



STAFF REPORT TO THE PLANNING COMMISSION Prepared March 28, 2023

REQUEST: Follow up on discussion of amendments to the Tukwila Planning Commission Rules of Procedure (Bylaws). This item was last discussed at the February 23, 2023, meeting.

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 – Clean Copy
- B. Proposed Planning Commission Bylaws – Marked-up copy

BACKGROUND

At their December 8, 2022, meeting, the Commission reviewed the proposed “clean-up” changes to the bylaws, as well as several changes requested by City administration to address new policies and legislative mandates. At that time, the Commission concurred on most of the recommended amendments, and staff committed to returning to the Commission with specific edits to the limited items the Commission requested. No vote was taken on the document at that time.

At the Commission’s February 23, 2023, meeting, the Commission reviewed and adopted only those changes that City Administration had requested; they had asked for more time to review other clean-up changes proposed to ensure the PC bylaws were not out of step with bylaws from other City boards and commissions.

Staff met with City Administration on March 20th to discuss the breadth of the amendments proposed for the PC bylaws. At that time, Administration concurred with most of the recommended changes, but reinforced their request that boards and commissions accept written general public comment only (comment/testimony received at public hearings is acceptable). “General non-public hearing” comment received shall be:

- a) forwarded to the Planning Commission Secretary by 5:00 p.m. the day preceding the Commission meeting. If any communication is received by that date, it will be forwarded to the Commission prior to the meeting; and
- b) comment received after 5:00 p.m. will be held until the next PC meeting.

It was noted that the PC has specific areas of focus and responsibility and that not all general public comments may warrant action on the part of the Commission. To address general public content received, the Commission can ask staff to confer with Administration to determine if the comment's subject matter is something that should be researched and added to a future meeting agenda, or addressed in some other way.

Changes Proposed in the Bylaws

The Commission reviewed the vast majority of the Bylaws amendment's content. Remaining items include:

1. Refinement of the officer succession process - *Article IV - Duties* (p. 6 on the "track changes" version);
2. Refinement of the meaning of "general non-public hearing comment" to be accepted by the Commission (*Article V, Sections D and E*, pages 9-10);
3. Clarifying Meeting Decorum requirements (*Article VI, D*, p. 9 and 10) to keep public hearing guidance together, and to be clear regarding comment received that the Commission may accept at a meeting; and
4. Use of the term "testimony" when referencing public comment received by the Commission at public hearings, to differentiate such comment from the term "general, non-public hearing" comment (*Article VI, Section F*, p. 11).

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
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Amended January 15, 2009
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Amended October 2017
Adopted February 23, 2023
Adopted April 27, 2023**

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

ARTICLE I – PURPOSE AND OBJECTIVES

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

Purpose: The purpose of the Tukwila Planning Commission is to perform the function of a Municipal Planning Commission as set forth in RCW Chapter 35.63 and Chapter 2.36 of the TMC on matters relating to land use, comprehensive planning and zoning. In the City of Tukwila, members of the Planning Commission also serve as the Tukwila Board of Architectural Review (referred to herein as BAR or Board of Architectural Review). The purpose of the BAR is to review land development and building design per TMC Chapter 18.60. (Unless otherwise specified, the term “Commission” shall be used herein to reference the bylaws and rules of procedure governing the operations of both commission capacities, i.e., the Planning Commission and the Board of Architectural Review.)

The objectives of the 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 for consistency and integration among plans that 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 viewpoint when evaluating proposed plans, projects, and issues.
5. To make recommendations that 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.

The objective of the Board of Architectural Review is to provide review by public officials of land development and building design in order to promote public health, safety and welfare. Individual project approvals shall be based on an evaluation of the project design against the applicable design guidelines, TMC requirements and other development standards.

ARTICLE II – MEMBERSHIP

Per TMC 2.36.020, the Planning Commission shall be composed of seven members and shall include six residents 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 list of current members, terms, and past Commission Chairs is shown in Exhibit A, and shall be updated annually.)

Per TMC 18.60.020, the BAR shall consist of the members of the Planning Commission.

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 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 2.36.010 and in TMC 18.60, when sitting as the BAR.

B. Officers

Officers shall be a Chair and a Vice-Chair: both appointed members of the Commission and shall be approved pursuant to Article IV. In the absence of both the Chair and the Vice-Chair, members shall elect a Chair pro tem. The officers of the Commission shall also sit as officers of the BAR.

