputy City Clerk shall serve as parliamentarian at all Planning Commission meetings and shall advise the Chair, Vice Chair, or other appointed Chair as to correct rules of procedure or questions of specific rule application. When

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parliamentary inquiries arise which the Deputy City Clerk is unable to immediately answer, they may request a sufficient period of time to review RONR and/or consult with a Registered Parliamentarian in order to provide an appropriate response. Alternatively, the Deputy City Clerk may defer to the City Attorney.

Section 2. ORGANIZATION.

A. Swearing In Of New Commissioners.

The Deputy City Clerk shall administer an Oath of Office to all newly appointed and re-appointed Commissioners, post appointment by Mayor and City Council.

B. Election of Chair and Vice Chair.

The Planning Commission shall elect a Chair and Vice Chair for a one-year period at the Planning Commission's regular meeting in August of each year. The Deputy City Clerk shall serve as Chair Pro Tempore for the first regular meeting in August of each year. The Chair Pro Tempore will call the meeting to order, preside over the roll call, the flag salute, the swearing in of Commissioners, the election of Chair, and the swearing in of the Chair and Vice Chair. Once elected by the Commission, the new Chair shall assume the role.

1. Nomination Process.

The Deputy City Clerk shall first call for nominations for the Office of Chair. Should two Commissioners raise their hands simultaneously to make a nomination; the nominations will be taken by the Deputy City Clerk by Commissioner seniority. Commissioners may not nominate more than one person for any given office until every member wishing to nominate a candidate has had an opportunity to do so. Nominations do not require a second. The Deputy City Clerk shall repeat the call for nominations until all nominations have been made. Nominees wishing to decline the nomination shall make their declination known immediately.

When it appears no further nominations will be made, the Deputy City Clerk will call twice more for further nominations; and, if there are none, shall declare nominations closed. A motion to close nominations is not required.

2. Election Process.

After nominations are closed, a vote is conducted for the position of Chair in the order nominations are made. Each nominated member will be granted up to three (3) minutes to speak. The Deputy City Clerk shall conduct a voice vote to determine the Commissioner being elected to the Office of Chair. Uncertainty in the voice vote shall result in a showing of hands vote.

When one of nominee receives a majority vote (more than half) of those present the Chair Pro Tempore will declare him/her elected. No votes will be taken on the remaining nominees. The Deputy City Clerk shall announce the results of the election. All Commissioners present must vote.

If none of the nominees receives a majority vote, the Deputy City Clerk will call for nominations again and repeat the process until a single candidate receives a majority vote before the Office of Vice Chair is opened for nominations. A tie vote results in a failed nomination. All Commissioners present must vote.

If after three rounds of voting, a Chair is not elected, the previous Vice Chair, or, if that person is no longer a Commissioner, the Commissioner with the highest seniority, shall serve as Acting Chair.

The Acting Chair shall continue in office and exercise such authority until the Planning Commission elects a Chair. Elections shall be held at each subsequent Regular Meeting, or a Special Meeting, until a Chair is elected.

The Vice Chair shall not be elected until a permanent Chair is selected. After a Chair is elected and the Oath of Office administered, she/he will preside over conducting the election for the Vice Chair, in the same manner as prescribed for that of the Chair. The Oath of Office shall be administered to the Vice Chair by the Deputy City Clerk upon being elected.

C. Term of Office.

The terms of office for Chair and Vice Chair shall be for one year, expiring November 1st of each year.

D. Removal from Position.

1. Removal of Chair or Vice Chair.

A vote of two-thirds vote shall be required to approve a motion to remove either the Chair or Vice Chair from their respective position. Removal from the position of Chair or Vice Chair does not constitute a removal from the position of Commissioner.

2. Removal of Commissioner.

Commission members may be removed by a majority vote of the City Council. Such decision shall be final and there shall be no appeal.

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E. Quorum.

