

**SULTAN PLANNING BOARD
AGENDA COVER SHEET**

ITEM NO: D-5
DATE: March 2, 2010
SUBJECT: Board Policies and Procedures Document
CONTACT PERSON: Robert Martin, Community Development Director



ISSUE:
Review Draft 4 of the Planning Board By-Laws and Rules of Procedure and determine further action.

BACKGROUND:
The Board has met in Work Session to begin assembly of Rules, Regulations and Procedures for its operation as provided by Sultan Municipal Code (SMC) 2.17.150.

The Board forwarded a very preliminary draft of this document to Staff for input and return to the Board for further action. Staff review of this preliminary draft, labeled Draft 4, is included as **Attachment A**.

DISCUSSION:
Draft 4 focuses on procedures and operations of the Board. Some Board members have expressed interest in expanding the scope of the document to include directions for how the Board is to act as a facilitator for Community involvement and how it is to interact with the Staff and Council. The Board is welcome to pursue these areas at its own direction.

Staff input on **Attachment A** focuses on format and legality. Staff input is not intended to constrain the Board's work on its document. Staff's role is to make sure that all public work is on the Agenda for public view and to assist the Board at each step of the process by providing the legal and professional review necessary to keep the effort efficient and effective.

On Draft 4, **Attachment A**, Staff input is provided in legislative mark-up. Deletions from the language of Draft 3 are shown in ~~strike-through~~, and additions are shown in underline. Certain items in Draft 3 were presented as items that were included as discussion items for a later date. These are shown as shaded grey.

RECOMMENDATION:
Staff recommends that the Board review Draft 4 of the Planning Board By-Laws and Rules of Procedure, and determine further action.

ATTACHMENTS:
Attachment A: Draft 4 of By-Laws and Rules of Procedure

Board Action:

Staff Action:

BY-LAWS
and
RULES OF PROCEDURE

FOR THE

SULTAN PLANNING BOARD

Draft 34

**BY-LAWS AND RULES OF PROCEDURE
FOR THE
SULTAN PLANNING BOARD.**

ARTICLE I – NAME

The Planning Board was established by Sultan Municipal Code 2.17.080 (Ord 924-06 § 2). The Board consists of five Members appointed by the Mayor and confirmed by the City Council. The Board shall be named the **Sultan Planning Board**.

The goals of the Sultan Planning Board are as follows:

1. To influence in a positive manner the major planning efforts and projects that will affect the City.
2. To advocate consistency and integration among plans which provide future image and direction for the City as well as the means for meeting more immediate needs.
3. To insure that effective citizen participation, including opportunities for timely public involvement, is part of the City's planning process.
4. To represent a whole-City view point when evaluating proposed **policy** issues.
5. To make recommendations to the **Mayor/City Council** which recognize the City's needs and government constraints as well as citizen viewpoints.

ARTICLE II – ATTENDANCE

Section 1: As a **courtesy**, any Board Member anticipating absence from an official meeting should notify the Chair or Recording Secretary, **preferably** at least one day in advance of the meeting.

Section 2: Any Board Member who misses, unexcused, three consecutive regular meetings shall be subject to ~~dismissal~~ **action up to and including removal by the Mayor as provided in SMC 2.17.120.**

Section 3: A Board Member may, for personal reasons, request a leave of absence. The request shall be in writing and submitted to the Planning Board. The Board shall forward the letter, together with its recommendation, to the Mayor.

ARTICLE III – OFFICERS

Section 1: OFFICERS. The officers of the Sultan Planning Board shall be a Chair, Chair Pro-Tem and a Secretary. The Chair and Chair Pro-Tem shall be selected from among the five Members who comprise the Board. The Secretary of the Board shall be the Director of the Sultan Community Development Department, or his/her designee.

Should a Chair resign or otherwise vacate his/her office the Chair Pro-Tem shall assume Chair responsibilities at the next meeting and the next Board Member in order of seniority assumes the Chair Pro-Tem office at that same meeting. If the Chair Pro-Tem declines to advance to the Chair the next two Board Members in line will take office at the next meeting.

Section 3: Duties of the Chair. Shall be to preside at all meetings of the Sultan Planning Board, enforce the rules of procedure, and execute the will of the Board. The Chair shall appoint all sub-committees.

Section 4: Duties of the Chair Pro-Tem. Shall be to assist the Chair and during his/her absence to act as Chair until the Chair is able to resume his/her duties.

Section 5: Duties of the Chair Pro-Tem. In the absence of the Chair and the Chair Pro-Tem, a Chair Pro-Tem shall be elected informally by the Members present to conduct the meeting.

