

# MERCER ISLAND PLANNING COMMISSION BYLAWS



**ADOPTED**

~~December 6, 2023~~ [February 26, 2025](#)

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## SECTION 1. PURPOSE – FUNCTION AND JURISDICTION

- 1.1** Pursuant to Mercer Island City Code (MICC) [3.46.020](#), the Planning Commission (Commission) shall serve in an advisory capacity to the City Council and have the following duties and responsibilities:
- A.** Review and make recommendations on amendments to the comprehensive plan;
  - B.** Review and make recommendations on amendments to development regulations;
  - C.** Hold public hearings in the exercise of its duties and responsibilities;
  - D.** Such other duties as may be assigned by the City Council or established by local ordinance or state statute.
  - E.** [When applicable, complete tasks in subsections A through D within the timeframe established by City Council.](#)
- 1.2** Pursuant to MICC [19.15.010\(C\)\(2\)](#), the role of the Planning Commission in administering the development code is governed by chapter 3.46 MICC (see Section 1.1). In general, the Planning Commission is the designated planning agency for the City (see RCW Chapter [35A.63](#)).

## SECTION 2. MEMBERSHIP AND TRAINING

### 2.1 Qualifications.

- ~~A. Applicants who have an interest in environmental affairs, planning, land use, property development, and/or economic development as evidenced by training, experience, or actions will be given preference for appointment; however, a broad mix of occupational backgrounds is desired.~~
- ~~B. An intent of the appointment process shall be to evenly represent the areas of interest as stated above and reflect the City's diverse community. Appointed members shall represent the public interest and not specific interest groups.~~
- A. Paid Practitioner Non-Resident: An individual not affiliated with Mercer Island entities or interests with a minimum of five years of experience in land use planning in the State of Washington. Examples of qualifying positions include land use / municipal attorney, hearing examiner, urban planner, or architect, engineer or builder with land use experience. Demonstrated experience in public service, working with the Growth Management Act (GMA), Shoreline Management Act (SMA) and State Environmental Policy Act (SEPA) as well as the drafting of land use policies and codes preferred. This position will be compensated.
- B. Lay Person Resident: An individual with general interest in land use planning, environmental affairs, and/or economic development. Demonstrated experience in public service and land use planning preferred. Proof of Mercer Island residency required. This position will not be compensated.
- C. Paid Practitioner Resident: An individual with a minimum of three years of experience in land use planning in the State of Washington. Examples of qualifying positions include land use / municipal attorney, hearing examiner, urban planner, or architect, engineer or builder with land use experience. Demonstrated experience in public service, working with the Growth Management Act (GMA), Shoreline Management Act (SMA) and State Environmental Policy Act (SEPA) as well as the drafting of land use policies and codes preferred. Proof of Mercer Island residency required. This position will be compensated.

### 2.2 Members.

- A. Number.** The Planning Commission shall consist of ~~seven members, serving in nonpartisan positions.~~ five members, serving in nonpartisan positions. as follows:
  - a. Two Paid Practitioner Non-Resident.
  - b. Two Lay Person Resident.
  - c. One Paid Practitioner Resident.

Notwithstanding the above, any vacancy may be filled by a resident lay person if unable to find a qualified paid practitioner. Additionally, the council should give preference to appointing resident paid practitioner applicants for any open Planning Commission positions.

- ~~B. Residency. City residency is required.~~

- EB.** **Terms.** The term of each member is four years and expires on May 31 of the last year of the term or until the member's successor is appointed. The year of expiration of the terms of the positions shall be staggered with the following groups of positions expiring in successive years: positions 1 and 2; positions 3 and 4; position 5, ~~positions 6 and 7.~~ Except, to stagger the expiration of the terms, the initial term for position 5 shall be two years, and for positions 3 and 4 they shall be three years – all expiring on May 31 after the second and third anniversaries of their initial appointments, respectively.
- DC.** **Term limits.** No member shall serve more than two consecutive terms. If a member is appointed to a vacancy with two or more years remaining on the term, that term will be deemed a full term. If a member is appointed to a vacancy with less than two years remaining in the term, that term will not count toward the two-consecutive-term limit.
- ED.** **Staff liaison.** The City Manager shall appoint a staff liaison to assist with support services for the Planning Commission. Such staff support shall include, but not be limited to, the development of work plans and schedules, guidelines and procedures, correspondence, and agenda preparation and distribution.