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 (per TMC 2.97.040 and TMC 2.97.050). 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:

- Presiding at all meetings of the Commission;
- 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 automatically be promoted 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.

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

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.

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:

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

ARTICLE IV – DESIGNATION OF OFFICERS

The initial Chair and Vice-Chair positions, as described in Article III, shall be determined based on the longest and second-longest serving member of the Commission. At each year thereafter, each Commissioner shall rotate through the positions of Chair and Vice-Chair (unless the Commissioner declines to assume the role) before a Commissioner may serve an additional term as Chair or Vice-Chair. A Commissioner may defer their service as Vice Chair the year they are eligible and may retain their place in line for consideration as an officer the following year. Officers shall take office annually at the first regular public meeting of the calendar year.

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

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. Should it be necessary to cancel a noticed meeting, that cancellation shall be completed 24 hours prior to the meeting and shall be carried out consistent with requirements for providing notice for the meeting, as practical. For meetings cancelled with less than 24 hours' notice, staff shall be present at the advertised meeting site to notify any members of the public showing up. (See Section A below for more information about cancellations.)

Commission Meetings: The Commission may hold both public hearings on legislative matters and quasi-judicial hearings, as well as work sessions. However, all meetings shall be open to the public and duly noticed per the applicable regulations in the TMC.

Public Hearing for Legislative Matter: The purpose of a public hearing on a legislative matter is to obtain public input on matters of policy. Such 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. Legislative decisions by the Planning Commission are recommendations that are forwarded to the City Council for final decision.

Public Hearing for Quasi-Judicial Matter: All Board of Architectural Review hearings are quasi-judicial in nature. Quasi-judicial public hearings determine the legal rights, duties, or privileges of specific parties, decided 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.

Work Sessions: Work sessions are staff-led meetings that are intended to provide the Commission with a better understanding of general or specific planning issues that may come before them for decision, or that support understanding the context of planning issues. Commissioner training may also be included in work sessions.

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

A. Schedule

The Commission shall hold regular meetings according to the following schedule:

1. January through October, the fourth Thursday of each month. Meetings held on the second Thursday of November and December, and any additional Commission meetings scheduled during the year, will be noticed as Special meetings. Unless notice is provided that there will be a different location and/or starting time, Commission meetings shall be held in the City Council Chambers (6200 Southcenter Blvd, Tukwila, WA) and shall begin at 6:30 p.m. 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 meeting date; such meeting shall be noticed as Special meetings.

B. Special Meetings

1. 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.
2. 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. Remote Meetings

1. In the event of an emergency as declared by the City, State, and/or Federal government, the Commission may arrange to have remote meetings during the declared emergency.
 - a. During a fully-remote meeting, Commissioners may attend by phone or other electronic means that allow all participants to hear one another in live time.
 - b. Fully-remote meetings are open to the public and arrangements must be made to ensure that the public can hear the meeting while it is occurring, subject to the requirements of RCW 42.30.
2. In times of non-emergency, the Commission recognizes the value of in-person attendance at meetings, however, they recognize that there may be circumstances that warrant remote attendance at a meeting. The Commission will hold an in-person meeting as described in Section A above, but will allow Commissioners to attend remotely, , subject to the following provisions:

- a. A Commissioner planning to attend a meeting remotely should notify the Secretary to the Commission no later than noon the day of the meeting.
- b. A Commissioner attending remotely will be marked present, counted toward a quorum, and can vote just as if physically present.
- c. If a Commissioner's virtual connection should become lost during the meeting, the meeting should continue unless quorum is no longer met.

D. 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. Approval of Agenda
4. Approval of Minutes
5. Public Comment (General Non-public Hearing Related)
6. Unfinished Business
7. New Business
8. Reports of Commissioners and Staff/Announcements
9. Adjournment

E. Public Comment

The Commission shall provide several opportunities for the public to comment on Commission business:

1. Public Hearing Comment: Comments for items being considered at public hearings.
 - o 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.
 - o During the public hearing, both written and oral comment relating to the items being considered by the Commission may be provided.
 - o Comments provided outside of these parameters will not be considered part of the public record for the item being considered at the public hearing.
2. General, Non-public Hearing Related Comment: Public comment on general, non-public hearing related items is provided for in all meetings, consistent with the following:
 - o Such public comment shall be written and provided to the Secretary of the Planning Commission. If such comment is provided prior to 5:00 p.m. the day before the Commission meeting, the comment will be forwarded to Commissioners for their information at that meeting.
 - o 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 the following meeting.
 - o No oral or written comment will be accepted at a Commission meeting unless permitted under Article VI, section E.

