



**DATE:** November 29, 2023

**TO:** Planning Commission

**FROM:** Deborah Estrada, Deputy City Clerk

**SUBJECT:** Planning Commission Bylaws Review (Second Reading)  
December 6, 2023, Meeting

## SUMMARY

At the City Manager's direction, the City Clerk's office was tasked with updating the advisory board and commission bylaws to meet current needs and address outdated or new practices, while also ensuring consistency with the City Council Rules of Procedure.

## BACKGROUND

As discussed last July, the Planning Commission first adopted bylaws in 2016 in accordance with Mercer Island City Code [3.46.040](#), which reads, in part: "The planning commission shall determine the time and place of its meetings and other rules and regulations." The bylaws were amended each year thereafter. The most recently adopted version of the bylaws were adopted in [November 2022](#).

Since the onset and sunset of the COVID-19 Pandemic, several internal procedures were modified to meet current needs and address outdated or new practices. At the request of the City Clerk's office, all board and commission bylaws were reviewed and amended to address these changes and to ensure consistency across the City's boards and commissions as well as the City Council Rules of Procedure.

The proposed bylaws attached as Item 4A were revised by staff and reviewed by the City Attorney's office last summer. The significant changes from the current bylaws included the following:

### 1. City Council Rules of Procedure, City Code, and State Law

The Legislature recently amended the Open Public Meetings Act (OPMA), which requires a physical meeting location even if all meeting participants are remote. Additionally, appearances are now a requirement of all public meetings. The bylaws were amended to address the changes in the OPMA and align with City Council Rules of Procedure, City Code, and state law.

### 2. Training and Elections (Sections 2 and 3)

Training requirements were added to address Code of Ethics and the Open Government Trainings Act. The election process for the Chair and Vice Chair was also revised to align with the City Council election of the Mayor and Deputy Mayor.

### **3. Meetings and Agenda Preparation (Sections 4 and 5)**

Consistent with City Council Rules of Procedure, sections on remote attendance, the “order of meeting agendas,” and printed agenda materials were added.

### **4. Planning Commission Protocols (Section 6)**

Like the City Council, a section on Planning Commission Protocols was added to address appearances, discussion, decisions, no surprise rule, prohibited conduct, and appearance of fairness.

### **5. Appendices A-D**

Consistent with the City Council Rules of Procedure, appendices were added to address the following:

- Parliamentary Rules and Motions
- Planning Commission Meeting Code of Conduct
- Planning Commission-Staff Communication Guidelines
- How does the City use Nextdoor.com?

### **6. Housekeeping**

The Planning Commission Bylaws is on its eighth amendment since it was adopted in July 2016. Staff reviewed the bylaws at length and language was updated throughout the document to correct scrivener errors, formatting, and reflect changes to staff titles, clarify references, and align with City Council Rules of Procedure as appropriate.

## **DISCUSSION**

At the July 26, 2023, meeting, the Planning Commission reviewed the first draft of the bylaws and provided feedback to staff, but no action was taken. Topics included:

- Quasi-judicial matters as addressed in [MICC 19.15.010\(C\)\(2\)](#).
- Section 2.5 of the [current bylaws](#) (adopted November 9, 2022) call for a public hearing before the removal of a commissioner.
- Section 6.5 “No Surprises Rule”

Since the Planning Commission’s first reading of the draft bylaws at its July 26 meeting, each of the City’s boards and commissions have reviewed their corresponding revised bylaws. Small changes were subsequently made to the draft Planning Commission Bylaws to incorporate revisions suggested by other boards and commissions to ensure consistency. Section 4.1(l) was modified for clarity and Appendix D was updated to address Elon Musk’s rebranding of Twitter as “X” in late July.

The City Clerk, City Attorney’s Office, and staff liaisons to each of the City’s boards and commissions worked diligently over the last nine months to develop updated, effective, and consistent bylaws across all City appointed bodies. Staff recommend minimizing further revisions.

## **NEXT STEPS**

The staff recommendation is to adopt the revised Bylaws at the December 6, 2023, meeting, in advance of the 2024 Planning Commission meeting schedule.