



STAFF REPORT TO THE PLANNING COMMISSION

Prepared October 13, 2025

REQUEST:

Consider amendments to the Tukwila Planning Commission Rules of Procedure (Bylaws) to bring them into alignment with recent modifications to the Planning Commission's responsibilities; standardize meeting protocols to be consistent with the Revised Code of Washington and Robert's Rules of Order, and to streamline procedures where appropriate.

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

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.

Discussion

Staff is recommending that the *Planning Commission Rules of Procedure for the Tukwila Planning Commission and Board of Architectural Review* be amended to reflect current requirements of the Commission. These changes would address the following areas:

- Rename the *Rules of Procedure...* to *Bylaws*, as they are called in TMC 2.36.
- Recent amendments to the Tukwila Municipal Code have removed the Board of Architectural Review function from the Planning Commission's role and these references should be modified in the Bylaws.
- A number of clarifying items are included in the draft Bylaws:
 - Clarifying roles and responsibilities of Officers, the officer designation process; the number of Commission meetings required per year and various other requirements regarding the number of meetings and specific procedures required under the Revised Code of Washington and the Open Public Meetings Act
 - Reordering parts of the Bylaws to consolidate like items, e.g., adding meeting times, etc., to the section pertaining to *Schedule*.

- Simplifying and clearing up the language addressing *Public Comment* and Commission *Voting* to ensure that the procedures follow require legal and Roberts Rules of Order protocols.
- Removing language addressing the creation of *Committees* since that process is not required and has not been used in extended memory.
- Removing *Exhibit A* from the Bylaws. It is problematic to maintain this list since any changes would require the Commission to formally amend the text (e.g., a Commissioner resigning or leaving the Commission, or a new Chair and Vice Chair being appointed). This list will be maintained by the Planning Commission Secretary and will be available on request.

Requested Action

The Planning Commission is being asked to approve the recommended amendments to the Planning Commission Bylaws. This vote requires support by 2/3 of the Commissioners present (4 of 6 commissioners present).

ATTACHMENTS

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

BYLAWS FOR THE TUKWILA PLANNING COMMISSION

**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 23, 2023
Amended April 27, 2023
Amended December 14, 2023
Amended October XX, 2025**

BYLAWS FOR THE TUKWILA PLANNING COMMISSION

ARTICLE I – PURPOSE AND GOALS

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

The purpose of the Tukwila Planning Commission is to perform the function of a Municipal Planning Commission as set forth in Chapter 35.63 of the Revised Code of Washington (“RCW”) and Chapter 2.36 of the Tukwila Municipal Code (“TMC”) on matters relating to land use, comprehensive planning and zoning. All meetings of the Planning Commission shall be governed by these bylaws. 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 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.

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 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 Chapter 2.36.

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:

- Presiding over all meetings of the Commission;
- Providing Commission 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, as directed by the Commission.

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 be promoted to the office of 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 their 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 their 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 Commission shall make a motion to designate a Chair and a Vice Chair to serve for one year as set forth herein. Designations are based on longevity of service on the commission and will rotate through all the members before a member serves an additional term. Should a potential Chair or Vice Chair not wish to assume the role, the selection of Chair or Vice Chair would move to the next most senior commissioner in the eligibility sequence. Future designations of officers would continue from that revised sequence. Generally, officers shall be designated and take office annually at the first regular public meeting of the Commission in April. 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 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. Pursuant to RCW 35.63.040 the Commission shall hold at least one regular meeting in each month for not less than nine months in each year .

The 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.

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

Quasi-judicial public hearings determine the legal rights, duties or privileges of specific parties. 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.

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. 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.

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.

Meetings may be canceled 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.

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. Approval of the Agenda
4. Approval of Minutes
5. General Public Comment
6. Unfinished Business
7. New Business
8. Staff Announcements
9. Adjournment

D. Public Comment

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

1. General, Non-public Hearing Related Comment: Public comment on general, non-public hearing related items is provided for during all regular meetings.
 - 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 or written comment will be accepted unless permitted by the Commission, as described in Article VI, section D.
2. Public Hearing Comment: Comments for items being considered at public hearings.
 - 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 timely 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.

ARTICLE VI - RULES OF MEETINGS

A. Absences

Members should contact the Secretary to confirm their attendance at a meeting by the Monday of the meeting week. Absence from more than three (3) consecutive Commission meetings may be cause for removal. Members shall communicate with the Secretary as soon as they know they will be unable to attend a meeting. Members may request that an absence be excused if they give at least 24 hours notice to the Secretary. In the event of an emergency, the member may request their absence be excused with less notice.