F. Notices

The Secretary shall notify the public of the preliminary agenda for the forthcoming Commission meeting by posting a copy of the agenda in the City's Digital Records Center.

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) During a public hearing, no person shall address the Commission without first obtaining recognition from the Chair.
- b) If a large number of people wish to speak at a public hearing, 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.
- c) Once a member of the public has spoken in regard to a specific public hearing matter before the Commission, he or she may not be recognized to speak again until all persons wishing to speak have first been given the opportunity to do so.
- d) If audience dialogue becomes disruptive, the Chair may recess the meeting or request that the meeting be adjourned.
- e) To aid in the creation of accurate meeting minutes all public speakers should identify themselves each time they address the Commission, however, the Commission will not forbid the public speaker to comment if they decline to identify themselves.
- f) Except for comments received by the Commission during public hearings, or as described in Article V, section E, no other public comment shall be allowed.
- g) Commission meetings will 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 Commissioner has had ex-parte communication (communication outside of the hearing) with either proponents or opponents of the project, the Commissioner 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 - 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 Commissioners 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, then the Commission shall allow the applicant or other audience members to challenge the Commissioner's 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 Testimony – In accordance with Article VI, Section D, the Chair shall recognize any member of the public present who wishes to comment on the topic. Comments are to be directed to the Commission.

Staff and Applicant – Address final questions from Commission.

Chair - close the public hearing.

Commission – Following approval of a motion, the Commission will begin its deliberations, as described in Section H.

Commission – Voting

Any member may make a motion on the agenda topic

Any member may second the motion

Discussion

Vote

G. Procedures for Public Hearing on a Legislative Item

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

Chair – open the public hearing on the legislative item, 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 Testimony – In accordance with Article VI, Section D, the Chair shall recognize any member of the public present who wishes to provide comment on the topic. Comments are to be directed to the Commission.

Staff and Applicant – Address final questions from Commission.

Chair – close the public hearing.

Commission – Following approval of a motion, the Commission will begin its deliberations, as described in Section H.

Commission – Voting

Any member may make a motion on the application

Any member may second the motion

Discussion
Vote

H. Commission Deliberation

After all speakers at a public hearing have been heard, the Commission shall close the public comment portion of the hearing, consider all the information, and deliberate on the matter. This deliberation shall include:

- a) The information submitted;
- b) The written or oral public comments/testimony received;
- c) Any presentation and discussion made at the hearing; and
- d) The staff report.

I. Voting

Voting on all matters except amendments to these bylaws shall be by simple majority. Unless otherwise required, a simple majority consists of a majority of Commissioners present at a meeting.

- 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 placed on the agenda prior to the meeting by any member of the Commission or by the Secretary.
 - 2) A new procedural item (i.e., relating to the administrative processes used by the Commission, vs. a substantive item relating to code, policy, or development issues) not on the agenda, may be approved by a simple majority vote.
- d) All Commissioners shall have one and only one vote on any particular matter of business.
- e) There shall be no voting by proxy.

J. Commission Recommendations

After discussion and deliberation of an agenda item, the Commission shall make a recommendation to the City Council by a motion and approval of a majority of those members participating. If there are any additional considerations or issues that the Commission would like conveyed to Council, they shall identify those and direct staff to include that information in the staff report to Council.

K. Adjournment/Recess/Continuations

Meetings shall be adjourned by a majority vote of the Commission.

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, and shall be determined 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.