**2.3 Appointment.** Appointments to the Planning Commission will be made by a vote of the City Council during a ~~regularly~~-scheduled open City Council meeting. ~~Members shall serve without compensation.~~

**2.4 Removal.** Members may be removed by the Mayor and Deputy Mayor, with the concurrence of the City Council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absences from more than three consecutive regular meetings. The decision of the City Council shall be final and there shall be no appeal therefrom. Members finding themselves unable to regularly attend meetings are expected to resign and notify the chair and staff liaison.

**2.5 Compensation.** Paid practitioners shall be compensated five hundred dollars (\$500) per meeting of the Planning Commission attended (Regular or Special).

**2.6**~~2.5~~ **Training.**

~~**A.** **Code of Ethics.** All board and Commission members are required to attend a Code of Ethics training provided by the City Attorney's office, regarding MICC Chapter 2.60 and Chapter 42.23 RCW.~~

**BA.** **Open Government Trainings Act.** The Open Government Trainings Act enacted by the 2014 Legislature requires every member of a governing body subject to OPMA to receive in the fundamentals of the Open Public Meetings Act (OPMA), Public Records Act (PRA), and records retention requirements. Training must be completed no later than 90 days after assuming their duties. These trainings may

be completed before assuming office, and each member must take a refresher course at least every four years.

- EB. **Violation of Open Government Trainings Act.** Those members that fail to complete the required training within 30 days' notice by the City Clerk will be referred to the Mayor and Deputy Mayor. Members found in violation of the OGTA may be removed for neglect of duty/just cause in accordance with Section 2.4 of the Bylaws and [MICC 3.46.030\(D\)](#).

## SECTION 3. PLANNING COMMISSION ORGANIZATION

**3.1 Election of Chair and Vice Chair.** The Planning Commission shall elect a Chair and Vice Chair for a term of one year from among themselves at its June Planning Commission meeting, or as soon as possible thereafter, or upon vacancy or resignation of the Commissioner filling the Chair or Vice Chair position. The Staff Liaison shall conduct the elections for Chair as follows:

- A. Any Commissioner may nominate a candidate for Chair; no second is needed.
- B. Nominees may accept or decline the nomination.
- C. If only one (1) nomination is made, it is appropriate to make a motion and obtain a second to instruct the Staff Liaison to cast a unanimous ballot for that nomination for Chair. Approval is by majority vote of Commissioners present.
- D. If more than one (1) nomination is made, an open election is conducted by roll call vote.
- E. To be elected, the nominee needs a majority vote of the Planning Commission.
- F. Elections will continue until a Chair is elected by a majority vote of the Planning Commission.
- G. The Staff Liaison shall declare the nominee receiving the majority vote as the new Chair.

This process is repeated for the election of the Vice Chair.

**3.2 Duties of Officers.**

**A. Chair.** The Chair serves as the Presiding Officer and acts as chair at all meetings of the Planning Commission. The Chair may participate in all deliberations of the Planning Commission in the same manner as any other member and is expected to vote in all proceedings unless recusing themselves. The Chair does not possess any power of veto.

In consultation with the Vice Chair, the Chair appoints Commissioners to serve as liaisons to ad hoc committees.

**B. Vice Chair.** The Vice Chair serves as the Presiding Officer in the absence of the Chair and assumes the responsibilities of the Chair when needed. If both the Chair and Vice Chair are absent, the Chair will appoint another Commissioner to serve as acting Chair. If the Chair fails to appoint an acting Chair, the Commissioners present shall elect one of its members to serve as Presiding Officer until the return of the Chair or Vice Chair.

**C. Presiding Officer.** The Presiding Officer shall:

1. Preserve order and decorum during Planning Commission meetings;
2. Observe and enforce these Rules;

3. Call the meeting to order;
4. Keep the meeting to its order of business; and,
5. Recognize Commissioners in the order in which they request the floor. The Presiding Officer, as a Commissioner, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Commissioners.

**3.3 Filling a Planning Commission Vacancy.** If a vacancy occurs in the office of Commissioner, the City Council will follow the procedures outlined in Section 8 within the [City Council Rules of Procedure](#).