At all Commission meetings, a majority of the members (4) shall constitute a quorum for the transaction of business. In the absence of a quorum, the only business to be legally transacted is:

- a motion to fix the time to which to adjourn
- a motion to adjourn
- a motion to recess; or
- measures taken to obtain a quorum (i.e., a brief time to contact Commissioners via telephone or other means in order to obtain a quorum.

Pursuant to RONR, the prohibition against transacting business in the absence of a quorum cannot be waived – even by unanimous consent of the Commission.

F. Voting.

Voting, during all Commission meetings, shall be conducted as follows:

1. The Chair shall conduct a voice vote on all items unless otherwise requested by any Commissioner.
2. A Commissioner may call for a Roll Call vote on any issue. If the motion for a Roll Call vote receives a majority of ayes, a Roll Call vote shall be conducted. If a majority vote in the affirmative is not received, no Roll Call vote shall be conducted, and the Chair shall proceed with a voice vote.
3. Silence by a Commissioner during the vote on any motion shall be recorded as an affirmative vote except:
 - a. When a Planning Commissioner chooses to abstain totally from the debate; or
 - b. When a conflict of interest precludes a Planning Commission member's participation on an issue or question.
4. In case of a tie vote on any motion, the motion shall be considered lost.
5. Commissioners must be present to vote on any matter. No provision is included herein for proxy voting.

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G. Attendance, Excused Absences, Unexcused Absences.

1. Members of the Commission may be excused from attending any Planning Commission meeting by contacting the Chair, the Staff Liaison or the Deputy City Clerk. The Staff Liaison or the Deputy City Clerk shall convey the message to the Chair prior to the meeting and state the reason for his/her inability to attend. While no motion to excuse the absence of a Commissioner is required, the Chair is required to announce all absences for the record.

2. The accumulation, during a calendar year, by any member, of two (2) consecutive or a total of three (3) unexcused absences from regular meetings and/or public hearings constitutes grounds for recommendation, by the Planning Commission to the City Council, for removal of that member. An excused absence will be granted to any member who notifies the Staff Liaison Coordinator or the Deputy City Clerk in advance of the meeting.

3. Three (3) unexcused late arrivals of thirty (30) minutes or more or three (3) unexcused departures of thirty (30) minutes or more from any meeting shall be considered equal to one unexcused absence.

H. Adjournment.

Commission meetings shall adjourn at 9:00 p.m. Where it is deemed business may proceed beyond the prescribed hour of 9:00 p.m., the adjournment time may be extended with a majority vote of the Commission. Any Commissioner may call for a "Point of Inquiry" if it is felt the business will be complete at a point beyond the 9:00 p.m. hour, a Commissioner may move to suspend the Rules of Commission and extend meeting beyond 9:00 pm. Such motion shall also contain either a new time to adjourn or the length of time the moving Commissioner expects may be required to complete remaining business.

I. Deputy City Clerk – Attendance.

The Deputy City Clerk or their designee shall attend all Commission meetings. If the Deputy City Clerk is absent from any Commission meeting, and no prior arrangements have been made for City staff to serve as a Clerk Pro Tempore for that meeting, the Chair shall appoint a Commissioner to serve as Recording Clerk. The appointment of a Commissioner as Recording Clerk shall not, in any way, abridge his or her right to vote upon all questions put to the Commission.

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J. Staff Liaison Coordinator – Attendance.

The City Manager shall appoint a Staff Liaison Coordinator. The Staff Liaison Coordinator shall support the work of the Planning Commission, and shall attend all meetings of the Planning Commission.

K. Commission Vacancies.

1. Causes of Vacancy.

A Commission position shall be officially declared vacant upon the occurrence of any of the following causes:

- a. resignation
- b. removal from office
- c. death

2. Filling of Commission Vacancies.

Commission vacancies shall be filled in accordance with the appointment process set forth:

- a. The Mayor shall direct staff to begin the appointment process and establish an interview and appointment schedule in order to fill the position at the earliest opportunity.
- b. The City Clerk's Office shall prepare and submit a display advertisement to the City's official newspaper, with courtesy copies to all other local media, announcing the vacancy consistent with the requirements to hold public office. Those requirements include that applicants a) be at least 18 years

of age and b) a resident of Newcastle. The display ad shall contain information such as time to be served in the vacant position, commission duties and appointment process, application deadlines and appointment schedules, and any other information the Mayor may deem appropriate.

c. Upon completion of applicant interviews, the Mayor shall present recommendation for appointment to the Council for approval and appointment.

