



**STAFF REPORT TO THE PLANNING COMMISSION**  
**Prepared February 6, 2023**

**REQUEST:** Follow up on discussion of amendments to the Tukwila Planning Commission Rules of Procedure (Bylaws). This item was last discussed at the December 8, 2023.

Amendment Process: Per Article IX of the current adopted Bylaws, amendment of the Rules of Procedure requires a two thirds vote of the members present at any meeting, provided notice of such proposed changes has been transmitted to the Commission not less than five (5) days prior to the meeting.

**STAFF:** Nora Gierloff, AICP, DCD Director  
Nancy Eklund, AICP, Long Range Planning Manager

**ATTACHMENTS:**  
A. Proposed Planning Commission Bylaws – Equity/public Comment Only – marked up copy

**BACKGROUND**

The Commission reviewed the proposed changes to the Bylaws at their December 8, 2022, meeting. The amendments were originally needed to bring the Bylaws into conformance with additional City training requirements for all boards and commissions and, subsequently, to include legislative requirements addressing public comment and remote meetings.

Since the December 2022 meeting, staff developed a final version of bylaw amendments for the Commission’s consideration, focusing on ensuring the Bylaws were up to date with legislative requirements (e.g., changes to Public Comment and requirements) and local decisions regarding remote participation and requirements for the Board to receive periodic Equity training. In addition, staff had clarified public comment provisions as requested by the Commission and taken numerous opportunities to improve the format, flow, and language of the Bylaws to ensure they conformed to state and local law. Staff also corrected errors and clarified the responsibilities of commissioners and staff.

Prior to preparing the final Commission packet, the City Administrator asked that we move forward only with the Equity Training and Public Comment additions.

**REQUESTED ACTION**

You have reviewed these sections previously, and they are provided here for your approval.



**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**  
**Amended February , 2023**

**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) 2.36.10 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 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.

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.

#### 1. Equity Policy Training

Equity Policy Training In 2017, the Tukwila City Council adopted the Equity Policy, Resolution No. 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.

**Commented [NE1]:** New Equity Training required by City Administrator.

**Formatted:** No widow/orphan control, Don't keep with next, Don't keep lines together

**Formatted:** Indent: First line: 0", Don't keep with next, Don't keep lines together

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.

Formatted: Don't keep with next, Don't keep lines together

Formatted: List Paragraph, Indent: Left: 0.75", Right: 0"

Formatted: Font: 12 pt, Strikethrough

#### **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. Public Comment
- 5-6. Unfinished Business
- 6-7. New Business
- 7-8. Reports of Commissioners and Staff/Announcements
- 8-9. Adjournment

Formatted: Not Expanded by / Condensed by

D. Public Comment The Commission shall provide several opportunities for the public to comment on Commission business:

Formatted: Indent: Left: 0.19", Tab stops: 0.69", Left

1. Public Hearing Comment: Comments for items being considered at public hearings.

Formatted: Font: 12 pt

- Written comments relating to items being considered at a public hearing should be provided by email, regular mail, and/or hand delivery to the Secretary of the Planning Commission prior to 5:00 p.m. the day before the public hearing. Any comments received will be forwarded to Commissioners and City Staff for their information.
- During the public hearing, both written and oral comment relating to the items being considered by the Commission may be provided.
- Comments provided outside of these parameters will not be considered part of the public record for the item being considered at the public hearing.

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.18" + Indent at: 0.68", Tab stops: 0.68", Left + 0.68", Left + Not at 0.25"

Formatted: Indent: Left: 0.69", Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"

2. General, Non-public Hearing Related Comment: Public comment on general, nonpublic hearing related items is provided for in all regular meetings.

Formatted: Indent: Left: 0.25", Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

- Such public comment shall be written and, if provided to the Secretary of the Planning Commission prior to 5:00 p.m. the day before the Commission meeting, will be forwarded to Commissioners for their information.
- If such comment is received less than 24 hours prior to the Commission meeting, staff will hold the comment and forward it to the Commission for information at a following meeting.
- No oral comment will be accepted unless permitted by the Commission, as described in Article VI, section D.

Formatted: Indent: Left: 0.69"

D. Notices

Formatted: Indent: Left: 0.75"

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.

**2021-2023 ROSTER OF COMMISSIONERS**

~~*Apneet Sidhu*~~*Louise Strander*, Chair

~~*Karen Simmon*~~*Sharon Manns*, Vice-Chair

~~*Louise Strander*~~*Andrea Reay*

*Dennis Martinez*

~~*Dixie Stark*~~*Alexandria Teague*

~~*Apneet Sidhu*~~~~*Sharon Mann*~~*Martin Probst*

**VACANT**

*Wynetta Bivens*, Secretary

Formatted: Indent: Left: 0.13", Right: 0.02"

Formatted: Indent: Left: 0.13", Right: 0.02"

**Past Chairs**

**2022 Commissioner Karen Simmons**

**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**

Formatted: Indent: Left: 0.99", Space Before: 0 pt, Line spacing: single

Formatted: Indent: Left: 0.99", First line: 0", Space Before: 0 pt, Line spacing: single

Formatted: Indent: Left: 0.99"