



CHAIR KAREN SIMMONS; VICE-CHAIR ANDREA REAY; COMMISSIONERS LOUSIE STRANDER, DENNIS MARTINEZ, SHARON MANN, APNEET SIDHU AND ALEXANDRIA TEAGUE

CITY OF TUKWILA  
PLANNING COMMISSION (PC)  
MEETING AGENDA  
VIRTUAL MEETING VIA MICROSOFT TEAMS  
JANUARY 27, 2022 - 6:30 PM

**To Participate in the Virtual Meeting at 6:30 pm:**

**By Phone:** Dial [+1 253-292-9750](tel:+12532929750), [60139539#](tel:+12532929750) Access Code: 601 395 39#

**Online:** To join the meeting online click here [Click here to join the meeting](#)

**FOR TECHNICAL SUPPORT DURING THE MEETING YOU MAY CALL 1-206-433-7155.**

- I. CALL TO ORDER
- II. ELECT 2022 PC OFFICERS (then the 2021 Chair will turn over the position to the 2022 Chair)
- III. ATTENDANCE
- IV. ADOPT 12/9/21 MINUTES
- V. INTRODUCE NEW PLANNING COMMISSIONER - ALEXANDRIA TEAGUE
- VI. PC PROTOCOL PRESENTATION – EMILY MINER, ASSISTANT CITY ATTORNEY
- VII. PC QUESTIONS / COMMENTS
- VIII. AMEND PC BY-LAWS
- IX. DIRECTOR’S REPORT
- X. ADJOURN





**CITY OF TUKWILA  
BOARD OF ARCHITECTURAL REVIEW (BAR)  
PUBLIC HEARING  
MINUTES**

Date: December 9, 2021  
Time: 6:30 PM  
Location: Virtual meeting via Microsoft Teams

**Protocol:** Max Baker explained the protocol for the virtual meeting. He then asked the Planning Commissioners (PC) to introduce themselves. Also, the new Department of Community Development (DCD) Associate Planners Isaac Gloor and Breyden Jager were introduced to the PC.

**Commissioner Reay** nominated Commissioner Martinez as Chair Pro Tem in the absence of the Chair and Vice-Chair. Commissioner Mann seconded.

**Chair Pro Tem Martinez** called the public hearing to order.

The PC Secretary took roll call.

Present: Commissioners Dennis Martinez, Sharon Mann, Andrea Reay and Apneet Sidhu

Excused  
Absent: Chair Louise Strander and Vice-Chair Karen Simmons

Vacant  
Position: One

Staff: DCD Development Supervisor Max Baker, Long Range Planning Manager Nancy Eklund, Senior Planner Jaimie Reavis, Associate Planner Isaac Gloor, Associate Planner Breyden Jager, and PC Secretary Wynetta Bivens

Adopt  
Minutes: **Commissioner Mann** moved to adopt the August 26, 2021 minutes. Commissioner Sidhu seconded the motion. Motion passed.

**Chair Pro Tem Martinez** opened the public hearing for:

CASE NUMBERS: L19-0077

PURPOSE: Public hearing design review for a new three-story mixed-use building. The new building will be located to the north of the existing restaurant, which is proposed to remain. The proposal includes a commercial tenant space, an indoor recreation space and a parking garage on the first story. A total of nine dwelling units are proposed on the second and third stories.

LOCATION: 14181 Interurban Ave S (new building address);  
14201 Interurban Ave S (existing restaurant building address).  
Tax parcels: 3365901515, 3365901505, 3365901480, and 3365901470

Staff asked the Commissioners the appearance of fairness questions.

**Commissioner Mann** disclosed that, as a real estate salesperson, she sold the property to the Galliano family several years ago. She also stated she had no interest in the property. No one objected to Commissioner Mann hearing the project.

**Jaimie Reavis**, Senior Planner, DCD, gave the presentation for staff. She provided an overview of the review process, background information for the site and project as well as staff analysis on the design review criteria. The project is located in the Regional Commercial Mixed (RCM) use district, which allows multi-family dwellings on the second story or above of a structure. Design review is required for all multi-family structures. The site consists of four parcels consolidated into one. She also went over the project proposal.

### **Staff's Recommendation**

Staff recommended approval with four conditions as noted in the 12/9/21 packet staff report. The following condition was added:

- Additional lighting be included as part of the construction permit, to illuminate pedestrian pathways and building entrance areas on the front and second front of the project site.

### **Public Comments**

Comment letters were received from two adjacent neighbors regarding the following areas of concern: hillside stability, potential for tree removal on the hillside, and garbage. All concerns were addressed by staff and the applicant. No additional comments were received by email.

**Mario Galliano**, the applicant, thanked everyone for being at the meeting and said everyone did a fantastic good on the project. And that Jaimie did a good job explaining the project. The architect for the project said he agreed.

Staff and the applicant addressed questions from the Commission.

