CITY COUNCIL

AGENDA BILL # AB23-0066

City of Algona
200 Washington Blvd.
Algona, WA 98001

ITEM INFORMATION

SUBJECT:

Planning Commission By-Laws

Agenda Date: March 13th, 2023

Department/Committee/Individual	Created	Reviewed
Mayor		
City Administrator		X
City Attorney	X	X
City Clerk		x
Finance Dept		
PW/Utilities		
Planning Dept		
Community Services		
Police Dept		
Finance Committee		
Planning Commission		
Civil Service Committee		

Cost Impact:

Fund Source:

Timeline: 1st review – 2/13/23
2nd review – 2/27/23
3rd review – 3/13/23

Staff Contact: Jessica Griess, City Clerk; James Schrimpsher, Acting City Administrator

Attachments: Planning Commission By-Laws

SUMMARY STATEMENT:

It has been the interest of the Planning Commission, Council, and Mayor to have guiding documentation for the Planning Commission to follow. The City Attorney, Zach Lell, has prepared the attached Planning Commission By-Laws. The By-Laws consist of the following articles:

- Objectives and Authority
- Officers
- Removal
- Meetings
- Order of Business
- Staff Support
- Hearings
- Amendments
- Construction

COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION:

Make a motion to approve the Planning Commission By-Laws.

RECORD OF COUNCIL ACTION

Meeting Date:	*Action:*	*Vote:*

CITY OF ALGONA PLANNING COMMISSION
BY-LAWS

ARTICLE I
Objectives and Authority

The roles and authority of the City of Algona Planning Commission are set forth in applicable state law, including without limitation Chapter 35A.63 RCW, and those powers and duties delegated to the Planning Commission by the City Council, including without limitation as set forth in Chapter 2.12 AMC.

ARTICLE II
Officers

Section 2.1: The officers of the Planning Commission shall consist of a Chairperson and a Vice-Chairperson.

Section 2.2: The Chairperson shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage on such officer. The Chairperson shall be the Planning Commission liaison at official functions.

Section 2.3: The Chairperson shall be one of the appointed members of the Commission. The Chairperson shall have the privilege of discussing all matters before the Commission and voting thereon.

Section 2.4: The Vice-Chairperson shall act for the Chairperson in his/her absence. The Vice-Chairperson shall be an appointed member of the Commission.

Section 2.5: Nomination of officers shall occur annually at the Planning Commission's first regular meeting in January, and the election shall follow immediately thereafter.

Section 2.6: A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected and shall serve for one year or until his/her successor shall take office.

Section 2.7: Vacancies in offices shall be filled immediately by nomination and election consistent with this Article. The Commissioner appointed to fill a vacancy shall for the remainder of the unexpired term of such office.

ARTICLE III
Removal

In accordance with AMC 2.12.040(C), any Planning Commissioner who fails to attend two consecutive regular meetings of the Planning Commission without due cause can be automatically dismissed from the Commission on the motion of the remaining members.

ARTICLE IV
Meetings

Section 4.1: The regular meeting date of Planning Commission shall be the first Thursday of each month at 6:30 p.m. The regular meeting place for the Planning Commission shall be the City Council Chambers of Algona City Hall. The meeting times shall not exceed the hour of 9:30 p.m. without the approval of the majority of Commission members present. A motion to extend the length of the meeting may be made by any member of the Planning Commission.

Section 4.2: In accordance with Chapter 2.12 MMC, the Planning Commission shall consist of five (5) members appointed by the Mayor and confirmed by the City Council. Three (3) members of the Commission shall constitute a quorum and a vote of a majority of those present (there being a quorum) is all that is required for the adoption or passage of any motion or the doing of any other act which the Planning Commission is empowered to take. Voting shall be by roll call. A record of the roll call shall be kept as a part of the minutes.

Section 4.3: Special meetings may be called by the Chairperson or a majority of the membership of the Commission in accordance with the requirements of Chapter 42.30 RCW.

Section 4.4: All meetings of the Planning Commission shall be open to the general public. Provided, nothing contained herein may be construed to prevent the Commission from holding an executive session pursuant to RCW 42.30.110 or a closed session pursuant to RCW 42.30.140, as applicable, during any regular or special meeting.

Section 4.5: In accordance with RCW 35A.63.020, AMC 2.12.050, and other applicable law, if any member of the Planning commission concludes that he/she has a conflict of interest or an appearance of fairness concern with respect to a matter pending before the Commission, such member shall disqualify himself/herself from participating in the deliberations and the decision-making process with respect to such matter. If this occurs, the Mayor may appoint, subject to confirmation of the City Council, a person to serve as an alternate on the Commission to serve in regard to such matter.

Section 4.6: All questions of parliamentary procedure not expressly addressed by these by-laws shall be governed by *Robert's Rules of Order.*

ARTICLE V
Order of Business

The order of business at regular meetings of the Planning Commission shall be:

a. Roll call

b. Approval of minutes of previous meeting

c. Reports of members

d. Staff comments

e. Citizen comments/public testimony

f. New business (including any public hearing, as applicable)

g. Old business

h. Adjournment

ARTICLE VI
Staff Support

The City Clerk, or other City employee designated by the Mayor, shall serve as the Secretary of the Planning Commission. The Secretary shall keep the minutes and records of the Commission, prepare agenda of regular and special meetings with the Chairperson, provide notice of meetings to the Commission members and to the public, arrange proper and legal notice of hearings, attend to correspondence of the Commission, and perform such other duties as are normally carried out by the Secretary. The Planning Commission may request that the Mayor provide additional staffing support for the Commission.