## SECTION 4. MEETINGS

Pursuant to [MICC 3.46.040](#), [the planning commission shall not meet more than a total of 11 Regular meetings and up to 10 Special meetings each calendar year. The time and place of meetings and other rules and regulations shall be determined by the planning commission, which shall be on file with the City Clerk.](#)~~the Planning Commission shall determine the time and place of its meetings and other rules and regulations, which shall be on file with the City Clerk.~~

### 4.1 General Meeting Guidelines.

- A. Open Public Meeting Act.** All Planning Commission meetings shall comply with the requirements of the Open Meetings Act (chapter [42.30 RCW](#)). All regular meetings and special meetings of the Planning Commission shall be open to the public.
- B. Meetings.** All meetings as described in Section 4.2 may be held in-person, remotely, or as a hybrid to the extent permitted by law.
- C. Meeting Cancellation.** Any future Planning Commission meeting may be canceled by a majority vote of the Planning Commission. The Chair or Vice Chair may cancel a Planning Commission meeting for lack of agenda items, adverse weather conditions, or due to an emergency.
- D. Quorum.** ~~Four~~Three members of the Planning Commission shall constitute a quorum and are necessary for the transaction of Commission business. In the absence of a quorum, the members present shall adjourn that meeting to a later date.
- E. Minutes.** The Staff Liaison (or authorized designee) shall attend all regular and special Planning Commission meetings and keep an account of all proceedings of the Planning Commission (minutes) in accordance with the statutory requirements RCW [42.30.035](#). The minutes from previous meetings will be posted on the City website in draft format prior to Planning Commission meetings as part of the Planning Commission packet. Commissioners are encouraged to inform the Staff Liaison of any errors or proposed changes in advance of the meeting. If a Commissioner wishes to make any corrections (except scrivener) to the minutes, they must make a motion to revise the minutes. Any corrections to the minutes will be so noted and the draft minutes will be revised with the corrections. Once the Planning Commission has approved the minutes (as presented or revised), the final version of the minutes will be posted to the City's website and archived as the City's official record.
- F. Planning Commission Meetings Code of Conduct.** The Planning Commission Meetings Code of Conduct is attached as [Appendix B](#) to these Rules, which outlines acceptable behavior while in a Planning Commission Meeting.
- G. Attendance.** Attendance at regular and special meetings is expected of all Commission members.

1. **Absence.** Any member anticipating absence from a meeting should notify the Chair and staff liaison from the Community Planning and Development department.
  2. **Chronic Absences.** Chronic absences of any member may be referred by the Commission to the Mayor for a public hearing pursuant to Section 2.45 of these bylaws. "Chronic," for the purposes of this section, means 6 or more absences within a 12-month period.
- H. Remote Attendance.** Remote attendance by a Commissioner who is not able to physically be present, whether for all or part of a meeting, is allowed as needed subject to the following:
1. **Notice:** A Commissioner shall contact the Chair and the Staff Liaison at least one day prior to the meeting for which they will attend remotely or as soon as possible due to an emergency. After the Staff Liaison has called the roll at a meeting, the Chair shall indicate any Commissioner attending remotely, which will be noted in the minutes. If joining after roll call, the Staff Liaison shall note the time the Commissioner joined and, if before adjournment, when the Commissioner left in the minutes.
  2. **Remote Attendance Requirements:**
    - a. Remote attendance by a Commissioner shall be through the City's preferred teleconferencing platform.
    - b. A Commissioner's camera should be turned on when participating in the meeting.
    - c. A Commissioner attending remotely will be marked present, counting towards a quorum and can vote during the meeting as if they were physically present.
    - d. A Commissioner attending remotely must be able to hear public comment or testimony and staff's presentation in real time.
- I. Roll Call Voting.** All Planning Commission voting will be done by roll call. Once a motion is made, seconded, and discussion concluded, the Chair will ask the Staff Liaison to call the roll. The Staff Liaison calls the roll, and each Commissioner, as their name is called, answers "aye" or "nay," or "abstain" if they do not wish to vote, and the Clerk notes the answers. Commissioners shall refrain from additional comments about the motion or their vote when voting. If the vote count is not clear, the Staff Liaison reads the names of those who answered in the affirmative, the negative, and then those who answered "abstain." Afterwards, the Chair announces the result, and the vote is recorded in the minutes of the meeting.