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d. Vacancies occurring other than through the expiration of terms shall be filled for the unexpired term in the same matter as for the original appointment.

Section 3. OFFICERS.

A. Presiding Officer.

The Chair shall preside at all Commission meetings. The Vice Chair shall serve as presiding officer when the Chair is not present. In the absence of both the Chair and the Vice Chair, the Commission shall, by majority vote, appoint one Commissioner to serve as a temporary Presiding Officer.

In the event the Chair or Vice Chair is unable to serve the complete duration of her/his term, a new Vice Chair shall be elected at the next Regular meeting or an advertised Special meeting.

B. Duties.

It shall be the duty of the Presiding Officer to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Control discussion in an orderly manner.
 - a. Give every Commissioner who wishes an opportunity to speak when recognized.
 - b. Permit audience participation at appropriate times (public comment or public hearings).
 - c. Require all Commissioners and speakers to keep comments germane to the pending issue and to observe the Rules of Order.
 - d. Make suggestions, yet not make motions.
 - e. Put the question to a vote after making clear the exact question before the Commission and announce the outcome. In announcing results of any vote, the Chair shall state the names of those voting in the negative.

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C. Chair - Participation.

The Chair may relinquish the gavel, (or "turn over the meeting") to the Vice Chair in order to make a motion, speak in debate, or, for other good cause, yield the Chair.

D. Request for Written Motions.

Motions shall be reduced to writing when required by the Chair or any member of the Commission. All resolutions and ordinances shall be in writing.

Section 4. DUTIES AND PRIVILEGES OF COMMISSIONERS

A. Forms of Address.

The presiding officer of the Commission shall be addressed as "Chair

{surname})." Members of the Commission shall be addressed as "Commissioner {surname})."

B. Seating Arrangement.

Planning Commissioners shall sit in a manner prescribed by the Chairman.

C. Dissents and Protests.

Any Planning Commission member shall have the right to express dissent from, or protest against any motion of the Commission, and have the reason entered into the minutes.

Section 5. COMMISSIONER CONDUCT.

A. Respect Speaker.

While in session, all members of the Commission must preserve order and decorum. No member shall, by conversation or other means, delay or interrupt the proceedings or the peace of the Commission. Nor may any Commissioner disrupt any member while speaking, or refuse to obey the orders of the Commission or the Chair, except as otherwise provided in these Rules.

B. Commissioner Debate – Conduct and Time Limits.

When recognized by the Chair during a meeting, Commissioners may speak up to three minutes under the heading "Commissioner Comments."

Debate on any main motion or question shall not exceed five minutes and must be germane to the pending question. Speakers must address their remarks to the
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Chair, maintain a courteous tone; and, especially in reference to any divergence of opinion – should avoid injecting a personal note into debate. To this end, they must never attack or make any allusion to the motives of members or staff. Commissioners should refer to others only by title and should avoid mention of first names as much as possible. No Commissioner shall speak more than twice on the same subject without permission from the Chair. No Commissioner shall relinquish her or his position as Commissioner to speak as a citizen at a Planning Commission meeting.

C. Commissioner Presentations.

When a Commissioner appears before the City Council on Commission-related matters, the Commissioner shall state the majority position of the Commission, if known. Personal opinions and comments differing from a majority of the Commission may be expressed if the Commissioner clearly states those statements do not represent the Commission's position.

D. Public Appearance.

A Commissioner shall maintain decorum and set an example for conduct when representing the City in any official capacity.