Exhibit A

2022 ROSTER OF PLANNING COMMISSIONERS

Position	Member	Term (4 years)	
		Appointed	Term Expiration
Position #1 (Resident)	LOUISE STRANDER	03/15/2010	12/31/2022
Position #2 (Resident)	VACANT		12/31/2026
Position #3 (Business)	MARTIN PROBST	06/27/2022	12/31/2023
Position #4 (Resident)	DENNIS MARTINEZ	3/21/2016	12/31/2023
Position #5 (Resident)	ALEXANDRIA TEAGUE	01/4/22	12/31/2022
Position #6 (Resident)	APNEET SIDHU, Chair	05/17/21	12/31/2023
Position #7 (Resident)	SHARON MANN, Vice Chair	08/20/2012	12/31/2023
<i>Secretary, Wynetta Bivens</i>			

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*

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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 for consistency and integration among plans ~~which that~~ 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 that~~ 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 a design review, or subdivision preliminary plat or phasing plan with an associated design review application shoreline conditional use permits.~~

The goal-objective 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

Commented [NE1]: Changed to Objectives - the Council establishes the PC goals, not the PC. They implement.

Commented [NE2R1]: FYI - it was recommended by legal that we not abbreviate "Planning Commission" into "PC" in this document to avoid any interpretation issues. Staff and Commission members will invariably refer to the Commission as the "PC", but that is not a term that should be used in the bylaws.

Commented [NE3]: 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: ...

(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.

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 ...

Commented [NE4]: This language is intended to clarify that the Planning Commission serves as two separate Boards: the Planning Commission and the Board of Architectural Review, addressed by separate sections of the municipal code.

Commented [NE5]: This simplifies this item - it is not necessary to list an example task.

Commented [NE6R5]: Rev: This example language was deleted since the Commission no longer does several of these activities, e.g., subdivision preliminary plat or shoreline conditional use permits. It's not necessary to ...

Commented [NE7]: This term should be consistent with the one highlighted above: either they are both goals or they are both objectives

environments. Individual project approvals shall be based on an evaluation of the project design against the applicable design guidelines, Zoning Code TMC requirements and other development standards.

Commented [NE8]: This comment is misplaced - the expectations of the review performed by the BAR are spelled out in the applicable code sections and do not belong here.

ARTICLE II -- MEMBERSHIP

Per TMC 2.36.020, the Planning Commission shall be composed of seven members and shall include six community members residents 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 list of current members, terms, and past Commission Chairs is shown in Exhibit A, and shall be updated annually.)

Commented [NE9]: File footer to be removed

Commented [NE10]: This clarifies that the majority of the Tukwila PC is composed of Tukwila residents, vs. people who may have businesses in town but do not live in Tukwila.

Per TMC 18.60.020, the BAR shall consist of the members of the Planning Commission.

Commented [NE11]: This will be updated every year without requiring an update of the Bylaws

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.

Commented [NE12]: This language is from TMC 2.36.020.G and can't be changed without changing the code..

D. Compensation

Members receive no monetary compensation for serving on the Commission.

Commented [EFM13]: Recommend removing underscore.

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, 2.36.010 and in TMC 18.60, when sitting as the BAR.

B. Officers

Officers shall be a Chair and a Vice-Chair; both appointed members of the Commission and shall be approved pursuant to Article IV. -In the absence of both the Chair and the Vice-Chair, members shall elect a Chair pro tem. The officers of the Commission shall also sit as officers of the BAR.

Commented [NE14]: Clarification of how the Commission officers are selected and that they also serve as officers of the BAR

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 (per TMC 2.97.040 and TMC 2.97.050). 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:

- Presiding at all meetings of the Commission ~~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.

Commented [NE15]: Commission goals are set by the Council; this change clarifies the function of the Chair.

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 automatically be promoted to the Chair the following year.

Commented [NE16]: Defines that sequence of leadership progresses from the Vice Chair to the Chair role 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: ~~r~~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.

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1. 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.

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2. 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.

3. 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.

4. 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.

5. 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.

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.

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:

1. Ensuring compliance with applicable laws, such as the Open Public Meetings Act (OPMA) and the Public Records Act (PRA) including legal noticing requirements;
2. Maintaining a current roster of all members;
3. Taking roll at regular, special, and public hearing meetings;
4. Compiling agendas and agenda packets, recording, transcribing, and maintaining minutes and records, forwarding recommendations and/or implementing actions;

5. Providing professional guidance, issue analysis and recommendations;
6. Assisting with research, report preparation and correspondence.