### **Virtual Public Testimony**

None.

**Chair Pro Tem Martinez** closed the public hearing.

### **Deliberation**

The PC were in consensus that the project is a great development creating more housing, retail space and underground parking - which they said was great.

### **Motions:**

**Commissioner Sidhu** moved to approve Case Number L19-0077 Design Review based on staff's findings, conclusions, recommendations, four conditions, and the additional condition. Commissioner Mann seconded the motion. Motion passed.

## Director's Report

- PC vacancy – the position previously held by Commissioner Dixie Stark has been vacated.
- Staff informed the PC that delayed BAR projects will be coming to the PC starting January 2022.
- Staff noted that efforts on the Comp Plan will increase in late spring or early winter.

Adjourned: 7:44 pm

Submitted by: Wynetta Bivens  
Planning Commission Secretary

DRAFT



# Planning Commission Protocols: Open Public Meetings, Public Records, & Appearance of Fairness Doctrine

Emily Miner, Assistant City Attorney



OGDEN  
MURPHY  
WALLACE  
ATTORNEYS

Tukwila Planning Commission

# Presentation Overview:

- Open Public Meetings Act (OPMA) Requirements
  - Chapter 42.30 RCW
- Public Records Act (PRA) Requirements/Retention
  - Chapter 42.56 RCW
- Appearance of Fairness Doctrine requirements
  - Chapter 42.36 RCW





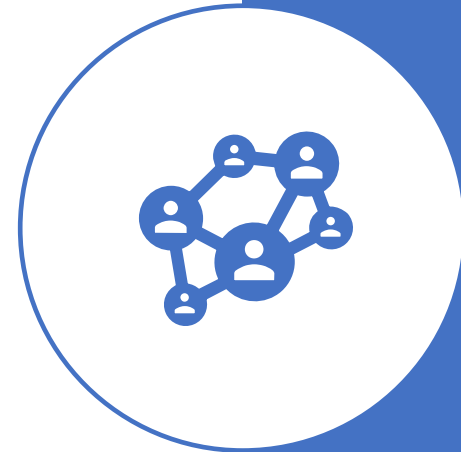
# Open Public Meetings Act (OPMA) Chapter 42.30 RCW

## Legislative Declaration

- “The people, in delegating authority, do not give public servants the right to decide what is good for the people to know and what is not good for them to know.”
- “The people insist on remaining informed so they may retain control over the instruments they have created.”

## Rules

- Meetings declared open and public.
- All Meetings of the Governing Body Shall be Open and Public – Gavel to Gavel
- All Persons Shall be Permitted to Attend any Meeting of the Governing Body, Except as Otherwise Provided by Law
- The Purpose of the OPMA is to Allow the Public to View the “Decision-making Process”



# Open Meetings

## Important Definitions:

- **Meetings** – All meetings under State Statute are considered Regular Meetings if codified at a regular date, place, and time. Any other meeting is considered a Special Meeting. Meetings are considered to occur when a quorum of the Membership takes “Action.”
- **Action** – Means the Transaction of Official Business
  - Public Testimony; All Deliberations; Discussions; Considerations; Reviews; Evaluations
  - Final Actions – the OPMA is in Effect Whether or Not “Final” Action is Taken



- Regular Business Meetings
- Special Meetings
- Executive Sessions
- Attendance at Others' Meetings
- Attendance at Social Events
- Serial Meetings

## Open Meetings: Types of Meetings



# Open Meetings

## Use of Social Media

- When conducting city business using social media, use disclaimers (or link)
- Clearly distinguish your personal view from official City / entire Council position on a topic
- Avoid a quorum of the Council discussing city business using the same social media platform or post