Section 6: Duties of the Secretary. Shall be: (A) Keep a record of all correspondence. (B) Preserve all manuscripts and records. (C) Keep a current roster of all Members. (D) Prepare and circulate Planning Board Packets. (E) Record and ~~transcribe~~ prepare the minutes of all meetings of the Board.

ARTICLE IV – MEETINGS AND VOTING.

Section 1: Meetings. All meetings of the Sultan Planning Board are open to the public. Meetings shall be scheduled on the First and Third Tuesdays of every month, or as otherwise decided and published.

Section 2: Public Hearings. Public hearings are held to obtain public input on matters of policy and legislative proposals. They Planning Board actions and hearings do not involve the legal

rights of specific, private parties in a contested setting but rather affect a wider range of citizens or perhaps the entire City.

Section 3: Quorum. A quorum shall consist, at all meetings of the Sultan Planning Board, of a simple majority of the total number of Planning Board Members.

Section 4: Conflict of Interest and Appearance of Fairness.

The Sultan Planning Board has the responsibility to ensure that the decision-making all public process is fair in both substance and appearance. This means that ~~persons likely to be interested in a particular subject coming before the Board~~ the public must be provided adequate and timely notice of the all meetings and the topics that will be addressed by the Board at those meetings. ~~at which the Board will review the subject, an opportunity~~

~~The public has the right to attend that all meetings and present views and information concerning the subject, and an opportunity~~ the right to know the information and considerations on which the Board basis its action concerning the subject.

Fairness also requires that:

- ~~Board Members avoid any bias or the appearance of any conflict of interest in their decisions, that~~
- ~~The Board act in a timely manner, that~~
- ~~The Board keep full and accurate records of its proceedings, and that~~
- ~~The Board establish and make available the ground rules under which it conducts business.~~
- ~~The Sultan Planning Board has the responsibility to ensure that~~ The decision-making process ~~at the Board~~ applies to any issue before it is not only rational, but is also perceived as rational.
- ~~Furthermore, d~~ Decisions should be supported by information available to the Board----- that is, Such information is contained in an application, staff report, or others documents submitted to the Board, or included in any testimony presented before the Board, or explicitly stated by a Board Member from his or her personal observations, knowledge, or experience.

The Sultan Planning Board has the responsibility to recognize the comprehensive and long-range nature of many of the Board's decisions. ~~They~~ The Board must consider, ~~as well as~~ balance, and integrate, ~~not only the many physical aspects of the issue being decided, but often also its economic and social aspects of lthe issue being decided.~~ The Board must consider not only the decision's immediate impacts on those persons most affected, but also its

future and secondary impacts on the City as a whole. The Board should thus explicitly evaluate all facts, alternatives, means, and consequences relevant to its decisions.

Each Board Member has the responsibility to acquire whatever information and knowledge is necessary to fully understand and make wise decisions and recommendations in the interest of the City. To this end, each Board Member is expected to depend on both his/her personal background, experience, and familiarity with the City, as well as the expertise and knowledge of, and information available to, the City staff members.

If a Board Member or his/her immediate family has a tangential interest in the matter at hand but does not think that this would prejudice his/her opinion the Board Member should publicly disclose this interest on the record prior to the start of the hearing and allow persons to challenge his/her participation in the hearing. If so challenged the Board Member may recuse him or herself from the proceedings without further action from the Board. In this case, the Board Member shall leave the hearing room and refrain from voting and any manner of participation with respect to the matter in question.

Alternatively, the Board Member is permitted to address the challenge and declare whether or not they wish to remain seated to consider the subject at hand. If the Board Member states reasoning for and the desire to remain seated, the Board shall vote on the issue. Based on the vote, the Chair shall declare whether the Member is able to remain seated or is required to step down. shall step down, leave the hearing room and refrain from voting and any manner of participation with respect to the matter in question. If not challenged the Board Member may participate.

Section 5: Agenda

- a) The preparation of the agenda will be the duty of the Director of Community Development or his/her designee, and he or she will coordinate that preparation with the Chairperson.
- b) The agenda may be divided into sections and be continued to subsequent meetings when it is apparent that one meeting will not be sufficient to complete the scheduled business.
- c) Copies of the agenda will be available to all Board Members with the meeting packet.
- d) The order of business shall be prescribed on the agenda; changes to the agenda order shall be approved by ~~acting Chair~~ the Chair.

Section 6: Meeting Decorum.