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

If audience dialogue becomes disruptive, the Chair may recess the meeting or request that the meeting be adjourned.

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 their opinion, has an interest in any matter before the Commission that would prejudice their 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 their immediate family has a tangential interest in the matter at hand but does not think that this would prejudice their opinion, the member should publicly disclose this interest on the record prior to the start of the hearing and allow persons to challenge their 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 their 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.

1. Chair - state the purpose of the quasi-judicial hearing and the action the Commission may take.
2. 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, 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.

3. Staff – present the staff report and take questions from the Commission.
4. Applicant – optional presentation and take questions from the Commission.
5. Chair – open the public hearing, and receive public comment.
6. Chair – close the public hearing once all public comment is received.
7. Commission – make a motion on the topic at issue.
8. Commission – deliberate.
9. Chair – call for a vote on the motion.

G. Legislative Hearing Procedures

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

1. Chair - state the purpose of the legislative hearing and the action the Commission may take.
2. Staff – present the staff report and take questions from the Commission.
3. Chair – open the public hearing and receive public comment.
4. Chair – close the public hearing once all public comment is received.
5. Commission – make a motion on the topic at issue.
6. Commission – deliberate.
7. Chair – call for a vote on the motion.

H. Voting

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

1. The Chair shall have one vote and shall enjoy the same opportunity to vote as afforded to all other Commissioners.
2. On matters considered of extreme importance, the Chair may call for roll call vote.
3. No matter may be voted upon unless:
 - a. All required notice procedures for that vote have been followed; and
 - b. The matter has been discussed at a previous meeting of the Commission, or
 - c. The matter has been placed on the agenda prior to the meeting by the Secretary; or
 - d. A new legislative item, not on the agenda, and considered by a 2/3 vote of the Commission to constitute an *extreme* emergency and that would thus warrant an immediate decision, may be approved by a 2/3 vote, or
 - e. A new procedural item, not on the agenda, may be approved by a simple majority vote.
4. All Commissioners shall have one and only one vote on any particular matter of business.
5. There shall be no voting by proxy.

I. 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 VII – AMENDMENTS

These Bylaws 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

<u>2025 ROSTER OF PLANNING COMMISSIONERS</u>			
Position	Member	Term (4 years)	
		Appointed	Term Expiration
Position #1 (Resident)	LOUISE STRANDER	3/15/2010	3/31/2027
Position #2 (Resident)	ANN DURANT, Chair	9/18/2023	3/31/2027
Position #3 (Business)	Vacant		
Position #4 (Resident)	ALEXANDER KAEHLER, Vice Chair	4/1/2024	3/31/2028
Position #5 (Resident)	JACOB HALVERSON	6/17/24	3/31/2027
Position #6 (Resident)	DUNG JANE HO	4/1/2024	3/31/2028
Position #7 (Resident)	RICHARD MCLELAND WIESER	4/1/2024	3/31/2028
<i>Secretary, Wynetta Bivens</i>			

Past Chairs¹

2024 Former Commissioner Martin Probst
 2023 Former Commissioner Apneet Sidhu
 2022 Former Commissioner Karen Simmons
 2021 Commissioner Louise Strander
 2020 Former Commissioner Heidi Watters
 2019 Former Commissioner Dennis Martinez
 2018 Former Commissioner Nhan Nguyen
 2017 Former Commissioner Miguel Maestes
 2016 Former 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

¹ In 2024, Commissioner's terms and the Chair's term were changed to an April-to-March year (rather than January-to-December year.)

~~RULES OF PROCEDURE~~BYLAWS

FOR THE

TUKWILA PLANNING COMMISSION

~~TUKWILA PLANNING COMMISSION~~

~~AND~~

~~BOARD OF ARCHITECTURAL~~

~~REVIEW~~

Adopted April 17, 1958
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~~**RULES OF PROCEDURE BY LAWS**~~
FOR THE
TUKWILA PLANNING COMMISSION ~~AND~~
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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. All meetings of the Planning Commission shall be governed by these by-laws. ~~The purpose of the Tukwila Board of Architectural Review is to review land development and building design per the TMC Chapter 18.60.~~

Commented [NE1]: Amended to reflect language used in the TMC

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.~~

Commented [NE2]: The Commission’s BAR function was removed with recent changes to the TMC

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.