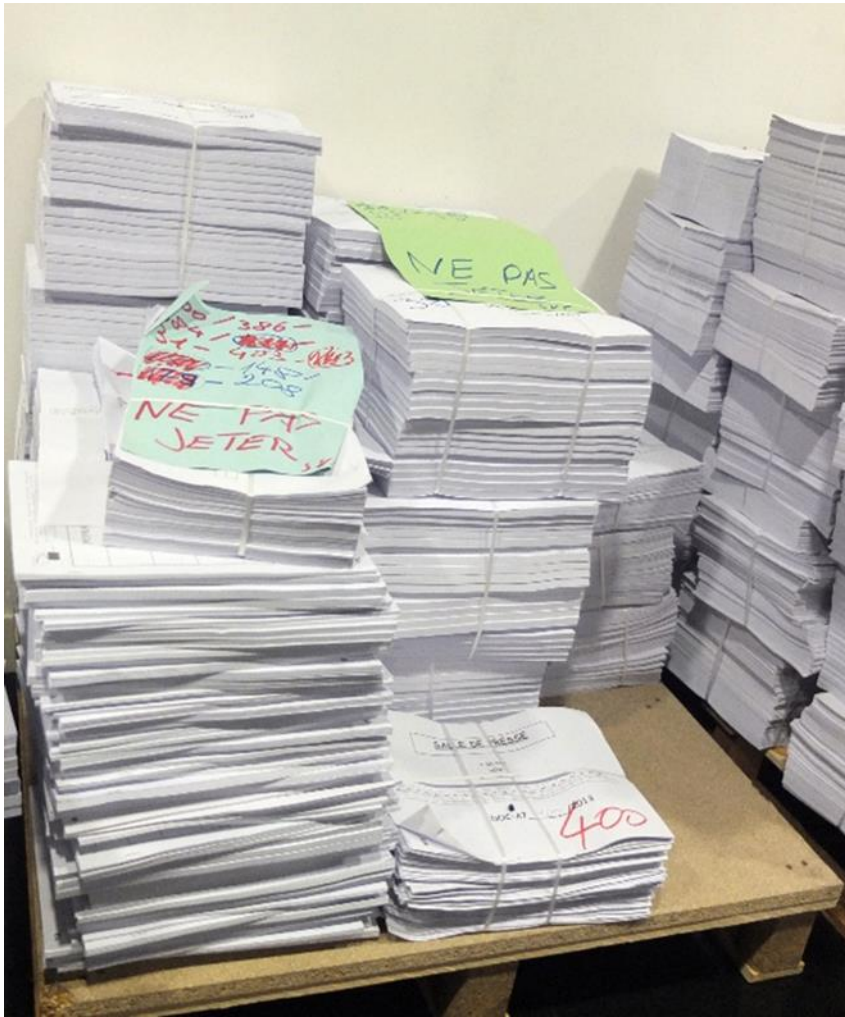


# Public Records Act Chapter 42.56 RCW

- PRA is “a strongly worded mandate for broad disclosure of public records.” *Hearst v. Hoppe*, 90 Wn. 2d 123 (1978).
- Requires all agencies to disclose public records unless an exemption applies.
- Imposes fines for non-compliance.
- Act requires strict compliance



# What does the PRA require agencies to do?



- Appoint a Public Records Officer
- Adopt rules of procedure that address production, proper keeping, and fullest and timely assistance in response
- Publish procedures describing certain agency organization, operations, rules, and other items listed in PRA
- Publish PRA fee schedules
- Provide for a review
- Procedure for any denial of records
- Publish information related to where requests must be submitted

# Searching and Providing Records

- Searches
  - Agency must conduct adequate search – consider all forms, all locations, all possible search terms, all possible forms of records
  - Search criteria; time taken to produce records, and areas searched must all be documented
- Installments
  - Records can and should be provided in installments if the request is very large or time-consuming





# Statutory Exemptions



- Exemptions
  - Not all records, or parts of records, are disclosable – depends on the information contained in the record and if a legal exemption applies
  - Exemptions are narrowly construed
  - An Exemption Log must be prepared and given to requestor noting legal reason record/part of record was redacted
- Privacy:
  - There is no general “privacy” exemption in the PRA
    - Privacy is considered invaded only if (1) highly offensive to the reasonable person and (2) not of legitimate concern to the public





# Duty to Preserve Records

## Legal Penalties, Including Fines and Imprisonment

**RCW 40.16.010 Injury to public record.** Every person who shall willfully and unlawfully remove, alter, mutilate, destroy, conceal, or obliterate a record, map, book, paper, document, or other thing filed or deposited in a public office, or with any public officer, by authority of law, is guilty of a class C felony and shall be punished by imprisonment in a state correctional facility for not more than five years, or by a fine of not more than one thousand dollars, or by both.