E. Official Correspondence.

If a Planning Commissioner writes a letter or email message as a Planning Commissioner, the Planning Commissioner's document must clearly state that the document contains his or her own opinion, unless the Planning Commission has taken action on the subject matter. The Planning Commissioner must sign his or her name and title. Letters received by or from Planning Commissioners are considered public information subject to the Public Disclosure Records Act (RWC 42.17). Email messages are also considered public information subject to the Public Disclosure Act (RCW 42.17) and should be treated as such. Electronic messages must adhere to the same retention schedules and guidelines as paper copies.

F. Conflict of Interest.

Prior to addressing an agenda item, a Commission member shall make public any conflict of interest with respect to any issue under consideration by the Commission. The nature of such conflict need only be described in terms that make clear the existence of a conflict. (RCW 42.23.) The Commission member shall not participate in discussions of the subject and shall not vote on it if the Commission member has a personal, financial or property involvement in the subject. The Commission member shall step away from the Commission table during the discussion of the item. The Commission member cannot speak as a private citizen on the issue.

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Section 6. MEETINGS.

All Planning Commission meetings shall comply with the requirements of the Open Meetings Act (RCW Section 42.30). All Regular Meetings and Special Meetings of the Commission shall be open to the public regardless of time, place or location.

A. Regular Meetings.

The Planning Commission shall conduct Regular meetings on the third Wednesday of each month. All Regular meetings shall begin at 7:00 p.m. at City Hall, and are open to the public. On instances where a Regular meeting coincides with a legally observed holiday, that Regular meeting shall be rescheduled to the next day (Thursday) at the same hour and location.

B. Special Meetings.

Special meetings may be held by the Commission subject to notice requirements prescribed by State law. Special meetings may be called by the Chair or by any four members of the Planning Commission. Written notice of such a meeting and its purpose shall be given to all members not less than twenty-four hours in advance thereof, and the same notice shall be posted at the City's regular posting locations. Notice of such Special meetings shall state the subjects to be considered at the meeting. No subjects other than those specified in the notice shall be considered. The Commission may take discussion and vote upon all issues contained on the Notice of Special Meeting.

C. Meeting Location.

Unless otherwise directed by the Planning Commission, and with a subsequent public notice, all Planning Commission Regular and Special meetings shall be held at Newcastle City Hall.

D. Public Notices.

The Office of the City Clerk shall comply with the provisions of RCW 35A.12.160 Public notice of hearings and meeting agenda, (i.e., written notification to the City's official newspaper, publication of a notice, posting of meeting agendas at public locations or on the City's official website.

Section 7. MEETING AGENDA – ORDER OF BUSINESS.

A. Order of Business - Regular meetings.

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The order of business for each Regular meeting shall be as follows:

1. Call to Order
2. Roll Call
3. Flag Salute
4. Approval of Minutes
5. Presentations/Introductions

- 6. Public Comments
- 7. Commissioner Comments
- 8. Reports
 - a. Action Items
 - b. Chair
 - c. Subcommittees
 - d. Staff
- 9. Public Hearings
- 10. General Business
- 11. Planning Calendar
- 12. Adjournment

Section 8. AGENDA PREPARATION.

A. Advanced Preparation.

The Staff Liaison Coordinator in conjunction with the Planning Commission Chairman or in his or her absence the Vice-Chairman, will prepare a preliminary agenda for each Planning Commission Meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Planning Commission.

An item for a regular Planning Commission meeting may be placed on the preliminary agenda by any of the following methods:

- 1. Planning Commission consensus.
- 2. By any two Planning Commission members, in writing or with phone confirmation, with signatures by fax allowed for confirmation of support, no later than 12:00 pm seven days prior to the meeting. The names of the requesting Planning Commission members shall be set forth on the agenda.
- 3. By the City Manager or designee.
- 4. By a Planning Commission Committee.
- 5. By direction from the City Council.
- 6. By the Chairman.

Agenda items continued from one meeting to another will have preference on the agenda to the extent possible.

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Section 9. PUBLIC TESTIMONY.

A. Oral and Written Comments.

The Chair will call for public testimony at Regular meetings during public hearings, public comments and general business items.

Public input may be allowed during study sessions and special meetings by invitation by the Chair.