## 4.2 Types of Meetings

All meetings of the Commission shall be conducted in accordance with these bylaws, Mercer Island City Code, and Washington state law. Where these bylaws fail to provide otherwise, the meetings shall be conducted in accordance with parliamentary rules and procedures in the most current edition of Robert's Rules of Order.

- A. Regular Meetings.** The Planning Commission's regular meetings will be held on the fourth Wednesday of each month at 6:00 P.M. in the Mercer Island Community & Event Center (8236 SE 24<sup>th</sup> Street, Mercer Island). Meetings will be held in a hybrid format including both in person and remote attendance using a videoconferencing platform. If any Wednesday on which a meeting is scheduled falls on a legal holiday, the meeting shall be held at 6:00 P.M., on the first business day following the holiday, or on another day designated by a majority vote of the Planning Commission.
- B. Special Meetings.** A special meeting is any Planning Commission meeting other than a regular Planning Commission meeting. Notice shall be given at least 24 hours in advance specifying the date, time, and place of the meeting and the business to be transacted. A special Commission meeting may be scheduled by the Chair, or in their absence, the Vice Chair, the Community Planning and Development Director, or the City Manager. Final disposition cannot be taken on any matter not included on the special meeting notice.

#### **4.3 Order of Regular Planning Commission Meeting Agenda**

- A. Call Meeting to Order & Roll Call.** The Chair calls the meeting to order. The Staff Liaison will take roll call and record names of those present and absent in the minutes.
- B. Appearances (Public Comment).** During the Appearances section of the regular meeting agenda, members of the audience are invited to address the Planning Commission regarding any matter, except items before the Planning Commission requiring a public hearing, any quasi-judicial matters, or campaign-related matters. Each person wishing to address the Planning Commission should register with the Staff Liaison by 4 P.M. on the day of the Planning Commission meeting. When the speaker's name is called, the speaker will give their name and City of residence for the record and shall limit their comments to three (3) minutes. No speaker may convey or donate time for speaking to another speaker. The Chair may allow speakers to comment on individual agenda items at times during any regularly scheduled Planning Commission meeting other than the regularly scheduled Appearances period.

All remarks will be addressed to the Planning Commission as a whole, and not to individual Commissioners or staff members. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Planning Commission, may be requested by the Chair to leave the meeting. Pursuant to state law, the Planning Commission

cannot accept comments on any campaign-related matters (elections for individual offices or ballot propositions).

The Staff Liaison will summarize all public comments in the minutes. Traditionally, the Planning Commission does not respond to comments made at a meeting; however, the Staff Liaison may follow up with the speaker as appropriate.

- C. Public Hearings.** The Commission recognizes that public hearings are intended to obtain public input on legislative recommendations. Public hearings are required when the Commission addresses such matters as comprehensive plan amendments and development code amendments.
- D. Special Business.** Special Business may include Chair and Vice Chair Elections, review of bylaws or other presentations to the Commission.
- E. Regular Business.** Regular Business items are all other regular Planning Commission business, including but not limited to staff presentations and reports requiring Planning Commission review including making recommendations to City Council.
- F. Other Business.**
  - 1. Staff Liaison's Report.** The Staff Liaison will discuss the meeting schedule and report on significant activities since the last meeting; provided, however, that Commissioners may not enter into debate or discussion on any item raised during the Staff Liaison's Report.
  - 2. Absences.** The Planning Commission will note upcoming Commissioner absences and make a motion to excuse or not excuse a Commissioner's absence.
- G. Adjournment.** With no further business to come before the Planning Commission, the Chair adjourns the meeting.

## SECTION 5. AGENDA PREPARATION

- 5.1 Agenda Setting.** An agenda shall be prepared and distributed by the Community Planning and Development department to each member not less than 5 calendar days prior to the date of the meeting at which such agenda is to be considered. The agenda shall be accompanied with a complete copy of the unapproved minutes of the previous meeting, staff reports, and other materials as may pertain to the agenda.
- 5.2 Agenda Modification.** All meetings shall be conducted in accordance with the agenda. To the extent it does not violate public notice requirements, a Regular Agenda may be modified, supplemented, or revised at the beginning of the meeting by an affirmative vote of the majority of Commission members present. The Commission, by a majority vote, can add matters for discussion to a Special Meeting agenda; however, in accordance with the OPMA, final disposition cannot be taken on any matter not listed in the special meeting notice.
- 5.3 Agenda Materials.** All agenda materials will be posted to the City's website and a link to the online packet will be emailed to an established mailing list by 5:00 P.M. no later than the Friday prior to the meeting, in accordance with section 4.1. If the deadline cannot be met, the Planning Commission and the established mailing list will be notified of when it will be posted. Hard copies of agenda materials will be available for pick up at the Customer Service Counter upon Commissioner request, with 24 hours' notice.