# Enforcement and Penalties

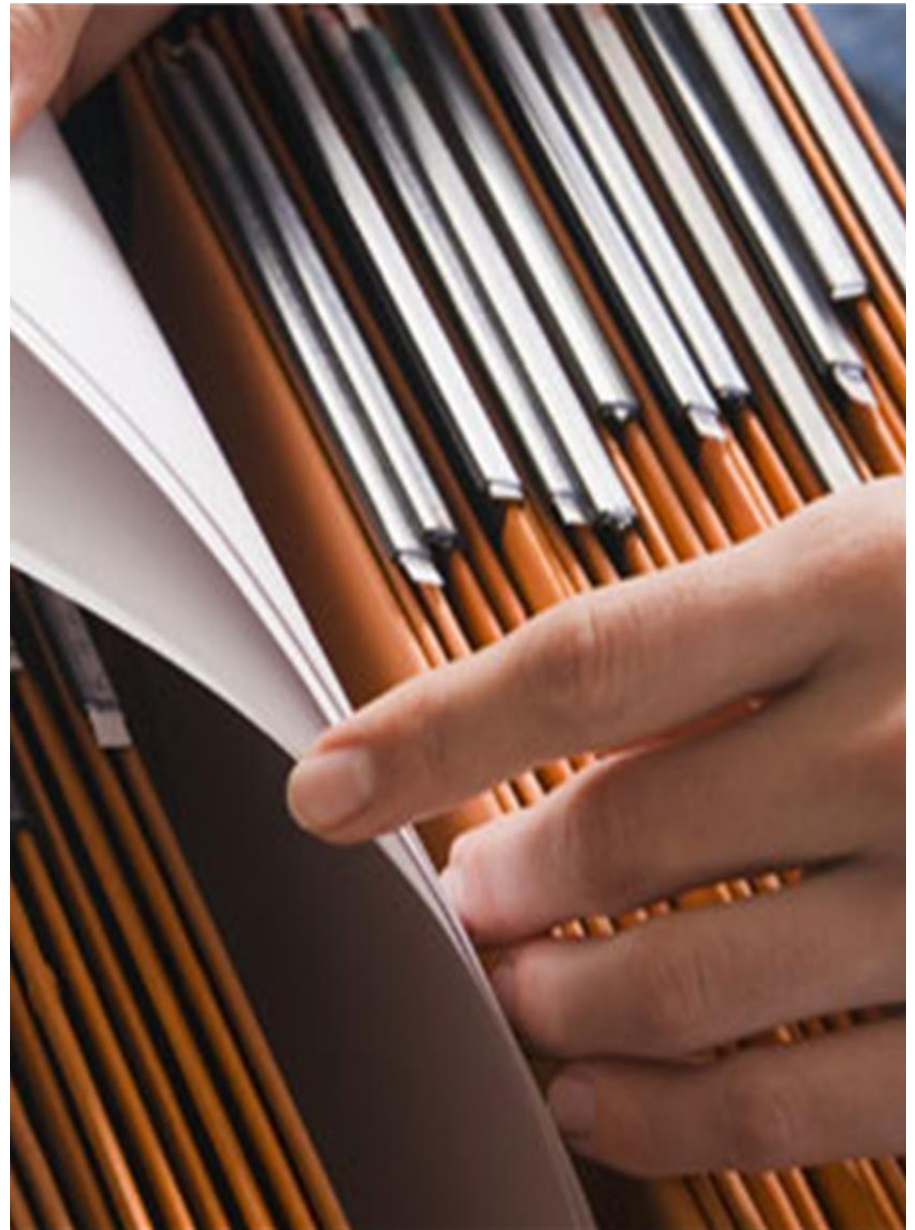


RCW 42.56.550(4) Judicial review of agency actions.

- Requestors – Awarded Attorney Fees
- Discretion of the court to award such person an amount not-to-exceed one hundred dollars for each day that he or she was denied the right to inspect or copy said public record.

# Records Retention

- Maintenance of Records:  
<https://www.sos.wa.gov/archives/recordsmanagement/managing-city-records.aspx>
- Local Gov't Common Records Retention Schedule (CORE)
- Records in Native File Format
- Records Born Electronically
- As noted earlier, there can be criminal liability for willful destruction or alteration



# Duty to Produce Records

- **Business Records (Public) vs. Personal Records (Private)**
  - When Creating a Record as a Member vs. as an Individual
  - Records Kept on City Equipment vs. Personal Equipment
  - Business Records Received or Sent Outside of City Resources
- **What Do You Need to Keep?**
  - Primary Records vs. Secondary Records
  - Cc'd Copies That You Do Not Proliferate as a New Record
  - Transitory Records – Have No Retention Value
  - What About Everything Else?
  - Commission Archive

# APPEARANCE OF FAIRNESS DOCTRINE

## Chapter 42.36 RCW

- Codified RCW Chapter 42.36 (1982)
- Only 11 Sections
- No Purpose Statement
- Limited to Quasi-Judicial Matters
- Creates Objective & Subjective Standards

### Legal Standard

- Would a reasonable person
- Apprised of the totality of a member's personal interest or involvement
- Be reasonably justified in thinking
- That the involvement might affect the member's judgment?

*Swift v. Island Co.*, 87 Wn. 348 (1976)

# APPEARANCE OF FAIRNESS DOCTRINE

## Applies to Quasi-judicial Actions

- Acting like a judge
- Making judicial-like decisions

## Quasi-judicial Characteristics

- Retrospective
- Specific parties
- Applies existing law or rules to conform conduct
- Hearing or other contested forum/action
- Determines rights, duties or privileges

# FUNDAMENTAL DISTINCTION

## Legislative Decisions

- Prospective: Make Law to Achieve Broad Policy Objectives
- Set Direction and Policy; Dynamic Behavioral/Conduct Changes
- Limited Procedural Safeguards

## Quasi-Judicial Decisions

- Retrospective: Conform Conduct to Existing Law
- Contested Case Setting with Identified Parties
- Procedural and Substantive Due Process Safeguards

# APPEARANCE OF FAIRNESS DOCTRINE

RULE: No *ex parte* contacts with opponents or proponents during pendency of quasi-judicial action

REMEDY: (1) Disclose the substance of communication, (2) Offer an opportunity for rebuttal & objection



# APPEARANCE OF FAIRNESS DOCTRINE

## AFD Violations; Consequences

- Action Taken Will be Void
- Civil Damages May be Available
  - Bad intent
  - Abuse/misuse of authority
  - Delay of decision/action

QUESTIONS?