Speakers shall be granted three minutes to present their individual views, or no more than five minutes when presenting the official position of a recognized organization. Suspension of this rule requires a majority vote of those Commissioners present. The Chair, or any Commissioner when recognized by the Chair, may ask questions of a speaker before that speaker stands down from the lectern.

Written citizen comments may be submitted to the Commission liaison, until the close of business on the date of any Planning Commission meeting. The Deputy City Clerk shall copy and distribute those comments before the meeting is called to order. In cases where the citizen is unable to attend the meeting or is unable to present their statements verbally, a request may be made of the Deputy City

Clerk to read the comments into the record at the appropriate time.

B. Identification of Speakers.

Persons testifying on any matter shall identify themselves for the record as to name, address and organization.

C. Rules for Public Testimony and Participation.

1. General Discussion Items.

Public input may only be obtained during the public comment periods at Regular or Special meetings.

2. Chair's Instructions.

Speakers will be advised by the Chair that their testimony is being recorded and that all comments by proponents or opponents shall be made from the lectern. Any individual making comments shall first give his/her name and address and be reminded to sign an official sign-up sheet provided by the Office of the City Clerk.

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It shall also be stated by the Chair that 1) comments shall be directed through the them and not to any particular Commissioner or City staff member, and 2) that this is not a question and answer session.

3. Public Hearings.

The following rules shall be observed during any public hearing: The Chair introduces the agenda item, opens the public hearing, and announces the following process:

- a. All comments by proponents or opponents of the issue being discussed shall be made from the lectern; and, any individual making comments shall first give his or her name and address as part of the official record of the public hearing. Speakers shall also be reminded to sign in on an official sign-up sheet for each public hearing as provided by the Office of the City Clerk.
- b. Individuals will be allowed three minutes to speak or five minutes when presenting the official position of a recognized organization. Each organization shall have only one five minute presentation. Public comments shall be directed through the Chair and not to a particular Commissioner or City staff member. Written comments or evidence shall be submitted to the Deputy City Clerk to be included as part of the meeting's official record.
- c. The Chair may, with the consensus of the Commission, hold open a public hearing to allow additional time for receipt of written testimony, when needed.
- d. The Deputy City Clerk shall be the timekeeper.
- e. When all persons wishing to speak at the public hearing have done so, the Chair shall declare the public hearing closed.

D. Addressing Commission through the Chair.

No person shall be allowed to address the Commission while it is in session without recognition from the Chair.

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Section 10. SUBCOMMITTEES – STANDING / SPECIAL.

A. Subcommittees - General.

The Planning Commission may establish from time to time such standing or special subcommittees, as it deems advisable and assign each subcommittee specific duties or functions. No standing or special subcommittee shall have the power to commit the Planning Commission to the endorsement of any plan or program without its submission to, and the approval of, the body of the Planning Commission. The Chairman shall take into account the interest of Planning Commission members when making appointments to these subcommittees to take advantage of a particular Planning Commission member's expertise and interest.

Subcommittees shall consist of up to three (3) Planning Commission members appointed by the Chairman. Robert's Rules of Order notes the first person appointed to subcommittees shall serve as Chair.

B. Subcommittees - Types.

1. Standing Subcommittees.

Standing subcommittees are utilized when there are issues or assignments of a broader base that may be ongoing or overlap onto several related issues of the same nature. Standing subcommittees differ from special subcommittee in that they remain in force perpetually.

The Planning Commission may request the City Council to create a special citizen advisory committee, which would assist in the conduct of the operation of the City government.

2. Special Subcommittees.

Special subcommittees shall sunset at the end of their mission, but no later than the end of one year, unless specifically continued by the Planning Commission thereafter for a specified time period.

The Planning Commission may request the City Council to create a special citizen advisory committee, which would assist in the conduct of the operation of the City government.

C. Removal of Subcommittee Members.

The Planning Commission may remove any member of any subcommittee, which it has created by a vote of a majority of all members of the Planning Commission.

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D. Public Notice.

All Planning Commission subcommittee meetings will be open to the public and properly noticed pursuant to Washington State law by the City Clerk's Office.