ARTICLE IV – DESIGNATION OF OFFICERS

~~The initial Chair and Vice-Chair positions, as described in Article III, shall be determined based on the longest and second-longest serving member of the Commission. At each year thereafter, each Commissioner shall rotate through the positions of Chair and Vice-Chair (unless the Commissioner declines to assume the role) before a Commissioner may serve an additional term as Chair or Vice-Chair. A Commissioner may defer their service as Vice Chair the year they are eligible and may retain their place in line for consideration as an officer the following year. Officers shall take office annually at the first regular public meeting of the calendar year.~~

~~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. ~~The Commission shall hold at least one regular meeting per quarter. All meetings shall be noticed and open to the public. Should it be necessary to cancel a noticed meeting, that cancellation shall be completed 24 hours prior to the meeting and shall be carried out consistent with requirements for providing notice for the meeting, as practical. For meetings cancelled with less than 24 hours' notice, staff shall be present at the advertised meeting site to notify any members of the public showing up.~~ (See Section A below for more information about cancellations.)

Commented [NE17]: RCW 35.63.040 Requires PCs to meet 9 times /year, but TMC 2.236.040 says 4/year. Until the code is made consistent with the RCW, this is being deleted.

Commented [ER18R17]: Yes. See RCW 35.63.040.

Commented [NE19]: Clarifies procedures in the event of a cancellation.

Planning Commission Meetings: The Planning Commission may hear hold both public hearings on legislative matters and quasi-judicial actions hearings, as well as hold work sessions. 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. However, A all meetings shall be open to the public and duly noticed per the applicable regulations in the Tukwila Municipal Code TMC.

Commented [NE20]: Legal has advised us to differentiate between quasi-judicial hearings (e.g., BAR hearings), and "public hearings on legislative matters (e.g., Planning Commission hearing on Comp Plan). A "Legislative hearing" is a different type of hearing and is not the same as a comp plan-type public hearing

Public Hearing for Legislative Matter: The purpose of a legislative public hearings on a legislative matter is to obtain public input on matters of policy. Such 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. Legislative decisions by the Planning Commission are recommendations that are forwarded to the City Council for final decision. If challenged, the decision reached at a legislative public hearing is only reviewed to determine if it is constitutional or violates state law.

Commented [NE21]: Adding Work Sessions as a type of meeting

Commented [NE22]: Moved below

Commented [NE23]: Clarification of what happens to Legislative decisions.

This paragraph was reordered from the original sequence to conform to the sequence of PC meeting types listed above (legislative, quasi-judicial, then work sessions).

Board of Architectural Review Meetings Public Hearing for Quasi-Judicial Matter: All Board of Architectural Review hearings are quasi-judicial in nature. 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 last sentence is not applicable and was deleted.

Commented [NE24]: Unnecessary specifics removed.

Work Sessions: Work sessions are staff-led meetings that are intended to provide the Commission with a better understanding of general or specific planning issues that may come before them for decision, or that support understanding the context of planning issues. Commissioner training may also be included in work sessions.

Commented [NE25]: Meaning both PC and BAR

Commented [NE26]: New paragraph to describe these meetings

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, Newly Revised* shall apply.

A. ~~A.~~ Schedule

The Commission shall hold regular meetings according to the following schedule:

1. January through October, (The fourth Thursday of each month January through October, Meetings held on the second Thursday of November and December, and any additional Commission meetings scheduled during the year, will be and the second Thursday noticed as Special meetings, in November and December. Unless notice is provided that there will be a different location and/or starting time, Commission The meetings shall be held in the City Council Chambers (6200 Southcenter Blvd, Tukwila, WA) and 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 meeting date; such meeting shall be noticed as Special meetings ~~or to cancel the meeting.~~

Commented [ER27]: Recommend revising to be in compliance with RCW 35.63.040.

Commented [NE28R27]: This section of the RCW defines what a "regular" meeting is. Any meetings outside of that schedule shall be considered Special meetings and advertised as such.

Commented [NE29]: Recommended that we include this as required by the OPMA

~~2.~~

~~3. 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.~~

Commented [ER30]: Recommend deleting this.

B. Special Meetings

1. 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.
- ~~2.~~
2. 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.