**RULES OF PROCEDURE**

**FOR THE**

**TUKWILA PLANNING COMMISSION**

**AND**

**BOARD OF ARCHITECTURAL**

**REVIEW**

**Adopted April 17, 1958**  
**Amended November 29, 1973**  
**Amended February 28, 1974**  
**Amended July 29, 1982**  
**Amended February 26, 1998**  
**Amended March 23, 2006**  
**Amended January 15, 2009**  
**Amended August 25, 2011**  
**Amended October 2017**

# **RULES OF PROCEDURE FOR THE TUKWILA PLANNING COMMISSION AND BOARD OF ARCHITECTURAL REVIEW**

## **ARTICLE I – PURPOSE AND GOALS**

Pursuant to the authority conferred by RCW 35A.63 and per Tukwila Municipal Code (TMC) 2.36.010 the Planning Commission (“Commission”) is hereby established to serve in an advisory capacity to the Mayor and City Council for the City of Tukwila.

The purpose of the Tukwila Planning Commission is to perform the function of a Municipal Planning Commission as set forth in Chapter 35.63 of the Revised Code of Washington (“RCW”) and Chapter 2.36 of the Tukwila Municipal Code (“TMC”) on matters relating to land use, comprehensive planning and zoning. The purpose of the Tukwila Board of Architectural Review is to review land development and building design per the TMC Chapter 18.60.

The objectives of the Planning Commission 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 a future image and direction for the city as well as the means for meeting more immediate needs.
3. To ensure that effective citizen participation, including opportunities for timely public involvement, are part of the City’s planning processes.
4. To represent a whole-city view-point when evaluating proposed plans, projects and issues.
5. To make recommendations which recognize the city’s needs and government’s constraints as well as identified citizen viewpoints.
6. To fairly judge the merits of quasi-judicial applications such as [site-specific rezone requests](#)~~[shoreline conditional use permits](#)~~.

The goal of the Board of Architectural Review is to provide review by public officials of land development and building design in order to promote the public health, safety and welfare. Specifically, the Board of Architectural Review ("BAR") shall only approve well-designed developments that are creative and harmonious with the natural and manmade environments. Individual project approvals shall be based on an evaluation of the project design against the applicable design guidelines, Zoning Code requirements and other development standards.

## **ARTICLE II - MEMBERSHIP**

Per TMC 2.36.020, the Commission shall be composed of seven members and shall include six community members representing a cross section of the community from different trades, occupations, activities and geographical areas and one member representing a business operating in the City.

**A. Length of Appointment**

The term of membership for the members of the Tukwila Planning Commission shall be four years.

**B. Resignation**

If a Commission member is unable to complete their term of service a letter of resignation should be sent to the Mayor indicating the effective date of the resignation.

**C. Removal**

Commission members may be removed from the position if absent without being excused for three consecutive meetings or six regular meetings in a calendar year.

**D. Compensation**

Members will receive no monetary compensation for serving on the Commission.

**ARTICLE III - DUTIES OF THE COMMISSION, OFFICERS, COMMISSIONERS AND SUPPORT STAFF**

**A. Duties of Commission**

The Commission shall undertake the duties and responsibilities defined in TMC 2.32.010.

**B. Officers**

Officers shall be a Chair and a Vice-Chair; both appointed members of the Commission. In absence of both the Chair and the Vice-Chair members shall elect a Chair pro tem.

**C. Duties of the Officers**

**Chair**

The Chair shall preside at all meetings and adhere to the duties of the presiding officer prescribed in Robert’s Rules of Order Newly Revised. When necessary, the Chair shall call for special meetings. The Chair shall be a full voting member of the Commission. The Chair may delegate duties to other Commissioners with the consent of the Commission. The Chair shall speak on behalf of the Commission before City Council, the public and City staff.

The Chair will serve as a member on the City’s Board of Ethics. In the event the Chair is unable or unwilling to serve on the Board of Ethics, the Commission shall select a member to serve on the Board.

The responsibilities of the chair include:

- Providing group direction and options for setting goals;
- Coordinating with staff to set meeting agendas;
- Coordinating meeting preparation with City staff; and
- Representing the Commission in the community.

The term of office shall be one year.

**Vice-Chair**

The Vice-Chair shall perform the duties of the Chair in absence of the Chair. The Vice-Chair may also speak on behalf of the Commission before City Council, the public and City staff when the Chair is not available to speak.

The term of office shall be one year. The Vice-Chair will promote to the Chair the following year.