- a) No person shall address the Board without first obtaining recognition from the Chair.
- b) The Board may allow comments from Members ~~from~~ of the public attending work sessions by permission of the Chair or majority vote.

- c) If there are a large number of people who wish to speak at a meeting the Chair may limit each speaker to a specific number of minutes of speaking time. If the speaker is representing an organization, The Chair may grant the speaker additional speaking time.
- d) If audience dialogue becomes disruptive, the Chair may recess the meeting or request the meeting be adjourned.
- e) Once a Member of the public has spoken in regard to a specific matter before the Board, he or she shall not be recognized to speak again until all persons wishing to speak have first been given the opportunity to do so.
- f) To aid in creation of accurate meeting minutes all speakers should identify themselves each time they address the Board.
- g) Sultan Planning Board meetings will begin at a prescribed time as indicated by public notice. They will continue until the agenda items have been completed or until 10:00 PM whichever comes first. Continuation of a meeting past 10:00 PM requires approval of a motion to extend by a majority vote. If no motion is approved the meeting the Chair will continue the meeting to a certain date.
- h) The Board may continue a public hearing to a future date for the purpose of accepting new written or oral testimony from anyone who had signed up to speak on the original date but did not have the opportunity to testify. A continued public hearing to a date certain does not require new public notice. A closed public hearing cannot be re-opened without issuance of a new public notice.

Section 7: Regular Meeting Procedures.

All meetings held by the Sultan Planning Board shall use the following procedures:

- Chair – Call to order
- Pledge of Allegiance
- Roll Call
- Changes to the Agenda
- Board Member Comments
- Approval of Minutes
- Hearing and Action Items
- Open Public Hearing if Applicable
- Discussion Items
- Summary of Meeting Results and Actions for Next Meeting
- Public Comments on Agenda Items Only
- Adjournment

Section 8: Public Hearings Procedures.

All public hearings held by the Sultan Planning Board shall be recorded and use the following procedures.

- Chair – Call the meeting to order
- Roll Call

~~Board – review, amend and adopt the minutes of the previous meetings.~~

Chair – Open the public hearing, state the purpose of the hearing and the action the Board may take.

Chair – Ask each of the Board Members the following questions regarding any appearance of fairness issues.

- Do you or your family have any interest in the subject property
- Do you stand to gain or lose by your decision on this matter
- If any Board Members disclose appearance of fairness issues allow the applicant or other audience Members to challenge their participation in the hearing. If challenged the Board Member must step down from the case and leave the room. If the applicant and/or audience Member does not object to the Board Member hearing the case please have them state that for the record.
- Applicant – Optional presentation and take questions from the Board
- Public – comments and questions are to be directed to the Board
- Rebuttal – Testimony and responses to specific items of testimony offered . by staff, applicant and the publicThe applicant presents rebuttal testimony last.
- Chair – Close the hearing.
- Board deliberates
- Any Member may make a motion on the application
- Any Member may second the motion
- Discussion
- Vote
- ~~• Next Item if applicable.~~
- ~~• Directors report~~
- ~~• Chair – Adjourn the meeting.~~

Section 9: Voting. Voting on all matters except amendments to these by-laws be by simple majority.

- a) The Chair shall have one vote and shall enjoy the same opportunity to vote as afforded to all other Board Members. The Chair will not bring a motion forward.
- b) On matters considered of extreme importance, the Chair may call for roll call vote.
- c) No matter may be voted upon unless:
 - 1) The matter has been discussed at a previous meetings of the Board, or
 - 2) The matter has been placed on the agenda prior to the meeting by any Member of the Board or by the Secretary, or
 - 3) A new legislative item, not on the agenda, and considered by a majority vote of the Board to constitute an emergency and thus warrant immediate decision, may be approved by a majority vote, or
- d) All Board Members shall have one vote and one vote only on any particular matter of business.

e) There shall be no voting by proxy.

ARTICLE V – AMENDMENTS

These Rules of Procedure may be amended by unanimous vote of the Members present at any regular or special meeting, provided notice of such proposed changes shall be transmitted by the Secretary to each Member in good standing not less than five (5) days nor more than fifteen (15) days prior to such meeting.

ALL MEMBERS OF THE PLANNING BOARD SHALL BE GOVERNED BY THESE BY-LAWS. WHERE THE BY-LAWS DO NOT STATE OTHERWISE, THE PARLIMENTARY RULES AND PRCEDURES CONTAINED IN THE CURRENT, NEWLY REVISED, EDITION OF *ROBERTS RULES OF ORDER* SHALL APPLY.
