



Memorandum

DATE: September 29, 2011

TO: Shoreline Planning Commission

FROM: Steve Cohn, Senior Planner, Planning & Community Development
Jessica Simulcik Smith, Planning Commission Clerk

RE: Amendments to the Planning Commission Bylaws

At its July 21 meeting, the Planning Commission was presented with a set of potential Bylaw amendments to review and discuss together as a group. Staff took the Commission's feedback and direction from that meeting and incorporated it into the current version of potential amendments (Attachment A).

On October 6, the Commission will further discuss these amendments and may take action on them if it feels ready.

Attachments

Attachment A – Potential Planning Commission Bylaw Amendments, dated Oct. 6, 2011

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PLANNING COMMISSION BYLAWS

Adopted: February 15, 1996, Revised: November 6, 1997, Revised: October 15, 1998,
Revised: January 18, 2001, Revised: April 5, 2001, Revised: April 3, 2003, Revised: April 7,
2005, Revised: March 16, 2006, Revised: May 1, 2008, Revised: October 1, 2009, Revised:
March 18, 2010, **Revised: October 6, 2011**

ARTICLE I – PURPOSE

The **purpose** of the Planning Commission is as **set forth** in City of Shoreline Municipal Code 2.20.10, Created – Purpose.

ARTICLE II - MEMBERSHIP

The Shoreline Planning Commission shall consist of seven (7) members, appointed by majority vote of the City Council but a fewer number, not less than four (4), shall constitute a lawful Commission.

Membership of the Planning Commission shall be limited to residents or owners of property within in the City. No member shall serve longer than two consecutive terms.

New Planning Commissioners shall be sworn in by the Mayor or Deputy Mayor **or the designee**.

Any Commissioner desiring to resign from the Planning Commission shall submit his/her resignation in writing to the Planning Commission Clerk, who will present it to the Chair.

Vacancies occurring other than through the expiration of terms shall be filled for the unexpired terms in the same manner as for appointments as provided in Shoreline Municipal Code 20.20.020(C).

ARTICLE III - DUTIES OF THE COMMISSION, OFFICERS AND ~~DUTIES~~ CLERK

SECTION 1: DUTIES OF THE COMMISSION

As stated in City of Shoreline Municipal Code 2.20-**020**, the Commission shall undertake the duties and responsibilities defined in 2.20.060 in accordance with the purpose stated in 2.20.010.

SECTION 2: OFFICERS

Officers shall be a Chair and a Vice-Chair; both ~~elected~~ appointed members of the Commission and voted into office by the Commission. In absence of both the chair and vice chair, members shall elect a Chair *pro tem*.

SECTION 3: DUTIES OF THE OFFICERS

CHAIR: The Chair shall preside at all meetings and public hearings 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 when necessary. The Chair shall be a full voting member of the Commission. The Chair shall sign minutes and official papers, appoint all committees and their respective Chairs, and may act as an *ex-officio* member of each, but without voting privileges. The Chair may delegate duties to other Commissioners with the consent of the Commission. The Chair shall speak on behalf of the Commission before the City Council, the public and City staff.

A term of Office shall be defined as one year. A Commissioner may serve as Chair for no more than two consecutive terms.

VICE CHAIR: The Vice Chair shall perform the duties of the Chair in the absence of the same. The Vice Chair may also serve as convener of special committees. The Vice Chair shall speak on behalf of the Commission before the City Council, the public and City staff when the Chair is not available to speak.

A term of Office shall be defined as one year. A Commissioner may serve as Vice Chair for no more than two consecutive terms.

SECTION 4: DUTIES OF THE CLERK OF THE COMMISSION

CLERK OF THE COMMISSION: The Clerk shall record and retain, by electronic means, each meeting for the official record and shall prepare summary minutes for the Commission, maintain official records and post agendas.

ARTICLE ~~III~~ IV - ELECTIONS

The Commission shall elect a Chair and a Vice Chair each year. Generally, officers shall be elected and take office annually at the first regular public meeting of the Commission in April. Such election shall take place as the first item of new business of that meeting, and elected officers shall assume their duties at the close of elections.

The election of Chair will be conducted by the Planning Commission Clerk. No one Commissioner may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Nominations do not require a second. The Clerk will repeat each nomination until all nominations have been made. When it

appears that no one else wishes to make any further nomination, the Clerk will ask again for further nominations and if there are none, the Clerk will declare the nominations closed. A motion to close the nominations is not necessary.