## SECTION 6. PLANNING COMMISSION PROTOCOLS

- 6.1 Governance and Procedures.** All Planning Commission discussion shall be governed by *Roberts Rules of Order, Newly Revised* and by these Bylaws. Examples of parliamentary rules and motions are shown in [Appendix A](#) to these Bylaws. In the event of a conflict, these Bylaws shall control. The Staff Liaison shall answer questions of a parliamentary nature that may arise during a Planning Commission meeting. The Staff Liaison shall decide all questions of interpretations of these Bylaws.
- 6.2 Appearances (Public Comment).** The Planning Commission agrees to adhere to the following protocols during Appearances:
- A. The Planning Commission shall listen attentively to the speaker's comments.
  - B. The Planning Commission shall avoid discourteous behavior such as lengthy or inappropriate sidebar discussions or nonverbal, disparaging actions.
  - C. The Planning Commission shall not engage in debate or discussion with any individual but may be recognized by the Chair to ask the speaker clarifying questions.
- 6.3 Discussion Protocols.** The Planning Commission agrees to adhere to the following protocols for Planning Commission discussion and debate:
- A. Be courteous and professional at all times.
  - B. Avoid discourteous behavior such as lengthy or inappropriate sidebar discussions or nonverbal disparaging actions when colleagues or staff are speaking.
  - C. Be recognized by the Chair before speaking.
  - D. Be respectful of staff.
  - E. Speak in turn after being recognized.
  - F. Do not personally criticize other Commissioners who vote against or disagree with you.
  - G. Do not be repetitive in your arguments or discussion.
  - H. Respect each other's differences, honor disagreements, vote and move on.
- 6.4 Recommendations.** The Planning Commission's goal is to provide a consensus recommendation to the City Council on legislative matters; in all cases, however, a majority vote is taken.
- A. To document the recommendations of the Commission, the Community Planning and Development department staff shall prepare a written statement or memorandum, including the facts and rationale for the final recommendations. This statement shall be approved and signed by the Chair.
  - B. A Commissioner is never required to state reasons for a dissenting vote; provided, however, that any member of the Commission shall have the right to state the reasons for their dissent from, or protest against, any action of the Commission. Such statement shall be made immediately after the roll call vote is taken. The

minutes will reflect the record of the vote in the following format: “Commissioner XX verbally stated their reasons for voting in the minority on this matter.” No other statement is proper or will be allowed to be recorded in the minutes of the meeting.

- C. The Chair has the responsibility to present the recommendations to the City Council on behalf of the Commission when requested by either the Planning Commission or City staff.
- D. Commissioners recognize that they are part of an advisory body. As such, when the Planning Commission has voted to recommend an agenda item, the members shall not contact staff to encourage actions inconsistent with such Planning Commission recommendation or take other action adversely impacting staff resources. This does not preclude a Commissioner from communicating as a private resident of the City to the City Council through regular public avenues.
- E. Commissioners, who voted on the prevailing side, may bring any approved recommendation up for reconsideration, only on the same day that the vote was taken, and immediately following Planning Commission review and approval of such agenda item, before the Planning Commission has moved on to other items. The Planning Commission’s goal is to make final recommendations and not to revisit or reconsider such decisions (see [Appendix A](#) for more details).

**6.5 No Surprises Rule.** Commissioners should use best efforts to contact the Staff Liaison to advise of emerging issues. Generally, Commissioners agree not to propose substantial amendments and/or revisions to any agenda item unless they provide each other and City staff at least ~~36~~<sup>48</sup> hours advance notice to review any written proposal. To provide staff the necessary preparation time, Commissioners will use best efforts to provide staff advance notice of any questions or concerns they may have regarding an agenda item prior to a public meeting.