#### **D. Duties of Commissioners**

It is the responsibility of all Commission members to:

- Arrange adequate time to carry out responsibility as a Commission member;
- Come to meetings prepared: Read all reports, proposals and documents distributed prior to meetings;
- Listen to other Commission members and communicate with respect and courtesy; and
- Participate in group discussion and decision making.

##### **I. Ethics Training**

Every Commission member must complete Ethics Training and sign an Ethics Training Certification Form within 90 days of appointment and must complete the training within 90 days of reappointment or every four years, whichever comes first.

##### **II. Open Public Meetings Act Training**

Pursuant to RCW 42.30.205, every Commission member must complete training on the Open Public Meetings Act and sign an OPMA Training Certification Form within 90 days of appointment and must complete the training within 90 days of reappointment or every four years, whichever comes first.

##### **III. Public Records Training**

Every Commission member must complete training on the Public Records Act and sign a Public Records Training Certification Form within 90 days of appointment and must complete the training within 90 days of reappointment or every four years, whichever comes first.

##### **IV. Conflict of Interest**

Washington's ethics laws prohibit public officials from gaining financially as a result of his or her position. Public officials must declare any conflicts of interest at a public meeting. A conflict exists if a recommendation potentially could affect the finances of the group member or the finances of a family member. If a conflict exists, the member must declare this fact at a meeting where the issue is being discussed and refrain from discussing or voting on the recommendation.

##### **V. Equity Policy Training**

In 2017, the Tukwila City Council adopted the Equity Policy, Resolution 1921. The Tukwila City Council identified the need for an equity policy to continue the City of Tukwila's commitment to being an inclusive community that provides equal access to all City services. The purpose of this policy is to provide guidance to City elected officials, staff, boards and commissions, partners, residents, businesses and guests on how the City of Tukwila will actively promote equitable access to opportunities and services.

[The City requires every member of an advisory body to complete training on the Equity Policy, Resolution 1921 within 90 days of appointment and within 90 days of reappointment or every four years, whichever comes first.](#)  
[Link to the Equity Policy, Resolution 1921 Training](#)

Every Commission member must sign a Conflict of Interest Disclosure Form within 90 days of appointment and must sign a new Disclosure Form within 90 days of reappointment or every four years, whichever comes first.

#### **E. Duties of Support Staff**

One or more City staff are assigned to support the Commission. The Director of the Tukwila Community Development Department or his/her designee will serve as the Secretary to the Commission. The primary role of the Secretary is to represent the City and facilitate communication between the Commission, City Administration, the City Council and other City departments. Responsibilities of the Secretary and support staff include:

- Ensuring compliance with applicable laws, such as the Open Public Meetings Act (OPMA) and the Public Records Act (PRA) including legal noticing requirements;
- Maintaining a current roster of all members,
- Taking roll at regular, special and public hearing meetings;
- Compiling agendas and agenda packets, recording, transcribing, and maintaining minutes and records, forwarding recommendations and/or implementing actions;
- Providing professional guidance, issue analysis and recommendations;
- Assisting with research, report preparation and correspondence.

#### **ARTICLE IV – DESIGNATION OF OFFICERS**

The Commission shall make a motion to designate a Chair and a Vice Chair to serve for one year. Designations are based on longevity of service on the commission and will rotate through all of the members before a member serves an additional term. Generally, officers shall be designated and take office annually at the first regular public meeting of the Commission in January. The first item of new business shall be the designation of the officers and they will assume their duties at that time.

The Vice-Chair from the previous year will be designated as Chair and the next member in line in line of seniority will be designated as the Vice-Chair.

Should the Chair be vacated prior to the completion of the Term, the Vice-Chair will assume the duties and responsibilities of the Chair for the remainder of the Term. The next member in line of seniority will then be designated as the new Vice-Chair to serve out the remainder of the Term.

Should the Vice-Chair be vacated prior to the completion of the Term, the Chair will designate the next member in line of seniority as the new Vice-Chair to serve out the remainder of the Term.

## ARTICLE V – MEETINGS

### Section 1: Meetings.

All Commission meetings shall comply with the requirements of the Open Public Meetings Act RCW 42.30. All meetings shall be noticed and open to the public.

The Planning Commission may hear both legislative and quasi-judicial actions. The Commission may devote part or all of a meeting to an informational work session during which no comments from the public will be permitted, unless the Chairperson or a majority, on a case-by-case basis, decides otherwise. All Board of Architectural Review hearings are quasi-judicial in nature. All meetings shall be open to the public and duly noticed per the applicable regulations in the Tukwila Municipal Code.

Quasi-judicial public hearings determine the legal rights, duties or privileges of specific parties, decided in a contested case proceeding by non-judicial decision-makers such as planning commissions, city councils and hearing examiners. The decisions made as a result of such hearings must be based on and supported by the record developed at the hearing. Therefore, these types of hearings are subject to stricter procedural requirements than legislative hearings.