Commented [NE31]: Clarification that meetings start at 6:30; if the Commission wants to change a meeting time for any reason, it becomes a special meeting (unless the bylaws are amended)

C. Remote Meetings

1. In the event of an emergency as declared by the City, State, and/or Federal government, the Commission may arrange to have remote meetings during the declared emergency.
 - a. During a fully-remote meeting, Commissioners may attend by phone or other electronic means that allow all participants to hear one another in live time.
 - b. Fully-remote meetings are open to the public and arrangements must be made to ensure that the public can hear the meeting while it is occurring, subject to the requirements of RCW 42.30.
- ~~2.~~ In times of non-emergency, the Commission recognizes the value of in-person attendance at meetings, however, they recognize that there may be circumstances that warrant remote attendance at a meeting. The ~~Commission member~~ will hold an in-person meeting as described in Section A above, but will allow Commissioners to attend remotely, whether for all or part of a meeting, subject to the following provisions:
 - ~~a.~~ A Commissioner planning to attend a meeting remotely should notify the Secretary to the Commission no later than noon the day of the meeting.
 - ~~b.~~ A Commissioner attending remotely will be marked present, counted toward a quorum, and can vote just as if physically present.
 - ~~c.~~ If a Commissioner's virtual connection should become lost during the meeting, the meeting should continue unless quorum is no longer met. ~~A Commissioner's loss of a virtual connection will not be counted toward the maximum limit described in Section 2.a.~~
 - ~~e.~~

DC. 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~~ Approval of Agenda
4. Approval of Minutes
5. Public Comment (General Non-public Hearing Related)
- ~~6.~~ Unfinished Business
- ~~7.~~ New Business
- ~~8.~~ Reports of Commissioners and Staff/Announcements
- ~~9.~~ Adjournment

E. Public Comment

The Commission shall provide several opportunities for the public to comment on Commission business:

1. Public Hearing Comment: Comments for items being considered at public hearings.
 - o 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.
 - o During the public hearing, both written and oral comment relating to the items being considered by the Commission may be provided.
 - o Comments provided outside of these parameters will not be considered part of the public record for the item being considered at the public hearing.
2. General, Non-public Hearing Related Comment: Public comment on general, non-public hearing related items is provided for in all meetings, consistent with the following:
 - o Such public comment shall be written and provided to the Secretary of the Planning Commission. If such comment is provided prior to 5:00 p.m. the day before the Commission meeting, the comment will be forwarded to Commissioners for their information at that meeting.
 - o 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 the following meeting.
 - o No oral or written comment will be accepted at a Commission meeting unless permitted under Article VI, section E.

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DE. Notices

The Secretary shall notify 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) ~~During a public hearing, n~~No person shall address the Commission without first obtaining recognition from the Chair.
- b) If ~~there are~~ a large number of people ~~who~~ wish to speak at a public meeting hearing, 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.
- c) Once a member of the public has spoken in regard to a specific public hearing matter before the Commission, he or she ~~shall~~may not be recognized to speak again until all persons wishing to speak have first been given the opportunity to do so.
- e) ~~If audience dialogue becomes disruptive, the Chair may recess the meeting or request that the meeting be adjourned.~~
- ~~d)~~
- d)
- e) To aid in the creation of accurate meeting minutes all public speakers should identify themselves each time they address the Commission, however, the Commission will not forbid the public speaker to comment if they decline to identify themselves.
- f) ~~Except for comments received by the Commission during public hearings, or as described in Article V, section E, no other public comment shall be allowed. The Commission may allow comments from members of the public attending work sessions by permission of the Chair or majority vote.~~
- g) 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.

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Commented [NE32]: Moved from location above to keep all Public Hearing-related guidance together

Commented [NE33]: Moved from previous location as comment b.

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E. ~~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~~ Commissioner has had ex-parte communication ([communication outside of the hearing](#)) with either proponents or opponents of the project, the ~~member~~ Commissioner 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. ~~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~~ Commissioners 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?*

Commented [NE34]: These are regular meeting activities and are not part of the Hearing.

If any Commissioners disclose appearance of fairness issues, ~~then the Planning Commission shall~~ allow the applicant or other audience members to challenge ~~their~~ ~~the Commissioner's~~ 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 ~~Planning~~ Commission

~~Applicant~~ – optional presentation and take questions from the ~~Planning~~ Commission

~~Public Testimony~~ – ~~In accordance with Article VI, Section D, the Chair shall recognize any member of the public present who wishes to comment on the topic.~~ Comments ~~and questions~~ are to be directed to the Commission, ~~comments and questions are to be directed to the Planning Commission~~

~~Staff and Applicant~~ – ~~Address final questions from Commission. Rebuttal testimony and responses by staff, applicant and the public~~

~~Chair~~ - close the public hearing.