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A. Duties of Commission

The Commission shall undertake the duties and responsibilities defined in TMC [Chapter 2.362.010](#).

Commented [NE3]: A correction

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.

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- Representing the Commission in the community, as directed by the Commission.

Commented [NE4]: A clarification

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.

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F-D. Duties of Commissioners

It is the responsibility of all Commission members to:

- Arrange adequate time to carry out responsibility as a Commission member;
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The Commission shall make a motion to designate a Chair and a Vice Chair to serve for one year as set forth herein. 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. Should a potential Chair or Vice Chair not wish to assume the role, the selection of Chair or Vice Chair would move to the next most senior commissioner in the eligibility sequence. Future designations of officers would continue from that revised sequence. Generally, officers shall be designated and take office annually at the first regular public meeting of the Commission in April. The first item of new business shall be the designation of the ~~officers~~officers, and they will assume their duties at that time.

Commented [NE5]: Clarification of officer designation process

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. Pursuant to RCW 35.63.040 (The Commission shall hold at least one regular meeting in each month for not less than nine months in each year at least one regular meeting per quarter.– All meetings shall be noticed and open to the public.– (See Section A below for more information about cancellations.)

Commented [NE6]: Citation of RCW section pertaining to Planning Commission required meetings

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.

Commented [ER7]: Not necessary given the first sentence says all meetings comply with the OPMA.

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

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.

~~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. 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.

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.

~~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.~~—Meetings may be canceled 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:

Commented [NE8]: Unnecessary description.

Commented [ER9]: Addressed below Section 6(c)

Commented [NE10]: See paragraph added below

Commented [NE11]: Typically, this is determined by staff, based on work items needing Commission discussion.

Commented [NE12]: This is a violation of the Open Public Meetings Act, so staff recommends it be removed.

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

Commented [NE13]: Intended to note that this is *not* public hearing comment.

Commented [NE14]: Modification to indicate who typically makes announcements and provides updates.

D. Public Comment

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

1. General, Non-public Hearing Related Comment: Public comment on general, non-public hearing related items is provided for ~~in~~ during all regular meetings.
 - o 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.
 - 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 a following meeting.
 - o No oral or written comment will be accepted unless permitted by the Commission, as described in Article VI, section D.
2. 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 timely 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.

E. Notices

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

Commented [NE15]: Notices for Commission meetings and hearings are set by statute.

ARTICLE VI - RULES OF MEETINGS

A. Absences

~~Members should contact the Secretary to confirm their attendance at a meeting by the Monday of the meeting week. Absence from more than three (3) consecutive Commission meetings may be cause for removal. Members shall communicate with the Secretary as soon as they know they will be unable to attend a meeting. Members may with requests that an for an excused absence be excused if they give at least 24 hours notice to the Secretary in the event they will miss three (3) or more consecutive meetings. In the event of an emergency, the member may request their absence be excused with less notice. requests may be considered. The Chair may approve the absence.~~

Commented [NE16]: Added to ensure Commissioners are clear in the expectation that they notify the Secretary of possible absences. The Commission is required by state law to hold a certain number of meetings and this text will help ensure that the City meets that requirement

D.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.

E.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.

F.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:~~

- ~~b) No person shall address the Commission without first obtaining recognition from the Chair.~~
- ~~c) The Commission may allow comments from members of the public attending work sessions by permission of a the Chair or majority vote.~~
- ~~d) 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.~~
- e) 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.~~
- ~~e) To aid in the creation of accurate meeting minutes all speakers should identify themselves each time they address the Commission.~~
- e) 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.

Commented [NE17]: Emily removed this text

Commented [NE18]: Previous language seemed to allow community input in a manner that could constitute an unadvertised hearing. This deletion ensures that such input is provided to the Commission in a fair manner (i.e., an advertised hearing) at which all may address the Commission. The language remaining most accurately addresses "Meeting Decorum".

Commented [NE19R18]: Remaining deleted language is either addressed elsewhere, or unnecessary

Commented [NG20]: No longer needed with video of the meetings.

G.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~~their opinion, has an interest in any matter before the Commission that would prejudice ~~his or her~~their 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~~their immediate family has a tangential interest in the matter at hand but does not think that this would prejudice ~~his/her~~their 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~~their 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~~their 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.

1. ~~Chair - open the public hearing,~~ state the purpose of the quasi-judicial hearing and the action the Commission may take.