The purpose of legislative public hearings is to obtain public input on matters of policy. They 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. If challenged, the decision reached at a legislative public hearing is only reviewed to determine if it is constitutional or violates state law.

All meetings of the Planning Commission shall be governed by these by-laws. Where the by-laws do not state otherwise, the parliamentary rules and procedures contained in the current edition of *Roberts Rules of Order* shall apply.

#### A. Schedule

The Commission shall hold regular meetings according to the following schedule: The fourth Thursday of each month January through October and the second Thursday in November and December. The meetings shall begin at 6:30 p.m. unless modified. Should a regular meeting day be a legal holiday, the scheduled meeting shall be postponed to the succeeding Thursday, unless a majority of the Commission votes to select another day or to cancel the meeting.

Any Commission meeting may be canceled by a majority vote or consensus of the Commission. The Chair or Vice-Chair may instruct the Secretary to cancel a meeting for lack of agenda items or lack of a quorum.

#### 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 in conjunction with the Secretary, the City Council, or the Mayor, or by the written request of any three (3) Commissioners by written notice emailed or delivered to each member of the Commission at least 24 hours before the time specified for the proposed meeting.



Special meeting called shall state the subject(s) to be considered and no subject other than those specified in the notice shall be considered. No special meetings shall be scheduled between November 15th and the end of the year. The agenda for a special meeting need not conform to the Order of Business in Section C of this Article.

C. Order of Business

The order of business for each regular meeting of the Commission shall be as follows:

1. Call to Order
2. Roll Call
3. Amendment of Agenda if Necessary
4. Approval of Minutes
5. Unfinished Business
6. New Business
7. Reports of Commissioners and Staff/Announcements
8. Adjournment

D. Notices

The public shall be notified of the preliminary agenda for the forthcoming Commission meeting by posting a copy of the agenda in the City's Digital Records Center. In the event of a public hearing, the notice of hearing will be published in the legal section of the newspaper in compliance with RCW 35A.12.160.

**ARTICLE VI - RULES OF MEETINGS**

**A. Absences**

Absence from more than three (3) consecutive Commission meetings may be cause for removal. Members shall communicate with the Secretary with requests for an excused absence in the event they will miss three (3) or more consecutive meetings. Emergency requests may be considered. The Chair may approve the absence.

**B. Quorum**

At all Commission meetings, the presence of the majority of the currently seated members constitutes a quorum. A quorum is required for the Commission to take any action.

**C. Rules of Procedure**

The current edition of Robert's Rules of Order Newly Revised shall provide the basis for meeting structure and official decisions shall be made by motion and vote of the Commission.

**D. Meeting Decorum**

To provide a fair and efficient forum for the conduct of business at Planning Commission meetings, the following rules of decorum shall be observed:

- a) No person shall address the Commission without first obtaining recognition from the Chair.

- b) The Commission may allow comments from members 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 a speaker is representing an organization, the Chair may grant that speaker additional speaking time
- d) If audience dialogue becomes disruptive, the Chair may recess the meeting or request that the meeting be adjourned.
- e) Once a member of the public has spoken in regard to a specific matter before the Commission, 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 the creation of accurate meeting minutes all speakers should identify themselves each time they address the Commission.
- g) Planning Commission meetings will generally begin at 6:30 PM or as indicated on the public notice. They will continue until the agenda items have been completed or until 9:30 PM whichever comes first. Continuation of a meeting past 9:30 PM requires approval of a motion to extend by a majority vote. If no motion is approved the Chair will continue the meeting to a date certain.

#### **E. Conflict of Interest and Appearance of Fairness for Quasi-Judicial Actions**

The appearance of fairness doctrine is a rule of law that requires government decision-makers to conduct quasi-judicial hearings and make quasi-judicial decisions in a way that is both fair in appearance and in fact. Any member of the Commission who in his or her opinion has an interest in any matter before the Commission that would prejudice his or her actions shall so publicly indicate and shall step down, leave the hearing room and refrain from voting and any manner of participation with respect to the matter in question so as to avoid any possible conflict of interest or violation of the appearance of fairness.

If a member of the Commission 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 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 member 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 member may participate.

If a member of the Commission has had ex-parte communication with either proponents or opponents of the project the member shall place the substance of the written or oral communication on the record, make a public announcement of the content of the communication, and allow persons to challenge his or her participation in the hearing. If so challenged the member shall step down, leave the hearing room and refrain from voting and any manner of participation with respect to the matter in question.