~~Commission~~ – ~~Following approval of a motion, the Commission will begin its deliberations, as described in Section H.~~

~~Commission – Voting~~

~~Commission deliberates~~

Any member may make a motion on the ~~application agenda topic~~

Any member may second the motion

Discussion

Vote

~~Next Item if applicable~~

~~Director's Report~~

~~Chair – adjourn the meeting~~

G. ~~Legislative Hearing Procedures for Public Hearing on a Legislative Item~~

All ~~legislative public~~ 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 on the ~~public legislative~~ item, state the purpose of the hearing and the action the Commission may take.

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

Commented [NE35]: Guidance from Legal: The Commission should NOT engage with the public speaker during public comment. This is an opportunity for the speaker to share their concerns with the Commission, not for the Commission to engage in dialogue with the public speaker - to do otherwise dilutes the speakers comments and muddies the record.

This problem could be remedied by having an opportunity for a second staff/applicant presentation to answer any final questions. I've added language to that effect.

The purpose of this public comment period is to create a record of the public comment, not public questions.

Commented [EFM36]: There should be a motion on the floor before deliberation happens.

Public Testimony – In accordance with Article VI, Section D, the Chair shall recognize any member of the public present who wishes to provide comment on the topic. Comments and questions are to be directed to the Commission.

Staff and Applicant – Address final questions from Commission.
Rebuttal testimony and responses by staff and the public
Chair – close the public hearing.

Commission – Following approval of a motion, the Commission will begin its deliberations, as described in Section H.

Commission – Voting

Any member may make a motion on the application

Any member may second the motion

Discussion

Vote

G. – ~~XH.~~ Commission deliberates

~~Planning~~ Commission Deliberation

After all speakers at a public hearing have been heard, the ~~Planning~~ Commission shall close the public comment portion of the hearing, consider all the information, and deliberate on the matter. This deliberation shall include:

- a) The information submitted;
- b) The written or oral public comments/testimony received;
- c) Any presentation and discussion made at the hearing; and
- d) The staff report.

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. Unless otherwise required, a simple majority consists of a majority of Commissioners present at a meeting.

- 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:

Commented [NE37]: Guidance from Legal: The Commission should NOT engage with the public speaker during public comment. This is an opportunity for the speaker to share their concerns with the Commission, not for the Commission to engage in dialogue with the public speaker - to do otherwise dilutes the speakers comments and muddies the record.

This problem could be remedied by having an opportunity for a second staff/applicant presentation to answer any final questions. I've added language to that effect.

The purpose of this public comment period is to create a record of the public comment, not public questions.

Commented [NE38]:

Commented [NE39R38]:

Commented [ER40R38]: This is an opportunity for any additional questions from Commission to the staff and applicant. No further testimony from the public nor applicant should be permitted.

Commented [EFM41]: There should be a motion on the floor before deliberation happens.

Commented [NE42]: Clarification of what the PC should consider during deliberations.

- ~~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.
- 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 (i.e., relating to the administrative processes used by the Commission, vs. a substantive item relating to code, policy, or development issues); not on the agenda, may be approved by a simple majority vote.

- d) All Commissioners ~~members~~ shall have one and only one vote on any particular matter of business.
- e) There shall be no voting by proxy.

J. Commission Recommendations

After discussion and deliberation of an agenda item, the Commission shall make a recommendation to the City Council by a motion and approval of a majority of those members participating. If there are any additional considerations or issues that the Commission would like conveyed to Council, they shall identify those and direct staff to include that information in the staff report to Council.

-K. Adjournment/Recess/Continuations

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

The Planning 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, and shall be determined by the majority vote of present Commission members. The Planning 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

Commented [NE43]: Streamlined to represent current practice.

Commented [NE44]: Clarification of PC's process for recommendations, and opportunity to provide staff with direction on any additional considerations or issues they wish to have conveyed to the Council.

Commented [NE45]: Legal input: There are codified limitations and requirements for public hearings that must be followed or the City could be in violation of its own code. This section complies with the City's code and the OPMA. Recommend leaving as is.