**6.6 Prohibited Conduct.** ~~In addition to~~ Officials shall be subject to the requirements applicable under RCW Chapter 42.23, which establishes the minimum standards for officials, ~~officials shall be subject to the City’s Code of ethics as provided within MICC Ch. 2.60.~~

**6.7 Appearance of Fairness.** Commissioners shall comply with all applicable laws including without limitation the appearance of fairness doctrine (chapter [42.36 RCW](#)). The appearance of fairness doctrine prohibits ex parte (outside the hearing) communications with applicants, staff, and other opponents or proponents with respect to the proposal that is the subject of the quasi-judicial proceeding; prohibits a Commissioner from deciding on the matter in advance of the hearing; requires the hearing to be fair and impartial; and prohibits the participation of any Commissioner who has a conflict of interest or financial interest in the outcome of the hearing.

A Commissioner shall consult with the City Attorney to determine whether the Commissioner should recuse themselves from the hearing discussion and decision.



## SECTION 7. AMENDMENTS TO BYLAWS

These bylaws may be amended by a majority vote (4 votes) of the entire membership of the Planning Commission.

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Date Approved by Planning Commission

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Planning Commission Chair

Attest:

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Deputy City Clerk

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Date filed with City Clerk

## APPENDIX A PARLIAMENTARY RULES AND MOTIONS

1. Following the presentation of the item and questions of staff, a motion should be made before the Commission begins discussion to frame and guide the discussion.
2. If a motion does not receive a second, it dies and will not be included in the minutes. Motions that do not need a second, include: nominations, withdrawal of motion, request for a roll call vote, and point of order.
3. When making motions, be clear and concise and do not include arguments for the motion within the motion.
4. No comments may be made or heard until there is a second on the motion.
5. After a motion and second, the Chair will indicate the names of the Commissioners making the motion and second.
6. When the Commission concurs or agrees to an item that does not require a formal motion, the Chair will summarize the agreement at the conclusion of the discussion. Commissioners may object to such summary if any feel the summary does not reflect the Commission's consensus.
7. If the maker of a motion wishes to withdraw their motion, the Chair shall ask the Commission if there is any objection to the maker withdrawing their motion. If none, the motion is withdrawn. If there is objection, the Commission will vote whether the motion can be withdrawn. The text of the withdrawn motion and the fact of its withdrawal will not be included in the minutes.
8. A **motion to table** is undebatable and shall preclude all amendments or debates of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of future regular or special meetings at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting.
9. A **motion to postpone to a certain time** is debatable as to the reason for the postponement but not to the subject matter of the motion, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future regular or special Planning Commission meeting.
10. A **motion to postpone indefinitely** is debatable as to the reason for the postponement as well as to the subject matter of the motion; is not amendable and may be reconsidered at the same meeting only if it received an affirmative vote.
11. A **motion to call for the question** shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds' (2/3) vote; debate is reopened if the motion fails.
12. A **motion to amend** is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.

13. Motions that cannot be amended, include motion to adjourn, agenda order, point of order, reconsideration and take from the table. A motion to amend an amendment is not in order.
14. Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
15. The motion maker, Chair, or Staff Liaison should repeat the motion prior to voting.
16. All votes of the Planning Commission will be conducted by roll call voting.
17. When voting, Commissioners will reply with “aye,” “nay,” or “abstain” and shall refrain from additional comments about the motion or their vote.
18. At the conclusion of any vote, the Chair will announce the results of the vote.
19. A motion that receives a tie vote is deemed to have failed.
20. When a question has been decided, any Commissioners who voted in the majority may move for reconsideration.
21. A **motion for reconsideration** can only be made by someone who voted on the prevailing side, and it must be made on the same day that the vote to be reconsidered was taken. All action that might come out of the original motion is stopped at the time that reconsider is made and seconded.

## APPENDIX B PLANNING COMMISSION MEETING CODE OF CONDUCT

The Mercer Island Planning Commission welcomes the public to the Planning Commission meetings and dedicates time at these meetings to hear from the public on agenda items and other issues of concern.

It is important for all community members to feel welcome and safe during Planning Commission meetings. Audience members will be expected to treat all attendees with respect and civility.