After nominations have been closed, voting for the Chair takes place in the order nominations were made. Commissioners will be asked to vote by a raise of hands. As soon as one of the nominees receives a majority vote (four votes), the Clerk will declare him/her elected. No votes will be taken on the remaining nominees. A tie vote results in a failed nomination. If none of the nominees receives a majority vote, the Clerk will call for nominations again and repeat the process until a single candidate receives a majority vote. Upon election, the Chair conducts the election for Vice Chair following the same process.

Should the Chair be vacated prior to the completion of the Term, the Vice-Chair shall assume the duties and responsibilities of the Chair for the remainder of the said Term. The Chair shall then conduct elections for a new Vice-Chair.

Should the Vice-Chair be vacated prior to the completion of the Term, the Chair shall conduct elections for a new Vice-Chair to serve out the remainder of the Term.

Time spent fulfilling a vacated Term shall not count towards the two consecutive Term limit for Chair and for Vice-Chair.

ARTICLE IV – MEETINGS

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

SECTION 1: SCHEDULE

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

First and Third Thursday of each month. The meetings shall begin at 7:00 p.m. ~~and end at 9:30 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.

Special meetings may be held by the Commission subject to notice requirements prescribed by State law. Special meetings may be called by the Chair of the Commission, the City Council or Mayor, City Manager or designee, 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.

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

SECTION 2: PURPOSE OF SPECIAL MEETINGS

Comment [j1]: On 7/21 the question was asked if you can convene a meeting without a quorum? RRO 11th Edition, pg. 347, states: In the absence of a quorum, any business transacted (other than the following exceptions) is null and void. The only action that can legally be taken without a quorum is to fix the time to which to adjourn, recess, or take measures to obtain a quorum.

Special meetings called in accordance with Section 1 of this article shall state the subjects to be considered, and no subject other than those specified in the notice shall be considered. No special meetings shall be scheduled between December 15th and the end of the year. The agenda for a special meeting need not conform to that specified in Section 3 of this Article.

SECTION 3: 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. DIRECTOR'S COMMENTS
5. APPROVAL OF MINUTES
6. GENERAL PUBLIC COMMENT
7. ~~STAFF REPORTS~~ **PUBLIC HEARINGS/STUDY SESSIONS**¹
 - Staff Presentation
 - ~~Public Testimony/Comment~~
8. ~~PUBLIC COMMENT~~
9. DIRECTOR'S REPORT
10. UNFINISHED BUSINESS
11. NEW BUSINESS
12. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS
13. AGENDA FOR NEXT MEETING
14. ADJOURNMENT

Comment [j2]: On 7/21 The Commission agreed that having only one order of business list for regular meetings made sense. Item 7 would now be for Public Hearings and Study Sessions and each item will have a staff presentation followed by a public comment period. A footnote was added to clarify that a presentation and public comment period would follow each agenda item inserted under Item 7.

Public Hearings will precede Study Sessions when scheduled on the same evening

The order of business for each meeting that includes a **Public Hearing** shall be as follows:

1. ~~CALL TO ORDER~~
2. ~~ROLL CALL~~
3. ~~APPROVAL OF AGENDA~~
4. ~~DIRECTOR'S COMMENTS~~
5. ~~APPROVAL OF MINUTES~~
6. ~~GENERAL PUBLIC COMMENT~~
7. ~~PUBLIC HEARING~~
8. ~~DIRECTOR'S REPORT~~
9. ~~UNFINISHED BUSINESS~~
10. ~~NEW BUSINESS~~
11. ~~REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS~~
12. ~~AGENDA FOR NEXT MEETING~~
13. ~~ADJOURNMENT~~

¹ Each item inserted under 7 will have a staff presentation followed by a public comment period

SECTION 4: PUBLIC COMMENT AND TESTIMONY

Planning Commission meetings allow the public to express its views. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Each speaker must begin by clearly stating their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak.

During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to ~~two~~ three minutes. However, Item 6 (the General Public Comment period) will generally be limited to twenty minutes. Each member of the public may also comment for up to ~~two~~ three minutes on action-agenda items after each staff report has been presented.