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.

|

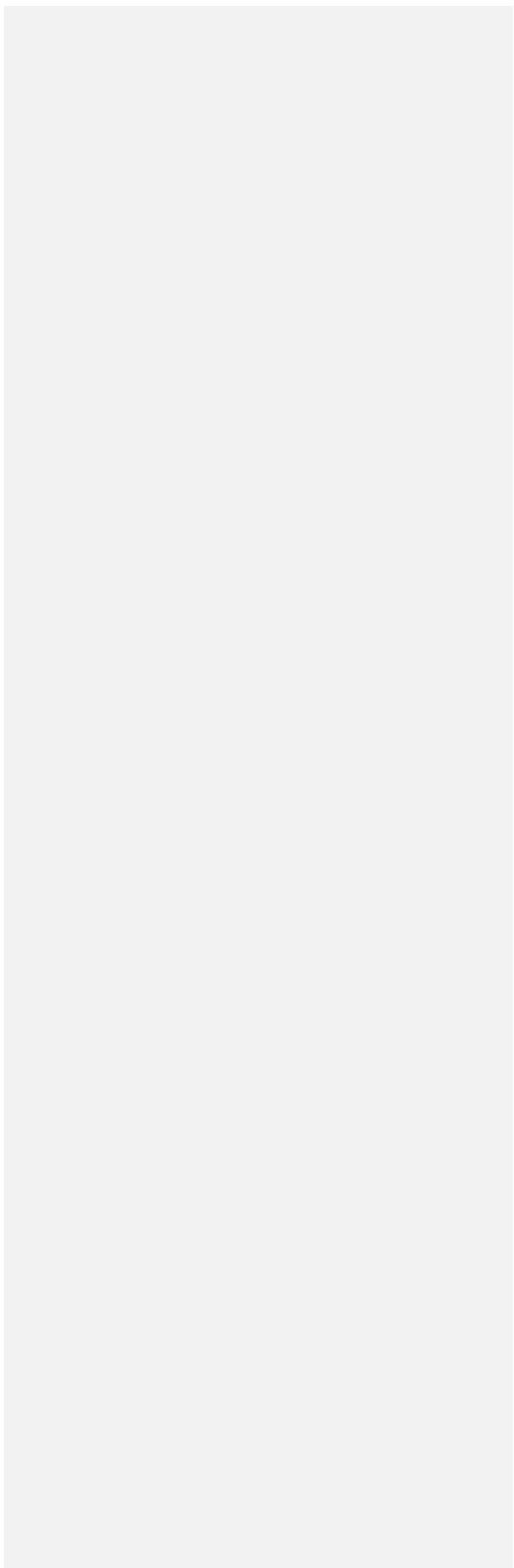


Exhibit A

2022+ ROSTER OF PLANNING COMMISSIONERS

<u>Position</u>	<u>Member</u>	<u>Term (4 years)</u>	
		<u>Appointed</u>	<u>Term Expiration</u>
<u>Position #1 (Resident)</u>	<u>LOUISE STRANDER</u>	<u>03/15/2010</u>	<u>12/31/2022</u>
<u>Position #2 (Resident)</u>	<u>VACANT</u>	<u>23</u>	<u>12/31/2026</u>
<u>Position #3 (Business)</u>	<u>MARTIN PROBST</u>	<u>06/27/2022</u>	<u>12/31/2023</u>
<u>Position #4 (Resident)</u>	<u>DENNIS MARTINEZ</u>	<u>3/21/2016</u>	<u>12/31/2023</u>
<u>Position #5 (Resident)</u>	<u>ALEXANDRIA TEAGUE</u>	<u>01/4/22</u>	<u>12/31/2022</u>
<u>Position #6 (Resident)</u>	<u>APNEET SIDHU, Chair</u>	<u>05/17/21</u>	<u>12/31/2023</u>
<u>Position #7 (Resident)</u>	<u>SHARON MANN, Vice Chair</u>	<u>08/20/2012</u>	<u>12/31/2023</u>

Louise Strander, Chair
Karen Simmons, Vice-Chair
Andrea Reay
Dennis Martinez
Alexandria Teague
Apneet Sidhu
Sharon Mann
~~*Wynetta Bivens, Secretary, Wynetta Bivens*~~

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