### 1. **Appearances Ground Rules:**

Appearances is the time set aside for individuals to speak to the Planning Commission about any issue during a Planning Commission meeting. The ground rules are:

- A. Each person wishing to address the Planning Commission should register with the Staff Liaison by 4 P.M. on the day of the Planning Commission meeting.
- B. Please (1) speak audibly, (2) state your name and City of residence for the record, and (3) limit your comments to three minutes.
- C. Traditionally, the Planning Commission does not respond to comments made at the meeting, but may follow up, or have staff follow up, with the speaker if needed.
- D. Comments must be addressed to the entire Planning Commission, not to individual Commissioners, staff members, or the audience.
- E. Audience members shall refrain from applause, comments, or disapproval of individuals' comments.
- F. Any person who makes personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Planning Commission, may be requested to leave the meeting.
- G. The Planning Commission cannot accept comments on any campaign-related matters (elections for individual offices or ballot propositions).

### 2. **General Rules:**

- A. Please silence cell phones, computers, tablets, and cameras while in the Planning Commission meetings.
- B. Please limit conversations in the audience seating area. You may be asked to step into the lobby to continue a conversation.

## APPENDIX C PLANNING COMMISSION-STAFF COMMUNICATION GUIDELINES

Governance of a City relies on the cooperative efforts of elected officials, who provide oversight and set goals, policy, and priorities, and City staff, which analyze problems and issues, make recommendations, and implement and administer the Planning Commission's policies and priorities consistent with the Planning Commission goals. The following are general guidelines to help facilitate effective communications between the Planning Commission and City staff.

**1. Channel communications through the appropriate City staff.**

While any staff member is available to answer Commissioner questions and requests for information, the Community Planning and Development (CPD) Staff Liaison is the primary information liaison between the Planning Commission and City staff. Questions of CPD staff should be directed to the Staff Liaison. When a Commissioner makes a request to a particular staff member, it is important to inform/copy the Staff Liaison. In addition, staff will inform/copy the Staff Liaison so that the Staff Liaison is aware of the Commissioner's requests and needs. Please be aware that as to matters subject to quasi-judicial actions by the Planning Commission, the Appearance of Fairness Doctrine may prohibit or restrict ex parte communications with Staff outside of Planning Commission meetings.

**2. All Commissioners should have the same information with which to make decisions.**

When one Commissioner has an information request, the response will be shared with all members of the Planning Commission so that each member may be equally informed.

**3. Depend upon the staff to respond to concerns and complaints as fully and as expeditiously as practical.**

A key value in the City's organizational culture is providing quality customer service. Rely on staff to solve customer problems and concerns.

**4. Code Compliance Complaints.**

The Community Planning and Development Code Compliance team answers questions and investigates complaints on a wide variety of issues, including zoning, building, and nuisance violations. If you have a complaint, please complete a Code Compliance Request Form, and fill it out as completely as possible.

Go to <https://www.mercerisland.gov/cpd/webform/code-compliance-request-form> to complete an online form or download or print the form and attach it to an email to [codecompliance@mercergov.org](mailto:codecompliance@mercergov.org). You may also come to City Hall to drop off or complete a paper copy. Using this form will give staff the information needed to review and process the complaint.

**5. Complaints/Concerns Directed to Planning Commission.**

Often the Planning Commission will receive customer letters or emails directly. Due to limited staff resources to handle the amount of correspondence, if a response is

warranted, appropriate or necessary the Staff Liaison or designee will direct the correspondence to the appropriate staff member. Correspondence related to matters outside of the purview of the Planning Commission will be directed to the appropriate staff by the Staff Liaison or designee. Commissioners should not respond to correspondence that is outside of the purview of the Planning Commission. On occasion, a letter or email is directed specifically to a Commissioner. The Commissioner should forward the correspondence to the Staff Liaison or designee to provide a response (if a response is warranted, appropriate, or necessary).

**6. The Planning Commission provides recommendations – City staff is responsible for administrative functions and City operations.**

The purpose of the Planning Commission is to serve in an advisory capacity to the City Council and have the following duties and responsibilities pursuant to Mercer Island City Code 3.46.020

- A. Review and make recommendations on amendments to the comprehensive plan;
- B. Review and make recommendations on amendments to development regulations;
- C. Hold public hearings in the exercise of its duties and responsibilities;
- D. Such other duties as may be assigned by the Planning Commission or established by local ordinance or state statute.
- ~~D.E.~~ When applicable, complete tasks in subsections A through D within the timeframe established by city council.

The primary functions of staff are to forward the Planning Commission recommendations to City Council and keep the Planning Commission informed. Staff is obligated to take guidance and direction only from the Staff Liaison, Department Director, or City Manager.