ARTICLE VIII
Hearings

Section 8.1: Quasi-Judicial Public Hearing Procedures

A. Speaker Sign-In: Prior to the start of a public hearing the Chairperson may require that all persons wishing to be heard sign in with the Secretary, giving their name and whether they wish to speak as a proponent, opponent or other member of the public.

A "Proponent" a person, firm, or organization speaking in favor of a proposal on which a public hearing is being held. The term "proponent" includes, but is not limited to, the permit applicant when a development permit is the subject of the public hearing; and

An "opponent," a person, firm or organization speaking against a proposal on which a public hearing is being held. The term "opponent" includes, but is not limited to, a person, organization or association opposing a permit application when a development permit is the subject of the public hearing; and

"Other members of the public," are those persons, firms, or organization wishing to speak concerning a proposal on which a public hearing is being held and who do not met the definition of proponent or opponent. The term "other members of the public" includes, but is not limited to, persons and government agencies who desire to comment on a proposal but who are not speaking in favor of or against the proposal on which the public hearing is being held.

Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Chairperson, subject to the concurrence of a majority of the Commission, may establish time limits and otherwise control the duration and format of any presentations.

B. Conflict of Interest/Appearance of Fairness. Prior to the start of a quasi-judicial public hearing, the Chairperson will ask if any Planning Commissioner has a conflict of interest or Appearance of Fairness Doctrine concern which could prohibit the Commissioner from participating in the public hearing process. Any Commissioner who has stepped down shall not participate in the Planning Commission's decision nor vote on the matter. The Commissioner shall physically leave the Chambers while the matter is under consideration.

C. The Public Hearing Process. Public hearings will begin according to the established agenda (or as soon thereafter as possible).

(1) The Chairperson introduces the agenda item, opens the public hearing and announces the following rules of order:

(a) All comments by proponents, opponents or other members of the public shall be made from the podium; any individuals making comments shall first give their name. This is required because an official recorded transcript of the public hearing is being made.

(b) No comments shall be made from any other location than the podium. Anyone making "out of order" comments shall be subject to removal from the meeting. Persons who are disabled and require accommodation should advise the Secretary.

(c) There will be no demonstrations or interruptions during or at the conclusion of person's comments or presentation.

(d) These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, as applicable, and to ensure that no individual is embarrassed by exercising his/her right of free speech.

2. The Chairperson calls upon city staff, as applicable, to describe the matter under consideration.

3. The Chairperson calls upon proponents, opponents, and all other individuals who wish to speak regarding the matter under consideration.

4. The Chairperson inquires as to whether any Commissioner has questions to ask the proponents, opponents, speakers or staff. If any Commissioner has questions, the appropriate individual will be recalled to the podium.

5. The Chairperson continues the public hearing to a time specific or closes the public hearing.

6. The Planning Commission will then proceed to deliberate and, as applicable, vote on the underlying proposal.

7. The Chairperson will then request staff to prepare written findings and conclusions reflecting the Commission's vote for formal adoption by the Commission.

Section 8.2: Legislative Public Hearing Procedures

A. Speaker Sign-In: Prior to the start of a public hearing the Chairperson may require that all persons wishing to be heard sign in with the Secretary, giving their name and whether they wish to speak as a proponent, opponent or other member of the public. Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Chairperson, subject to

the concurrence of a majority of the Commission, may establish time limits and otherwise control presentations.

B. The Public Hearing Process. Public hearings will begin according to the established agenda (or as soon thereafter as possible).

(1) The Chairperson introduces the agenda item, opens the public hearing and announces the following rules of order:

(a) All comments by members of the public shall be made from the podium; any individuals making comments shall be requested to first give their name.

(b) No comments shall be made from any other location than the podium. Anyone making "out of order" comments shall be subject to removal from the meeting. Any person who is disabled and requires accommodation should advise the Secretary.

(c) There will be no demonstrations or interruptions during or at the conclusion of any person's comments or presentation.

(d) These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard and to ensure that no individual is embarrassed by exercising his/her right of free speech.

(2) The Chairperson calls upon city staff to describe the matter under consideration.

(3) The Chairperson calls upon all members of the public who wish to speak regarding the matter under consideration.

(4) The Chairperson inquires as to whether any Commissioner has questions to ask the staff or any member of the public. If any Commissioner has questions, the appropriate individual will be recalled to the podium.

(5) The Chairperson continues the public hearing to a time specific or closes the public hearing.

(6) The Planning Commission will then proceed to deliberate and, as applicable, vote on the underlying proposal.

ARTICLE IX
Amendments

These by-laws may be amended by an affirmative vote of at least three (3) members of the Planning Commission.

ARTICLE X
Construction

These by-laws shall be construed in a manner consistent with applicable state law and City ordinance. In the event of any irreconcilable conflict between these by-laws and any provision of state law or City

ordinance, the state law or City ordinance provision, in that order, shall control to the extent of such conflict.