Notice of such meetings will be posted at City Hall, Lake Boren Park, on the City's website and to the local media for informational purposes.

E. Minutes.

In accordance with RCW 42.30.030, minutes of all regular and special meetings of commissions and committees, subcommittees and special committees shall be promptly recorded and such records shall be signed by the recording clerk, filed with the City Clerk's Office and open to public inspection.

F. Powers.

A committee, subcommittee or special committee shall have no powers other than advisory to the Council or to the City Manager except as specified.

Section 11. COMMISSIONER RELATIONS / INTERACTION WITH STAFF, SUBCOMMITTEES & VOLUNTEERS.

A. Administrative Interference by Commission Members.

Except for the purpose of inquiry, the Planning Commission and its members

shall deal with the administrative service solely through the City Manager or designee and neither the Planning Commission nor any committee or member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

B. Administrative Complaints.

When administrative policy or performance complaints from the public are made directly to a Planning Commission member, the Planning Commission member should refer the matter directly to the City Manager for his or her action, rather than directly taking up the issue with a City employee.

C. Relations.

There will be mutual respect from both City staff and Planning Commission members of their respective roles and responsibilities. City staff shall acknowledge the Planning Commission as an advisory body to the City Council, and the Planning Commission members shall acknowledge City staff as administering the policies of the City Council.

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Section 12. EFFECT / WAIVER OF RULES.

The City Council wants the Planning Commission Rules of Procedure to mirror the City Council Rules of Procedure to the extent the City Council rules can be applied to the Planning Commission. Any significant deviations from the City Council Rules of Procedure must first be approved by the City Council. The City Council periodically reviews and amends its Rules of Procedure by Resolution. Amendments of City Council Rules of Procedure immediately apply to the Planning Commission when applicable. It is the intent of the City Council that the rules of procedures be periodically reviewed as needed.

RULES OF PROCEDURE OF THE CITY OF BURLINGTON PLANNING COMMISSION

We, the members of the City of Burlington Planning Commission, State of Washington, do hereby adopt, publish and declare the following rules of procedure:

I. **Name.** The official name shall be "The City of Burlington Planning Commission".

II. **Location of Meetings.** The official seat of the Commission shall be in the City Hall of Burlington, Washington, and meetings shall be held there except on such occasions, and at such times as the Commission may, by majority vote, otherwise direct.

III. **Officers.** The officers of the Commission shall consist of a Chairperson, Vice-Chairperson, and Secretary, and such other officers as the Commission may, by majority vote, approve and appoint.

IV. **Chairperson Duties.** The Chairperson shall preside over the meetings of the Commission, and exercise all of the powers usually incident to the office, retaining however, to him/herself as a member of the Commission, the full right to second motions, participate in discussions and to have his/her own vote recorded in all deliberations of the Commission.

V. **Vice-Chairperson Duties.** The Vice-Chairperson shall, in the absence of the Chairperson from any meeting, perform all duties incumbent upon the Chairperson. The Chairperson and Vice-Chairperson, both being absent, the members present may elect for the meeting a temporary Chairperson, who shall have full powers of the Chairperson during the absence of the Chairperson and Vice-Chairperson.

VI. **Secretary Duties.** The Secretary may be a member of the Commission, or otherwise, as the Commission may determine. The Secretary shall keep a record of all meetings of the Commission, and of its Committees when requested to do so, and these records shall remain the property of the City of Burlington and shall be retained at the City office of record. In the absence of the Secretary from any meeting, a Secretary pro-tem shall be appointed.

VII. **Length of Term.** The officers shall serve for a period of one (1) year, computed from January 1, until a successor has been elected at the regularly January meeting of the following year. In the 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, or at the end of the last meeting of the incumbent chairperson. Any officer may, however, be removed at any time by vote of the majority of the whole Commission entered on the record. If a member of the Commission has three unexcused absences, the Commission may ask the Mayor to replace the board member.