Individual Commissioners shall not knowingly or willfully interfere with the administration of City business including, but not limited to coercing, or influencing staff in the selection of personnel or consultants, the awarding of contracts, the processing of development applications, licenses, permits, or public records requests, and the interpretation and implementation of the Planning Commission policy.

**7. To provide the Planning Commission with timely information, Commissioners should submit questions on agenda items to the Staff Liaison and Chair in advance of the Planning Commission meeting.**

Commissioners are encouraged to submit their questions on agenda items to the Staff Liaison and Chair as far in advance of the meeting as possible so that staff can be prepared to respond before or at the Planning Commission meeting. Having a practice of “no surprises” between the Planning Commission and City staff and vice versa fosters a productive working relationship.

- 8. Respect the will of the “full” Planning Commission.**  
City staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Commissioners. However, if a request reaches a certain degree of workload, it will need to come before the “full” Planning Commission. The Staff Liaison will consult with the Director and City Manager with the request to determine when it is appropriate to bring it before the full Planning Commission for discussion and recommendation.
- 9. Depend upon the staff to make independent and objective recommendations.**  
Staff is expected to provide its best professional recommendations on issues, provide information about alternatives to staff recommendations, as appropriate, as well as pros and cons for recommendations and alternatives. Sometimes staff may make recommendations that may be unpopular with the public and/or Commissioners. When this occurs, please refrain from attacking the messenger. Staff respects the role of the Planning Commission in its advisory capacity to the City Council.
- 10. The Staff Liaison and staff will transmit Planning Commission recommendations to the City Council as accurately as possible.**  
Staff will assist the Chair in preparing the written recommendation. The Chair will be provided the opportunity to address the City Council to verbally transmit the recommendation. Staff seek to accurately describe the Commission’s legislative review process and recommendation.
- 11. Refrain from publicly criticizing an individual employee. Criticism is differentiated from questioning facts or the opinion of staff.**  
All critical comments about staff performance should be made only to the Staff Liaison or Director through private correspondence or conversation.
- 12. Seeking political support from staff is not appropriate.**  
The City is a non-partisan local government. Neither the staff liaison nor any other person in the employ of the City shall take part in securing or contributing any money toward the nomination or election of any candidate for a municipal office. In addition, some professionals (e.g., Staff Liaison, the Chief of Administration, Chief of Operations, and City Clerk) have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.
- 13. Support life-family-work balance.**  
In a 24-hour, mobile accessible world, expectations for staff to always be available can emerge. However, this expectation is unsustainable. Staff will respond to nonemergency emails or phone messages during business hours only.

## APPENDIX D      HOW DOES THE CITY USE NEXTDOOR.COM?

NextDoor is a nationwide platform designed to encourage civil neighbor-to-neighbor interaction and discourse online, focused on highly local topics. The City joined NextDoor in October 2014 and uses its account to make general announcements, advertise meetings, solicit public engagement, provide crime and storm updates, highlight achievements, and more. The platform does not function in the same manner as the City's other social media outlets (i.e., Facebook, X (formerly Twitter), Instagram). NextDoor is not a City-controlled page, but rather a private membership network that functions more like an online community bulletin board. The City merely has an official presence on the platform via its "Agency Account," but by design, NextDoor tightly limits Agency Accounts in important ways.

Most notably, the City can only see its own posts and replies to them, while ALL other neighbor-to-neighbor content is hidden. This is intended to prevent eavesdropping by the City on local discussions. The last name of anyone replying to a City post is just replaced with an initial and is not spelled out.

In addition, because the City is required to maintain public records of social media to comply with the Public Records Act, the City uses ArchiveSocial to backup Facebook, Instagram, X, YouTube, and other accounts to retrieve records if requested. Unfortunately, NextDoor does NOT allow access by automated archiving services. Instead, the City must execute a complicated manual export process that can be refined only by date range (not topic, or subject line, etc.). This lack of archiving access to NextDoor makes it extremely difficult and potentially risky for Commissioners and staff to post about City business or to reply to other posts, as they are unable to be captured in a manner that is suitable for responding to public records requests or in a manner that it can be deleted after meeting the required retention period.

If Commissioners post on NextDoor about official City business, they **must** capture the text of the original post and all comments. If they comment on a post, they must capture the original post, all comments before AND after their comment. The Staff Liaison can provide additional guidance regarding public records retention requirements for NextDoor posts/comments.