During Public Hearings, ~~the public testimony or comment~~ follows the Staff Report. The rules for procedure for Public Hearings before the Planning Commission are further defined in Resolution No. 182.

When representing the official position of a State registered non-profit organization or agency or a City-recognized organization, a speaker will be given 5 minutes and it will be recorded as the official position of that organization. Each organization shall have only one, five-minute presentation.

Potential Options to debate

Potential Option 1

Continue with three separate comment periods (general, agenda item, and public hearing), but reorganize Bylaws to better explain them and their time limits:

Planning Commission meetings allow the public to express its views during three comment periods: “General Public Comment”, “Public Comment on Agenda Items”, and “Public Hearing Testimony”.

During the General Public Comment period, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. The Public Comment on Agenda Items period allows each member of the public to comment on agenda items following each staff report. During Public Hearings, public testimony follows the presentation of the staff report and questions by the Commission. The rules for procedure for Public Hearings before the Planning Commission are further defined in City Council Resolution No. 182.

In all cases, speakers are asked to come to the podium to have their comments recorded. Each speaker must begin by clearly stating their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak. If more than 10 people are signed up to speak for any of the comment periods, each speaker will be allocated 2 minutes.

Comment [j3]: On 7/21 the Commission discussed how to manage the 5-minute rule to make it fair for all. One of the questions was how does the Commission know what organizations are registered with the State?

This language is borrowed from the Council Rules of Procedure. The City Clerk points out that it includes “City-recognized” organizations - which allows Council to make their own decision (regardless of registered status) for who is awarded extra time.

The Assistant City Attorney informs us that this is not required by state law.

The Commission should discuss whether it wants to continue to do this.

Comment [j4]: On 7/21 the Commission talked about different scenarios surrounding public comment periods. Here are several potential options for the Commission to further consider...

When representing the official position of a State registered non-profit organization or agency or a City-recognized organization, a speaker will be given 5 minutes and it will be recorded as the official position of that organization. Each organization shall have only one, five-minute presentation.

Potential Option 2

Combine “General Public Comment” and “Public Comment on Agenda Items” into one comment period that takes place at the beginning of the meeting.

Planning Commission meetings allow the public to express its views. Members of the public may address the Planning Commission at the beginning of any meeting under “Public Comment”. During the “Public Comment” portion of the meeting, individuals may speak to agenda items or any other topic which is not scheduled for a public hearing that evening.

During Public Hearings, public testimony follows the presentation of the staff report and questions by the Commission. The rules for procedure for Public Hearings before the Planning Commission are further defined in City Council Resolution No. 182.

In all cases, the Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak. If more than 10 people are signed up to speak during the “Public Comment” or “Public Hearing” comment periods, each speaker will be allocated 2 minutes.

When representing the official position of a State registered non-profit organization or agency or a City-recognized organization, a speaker will be given 5 minutes and it will be recorded as the official position of that organization. Each organization shall have only one, five-minute presentation.

Speakers are asked to come to the podium to have their comments recorded. Each speaker must begin by clearly stating their first and last name, and city of residence.

Potential Option 3

Should there be an opportunity for the public to submit written testimony during a public hearing? If so, how should the Commission handle allowing additional time to review it?

Written testimony should be submitted for Planning Commission consideration in advance of the actual hearing date, however, the Chair may allow additional time for reviewing written testimony when needed.

Comment [j5]: On 7/21 the Commission discussed offering Comment Cards to the public for General Public Comment and Public Hearing Testimony?

At its 10/6 meeting, the Commission should continue to discuss the merits of this idea as well as how the cards would be processed.

ARTICLE VI - RULES OF MEETINGS

SECTION 1: ABSENCES

~~Unexcused~~ Absence from more than three (3) consecutive meetings shall ~~may~~ be cause for removal. Members shall communicate with the Chair of the Commission or the Vice Chair or the Planning & **Community** Development ~~Services~~ Director ~~prior to the meeting~~ with requests for excused absences in the event they will miss three or more consecutive meetings. Emergency requests may be considered. The Chair of the Commission may approve the ~~excused~~ absence.

SECTION 2: QUORUM

At all Planning Commission meetings, ~~the~~ presence of four (4) members constitutes a quorum, and is required for the Commission to take any action other than to adjourn.

SECTION 3: 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.