#### **F. Quasi-Judicial Hearing Procedures**

All quasi-judicial hearings held by the Commission shall be recorded and use the following procedures:

Chair - call the meeting to order

Secretary - take attendance

Commission - review, amend and adopt the minutes of previous meetings

Chair - swear in all those who wish to offer testimony at the hearing including staff members

Chair - open the public hearing, state the purpose of the hearing and the action the Commission may take

Staff - ask each of the Planning Commission/BAR 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?
- Have you had any ex-parte communications about this application? *If so, please disclose the substance of these communications and whether you think it will impair your ability to impartially decide on the merits of the application.*
- *If any Commissioner answers yes to one or more of the prior questions, ask: Does anyone here object to Commissioner \_\_\_\_\_ hearing this matter?*

If any Commissioners disclose appearance of fairness issues allow the applicant or other audience members to challenge their participation in the hearing. If so challenged the Commissioner must step down from the case and leave the room unless this would cause the loss of a quorum per RCW 42.36.090. If the applicant does not object to the Commissioner hearing the case, please have them state that for the record.

Staff – present the staff report and take questions from the Commission

Applicant – optional presentation and take questions from the Commission

Public – comments and questions are to be directed to the Commission

Rebuttal testimony and responses by staff, applicant and the public

Chair - close the public hearing

Commission deliberates

Any member may make a motion on the application

Any member may second the motion

Discussion

Vote

Next Item if applicable

Director's Report

Chair - adjourn the meeting

## **G. Legislative Hearing Procedures**

All legislative hearings held by the Commission shall use the following procedures:

Chair - call the meeting to order

Secretary - take attendance

Commission - review, amend and adopt the minutes of previous meetings

Chair - open the public hearing, state the purpose of the hearing and the action the Commission may take

Staff – present the staff report and take questions from the Commission

Public – comments and questions are to be directed to the Commission

Rebuttal testimony and responses by staff and the public

Chair - close the public hearing

Commission deliberates

Any member may make a motion on the application

Any member may second the motion

Discussion

Vote

Next Item if applicable

Director's Report

Chair - adjourn the meeting

## **H. Voting**

Voting on all matters except amendments to these by-laws shall be by simple majority.

- a) The Chair shall have one vote and shall enjoy the same opportunity to vote as afforded to all other Commission members.
- 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 meeting of the Commission, or
  - 2) The matter has been placed on the agenda prior to the meeting by any member of the Commission or by the Secretary, or
  - 3) A new legislative item, not on the agenda, and considered by a 2/3 vote of the Commission to constitute an emergency and thus warrant immediate decision, may be approved by a 2/3 vote, or
  - 4) A new procedural item, not on the agenda, may be approved by a simple majority vote.
- d) All Commission members shall have one and only one vote on any particular matter of business.
- e) There shall be no voting by proxy.

## **I. Adjournment/Recess/Continuations**

Meetings shall be adjourned by a majority vote of the Commission or by the chair when it appears that there is no further business.

The Commission may, by majority vote or consensus, recess for a short break. The proposal to recess may set a time limit or can be until the Chair calls the meeting back to order.

Continuations of meetings shall be to a definite time and place by the majority vote of present Commission members. The Commission may continue a public hearing to a future date for the purpose of accepting new written or oral testimony. 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.

#### **Article VII Code of Ethics**

Members of the Commission shall fully comply with RCW 42.23 Code of Ethics for Municipal Officers and with TMC 2.95 Code of Ethics for Employees and Appointed Officials.

#### **ARTICLE VIII – COMMITTEES**

From time-to-time, the Chair may appoint sub-committees of the Commission membership, or a Committee-of-the-Whole thereof, for purposes of furthering the conduct of Commission business. Such committees may be directed to draft or review legislative proposals, to initiate code-amendments or special studies, or to undertake research and analysis of topical matters referred to the Commission by action of the City Council.

#### **ARTICLE IX – AMENDMENTS**

These Rules of Procedure may be amended by two thirds 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.

**2021 ROSTER OF COMMISSIONERS**

*Karen Simmons, Chair*

*Andrea Reay, Vice-Chair*

*Louise Strander*

*Dennis Martinez*

*Sharon Mann*

*Apneet Sidhu*

*Alexandria Teague*

*Wynetta Bivens, Secretary*

**Past Chairs**

*2021 Commissioner Louise Strander*

*2020 Former Commissioner Heidi Watters*

*2019 Commissioner Dennis Martinez*

*2018 Former Commissioner Nhan Nguyen*

*2017 Former Commissioner Miguel Maestes*

*2016 Commissioner Sharon Mann*

*2015 Former Commissioner Mike Hansen*

*2014 Commissioner Louise Strander*

*2013 Former Commissioner Thomas McLeod*

*2012 Former Commissioner Brooke Alford*

*2011 Former Commissioner Margaret Bratcher/Commissioner Alford*

*2010 Former Commissioner Bill Arthur*

*2009 Former Commissioner George Malina*

*2008 Former Commissioner Chuck Parrish*

*2007 Former Commissioner George Malina*

*2006 Former Commissioner Allan Ekberg*

*2005 Former Commissioner Margaret Bratcher*

*2004 Former Commissioner George Malina*

*2003 Former Commissioner Kirstin Whisler*

*2002 Former Commissioner David Livermore*  
*2001 Former Commissioner Vern Meryhew*