VIII. **Regular Meeting Schedule.** The Commission shall hold regular meetings for the conduct of planning matters, which shall be open to the public. The public meeting shall be held on the third Wednesday of each month, at 7:00 p.m., in the City Council chambers at City Hall. If the regular meeting day falls on a legal holiday, the regular meeting shall be held on the next working day following, unless the Commission or the Chairperson shall fix another day therefore and give notice of said meeting by notifying the press, radio, and by other means as may now or hereafter be provided by Washington State Law for open meetings.

IX. **Special Meetings.** The Commission may hold special meetings for the conduct of planning matters, which shall be open to the public and be held at the call of the Chairperson, Vice-Chairperson, or upon the written request, or vote, of the

majority of the Commission, provided all members are notified. Open meeting notice shall be given for all special meetings. Meetings held before 7:00 p.m. in the evening shall be limited to business for which a public hearing is not required, uncontested land use permit reviews and workshops on topics where no final decisions are made.

X. **Quorum.** The majority of the membership of the Commission shall constitute a quorum for the transaction of business.

XI. **Compensation.** The members of the Commission, including the Chairperson and Vice-Chairperson, when acting as such, and Secretary or Secretary pro-tem, when a member of the Commission, shall serve without compensation.

XII. **Committees.** The Commission shall have full power to create standing or temporary committees of one or more members, charged with such duties as the examination, investigation and inquiry, relative to one or more subjects of interest to the Commission, as it may by motion or resolution determine. No standing or temporary Committee shall have the power to commit the Commission to the endorsement of any plan or program without its submission to the body of the Commission.

XIII. **Rules.** The rules of parliamentary practice, as set forth in the latest edition of Robert's Rules of Order, shall govern all meetings of the Commission. In addition, the Commission shall adhere to the requirements of the Appearance of Fairness Act in declaring all ex-parte contacts with other, or other possible conflicts of interest, associated with any item scheduled to be heard by the Commission prior to opening of the public hearing on the item. Those members declaring a conflict of interest in the matter shall step down and not participate in the hearing on that matter unless they are the applicant or applicant's representative. After all the declarations are made, opportunity shall be given to members of the public to challenge any member who they feel may be biased due to the nature of the contact declared. If challenged, a member shall step down. A member need not step down due to declared ex-parte contacts, or other declared interests, if the member feels that such contact or interest will not interfere with his/her ability to hear the item without bias, unless such member is challenged by a member of the public. Failure to declare a possible conflict, or ex-parte contact, may invalidate the action of the Commission. Ex-parte contact does not include contact with City Hall staff who regularly serve the Commission. If the number of members stepping down on an item reduces the remaining Commission below the required quorum, the "Doctrine of Necessity" may be invoked by the Chairperson, or the acting Chairperson, whereby those members having the least conflict of interest may resume their positions and hear the item.

The above procedures shall be automatically modified to conform with any change in the State Law, or interpretation thereof, regarding the issue of "Appearance of Fairness", or "Doctrine of Necessity". The Commission shall be notified of any such modification, in writing, prior to the regular meeting.

XIV. **Amendment of Rules of Procedure.** These rules of procedure may be amended at any regular or called meeting of the Commission by majority vote of the entire membership.

XV. **Agenda Items.** Items for the agenda shall be sent out no later than the Thursday, or hand-delivered no later than the Friday, prior to the regular Tuesday meeting date of the Commission. Additional information, letters, and other materials may be presented to the Commission at the meeting. Such additional materials shall be read into the record of the proceedings.

XVI. **Materials.** Each member of the Commission, following his/her appointment, shall be provided copies of documents listed below, plus other documents as the

Chairperson may request or provide.

1. Revised Code of Washington, Chapter 35.63 entitled "Planning Commission".
2. Rules and Procedures of the City of Burlington Planning Commission.
3. Burlington Comprehensive Plan.
4. Official Zoning Code of the City of Burlington.
5. Official Subdivision Code of the City of Burlington.
6. Official City Zoning Map.

Adopted this _____ day of _____, 20_____.

Chairperson

ATTEST

Planning Director