2. ~~Staff - ask each of the Planning Commission~~ers/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.~~

Commented [NE21]: Changes in this section address the removal of the BAR function, and remove extra direction that has been previously addressed or is addressed by Roberts Rules of Order.

3. Staff – present the staff report and take questions from the Commission.
4. Applicant – optional presentation and take questions from the Commission.
5. Chair – open the public hearing, and receive public comment.
6. Chair – close the public hearing once all public comment is received.
7. Commission – make a motion on the topic at issue.
8. Commission – deliberate.
9. Chair – call for a vote on the motion.

~~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~~

Commented [NE22]: Changes here reflect Roberts Rules of Order sequence and good hearing practice

EGG.– Legislative Hearing Procedures

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

1. Chair - state the purpose of the legislative hearing and the action the Commission may take.
2. Staff – present the staff report and take questions from the Commission.
3. Chair – open the public hearing and receive public comment.
4. Chair – close the public hearing once all public comment is received.
5. Commission – make a motion on the topic at issue.
6. Commission – deliberate.
7. Chair – call for a vote on the motion.

~~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 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 – 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~~

Commented [NE23]: Modifications provided are reflective of Roberts Rules of Order and good hearing practice

~~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.

- ~~2-1.~~ The Chair shall have one vote and shall enjoy the same opportunity to vote as afforded to all other Commission ~~ers members~~.
- ~~3-2.~~ On matters considered of extreme importance, the Chair may call for roll call vote.
- ~~4-3.~~ No matter may be voted upon unless:
 - ~~a.~~ All required notice procedures for that vote have been followed; and
 - ~~a-b.~~ The matter has been discussed at a previous meeting of the Commission, or
 - ~~b-c.~~ The matter has been placed on the agenda prior to the meeting ~~by any member of the Commission or~~ by the Secretary; ~~or-~~
 - ~~e-d.~~ A new legislative item, not on the agenda, and considered by a 2/3 vote of the Commission to constitute an *extreme* emergency and ~~that would~~ thus warrant an immediate decision, may be approved by a 2/3 vote, or
 - ~~d-e.~~ A new procedural item, not on the agenda, may be approved by a simple majority vote.
- ~~4.~~ All Commission ~~ers members~~ shall have one and only one vote on any particular matter of business.
5. 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; 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.

Commented [NE24]: A majority vote is required by Roberts Rules and recommended by appropriate meeting protocols, but typically, adjournment by Commission informal consensus is likely.

~~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.~~

Commented [NG25]: Attorney recommends removing as it has not been used.

~~ARTICLE VIII~~X~~ – AMENDMENTS~~

These ~~Rules of Procedure~~Bylaws 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.

It is recommended that this text be removed from the bylaws document but be kept as a historic document by the staff.

Exhibit A

2025 ROSTER OF PLANNING COMMISSIONERS

Position	Member	Term (4 years)	
		Appointed	Term Expiration
Position #1 (Resident)	LOUISE STRANDER	3/15/2010	3/31/2027
Position #2 (Resident)	ANN DURANT, Chair	9/18/2023	3/31/2027
Position #3 (Business)	MARTIN PROBST Vacant	6/27/2022	3/31/2028
Position #4 (Resident)	ALEXANDER KAEHLER, Vice Chair	4/1/2024	3/31/2028
Position #5 (Resident)	JACOB HALVERSON	6/17/24	3/31/2027
Position #6 (Resident)	DUNG JANE HO	4/1/2024	3/31/2028
Position #7 (Resident)	RICHARD MCLELAND WIESER	4/1/2024	3/31/2028
Secretary, Wynetta Bivens			

Commented [NE26]: It is proposed that this exhibit be removed from the Bylaws - it will be a staff document available from the Commission Secretary. Our attorney recommended this action, noting that, if a part of the bylaws, this text would require a formal amendment by the PC if updated.

Past Chairs¹

-----2024 ~~Former~~ Commissioner Martin Probst
 2023 Former Commissioner Apneet Sidhu
 2022 Former Commissioner Karen Simmons
 2021 Commissioner Louise Strander
 2020 Former Commissioner Heidi Watters
 2019 Former Commissioner Dennis Martinez
 -----2018 Former Commissioner Nhan Nguyen
 2017 Former Commissioner Miguel Maestes
 2016 Former 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

¹ In 2024, Commissioner's terms and the Chair's term were changed to an April-to-March year (rather than January-to-December year.)