SECTION 4: VOTING

In instances where a vote is called for or required, the present majority is sufficient to act (providing a quorum is present). Each member shall have one vote and no proxies shall be allowed. Present members may abstain for cause. The Chair may vote on any issue, and shall vote in the event of a tie. No action is taken if the Chair votes and the tie continues. A majority vote shall carry, and minority opinions shall be formally registered in the summary minutes and reported to the City Council.

SECTION 5: RECESSES / CONTINUATIONS

~~Meetings shall be adjourned by a majority vote~~ the Chair.

Continuations of meetings shall be to a definite time and place, by majority vote of present members.

ARTICLE VII – COMMITTEES

Committees may be appointed by the Commission Chair. Standing committees shall serve at the pleasure of the Commission and special committees shall also serve for such purposes and terms as the Commission approves. Committees shall establish their own meeting schedule, and the deliberations thereof shall take the form of written reports, submitted to the entire Commission.

Comment [j6]: On 7/21 the Commission saw this proposed amendment:
 Meetings shall be adjourned by ~~a majority vote~~ the Chair.
 RRO (pg. 86) In ordinary practice a meeting is closed by adopting a motion simply “to adjourn”; or under certain conditions the chair can declare the adjournment without a motion.”
 The circumstance that would most apply -- when it appears that there is no further business in a regular meeting (that goes through a complete order of business), then the Chair can ask if there is any further business, and if not, declare the meeting adjourned.

NEW ARTICLE

Planning Commissioners who meet with, speak to, or otherwise appear before a community group or another governmental agency or representative must clearly state if his or her statement reflects their personal opinion or if it is the official stance of the Planning Commission, or if this is the majority or minority opinion of the Commission.

Comment [j7]: On 7/21, the Commission discussed how a Commissioner should handle their personal opinions when it goes against the official recommendation of the Commission. The Commission agreed to continue the conversation to 10/6.

Assistant City Attorney reviewed this addition and offered minor amendments (in yellow)

Commissioner Kaje has offered a few scenarios that he thought the Commission should discuss – they are listed in a separate document.

As a matter of courtesy, **written** communication that does not express the majority opinion of the Planning Commission shall be presented to the full Planning Commission **prior to publication** so they may be made aware of it.

ARTICLE VIII - CONFLICT OF INTEREST CODE OF ETHICS

Comment [j8]: This Article was rewritten to better address RCW 42.23 which speaks to ethics and conflict of interest.

~~The Chair shall routinely ask members if they have a conflict of interest with any quasi-judicial item on the agenda. Such conflict(s) must be publicly announced at the earliest possible opportunity, and the member shall step down during the particular case(s), neither deliberating nor voting on same.~~

Comment [j9]: This language was moved to the next article

Members of the Planning Commission shall fully comply with Chapter 42.23 RCW, Code of Ethics for Municipal Officers, and City Council Resolution No. 170, City of Shoreline Code of Ethics.

ARTICLE VIII-IX - APPEARANCE OF FAIRNESS

Comment [j10]: If the Council adopts the Commission's recommendation to send all QJ Items to the Hearing Examiner, there will not be a need for this article.

The members of the Planning Commission in considering quasi-judicial matters, shall maintain the appearance of fairness as required by **Chapter 42.36 RCW law.** **The Chair shall routinely ask members if they have a conflict of interest with any quasi-judicial item on the agenda. Such conflict(s) must be publicly announced at the earliest possible opportunity, and the member shall step down during the particular case(s), neither deliberating nor voting on same.**

ARTICLE IX - AMENDMENTS

These Bylaws may be amended or repealed and new Bylaws may be adopted at any regular meeting or special meeting by a majority vote of the membership. A copy of the proposed Bylaws, or amendments thereto, shall be furnished to each member at least three (3) days prior to the date of the meeting. All amendments to the Bylaws shall be submitted to the Mayor and City Council for their information.

It is hereby understood that the undersigned Clerk of the Planning Commission does hereby certify that the above and foregoing Bylaws were duly adopted by the members of the Commission as the Bylaws of the Commission on the ~~18th~~ **6th** day of ~~March~~

| October 20102011, and that they do now constitute the Bylaws of
the City of Shoreline Planning Commission.

Jessica Simulcik Smith
Clerk, Planning Commission

SIGNED BY:

Michelle Linders Wagner
| Chair, Planning Commission

Joseph W. Tovar
| Planning & Community Development Services Director