

FINAL – June 9, 2020 – As Proposed for Amendments November 10, 2020

CITY OF TUMWATER PLANNING COMMISSION

RULES OF PROCEDURE

We, the members of the Planning Commission of the City of Tumwater, State of Washington, created by Chapter 2.56 *Planning Commission* the Tumwater Municipal Code (TMC) pursuant to Revised Code of Washington (RCW) 35.63 *Planning Commissions*, do hereby adopt, publish, and declare the following Rules of Procedure.

A. NAME

The official name shall be the "City of Tumwater Planning Commission."

B. MEETINGS

1. Regular Meetings – The Planning Commission shall meet regularly on the second and fourth Tuesday of each month at 7:00 p.m. to 9:30 p.m. unless otherwise designated. Continuation of meetings past 9:30 p.m. will require approval of a motion by a majority of the members.
2. Special Meetings – When a special case, questions, or matter of interest arises, the Planning Commission Chair (Chair), or a majority of the Planning Commission, may call a special meeting.
3. Planning Commission meetings will be held at Tumwater City Hall, 555 Israel Road SW, Tumwater, Washington, unless otherwise directed by the Chair and alternative meeting arrangements are approved by the City Attorney.
4. When a regular meeting conflicts with a legal holiday or an election day, the Chair may reschedule or cancel that meeting.
5. If no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a meeting may be cancelled at the notice of the Chair, and notice shall be posted at the meeting place.
6. Except as may be modified by these rules of procedure, "Roberts Rules of Order, Newly Revised," shall govern the conduct of the meetings.
7. Members should establish a high priority to attend all meetings and to come prepared to contribute to the

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discussion.

8. Each member of the Planning Commission who cannot attend a scheduled meeting of the Planning Commission shall notify the Chair and the Community Development Department at City Hall at the earliest possible opportunity and, at the, latest, prior to 5:00 P.M. on the Monday prior to the meeting. The Planning Manager shall notify the Chair in the event that the projected absences will produce a lack of a quorum.

C. ELECTION OF OFFICERS

1. The officers of the Planning Commission shall be a Chair and a Vice Chair elected by the appointed members of the Planning Commission, and such other officers as the Planning Commission may elect.
2. The election of officers shall take place each year on the ~~last~~ first regular meeting in ~~December~~ November each calendar year. The term of each officer shall run until the subsequent election.
3. In the event the position of Chair is vacated, the Vice Chair shall replace the Chair, and the Vice Chair will be replaced by a vote of the members of the Planning Commission.

D. DUTIES AND POWERS OFFICERS

1. Chair:
 - a. Preside at all meetings of the Planning Commission.
 - b. Call special meetings of the Planning Commission in accordance with the rules of procedure.
 - c. Sign documents of the Planning Commission.
 - d. See that all actions of the Planning Commission are properly taken.
 - e. The Chair, as a member of the Planning Commission, shall have the full right of his or her own vote.
 - f. The Chair may choose to limit the amount of time given for public testimony at hearings or during general discussions if each speaker is allotted an equal amount of

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time.

2. Vice Chair:

- a. During the absence, disability, or disqualification of the Chair, the Vice Chair shall exercise or perform all duties and be subject to all the responsibilities of the Chair.

3. Temporary Chair:

- a. If the Chair and Vice Chair are both absent, the members present may select for the meeting a temporary Chair who shall exercise the powers of the elected Chair.

4. Secretary:

- a. Staff shall perform the usual and necessary secretarial functions of the Planning Commission including preparation of minutes of each meeting.

E. QUORUM

As specified in TMC 2.56.040 *Planning Commission – Quorum*, a simple majority of the currently appointed membership of the Planning Commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting of the Planning Commission, shall be deemed and taken as the action of the Planning Commission.

F. ABSENCE OF MEMBERS

Failure of any member to attend a minimum of seventy-five percent (75%) of all meetings and workshops of the Planning Commission during any calendar year shall result in the member's record being forwarded by the Chair to the Mayor for consideration of asking for the member's resignation. Excused absences shall not be counted as absences in calculating the percentage of attendance.

G. VACANCIES

Vacancies on the Planning Commission shall be filled subject to the process in TMC 2.56.020 *Planning Commission – Vacancies*.

H. CONFLICTS OF INTEREST

Any member who has a conflict of interest¹ on any matter that is on the Planning Commission agenda shall recuse themselves from participation and decisions on such a matter. When there is a conflict of interest with an agenda item, the Chair is encouraged to put that item last on the agenda so that the member can participate and then they can be excused.

I. APPEARANCE OF FAIRNESS

1. Any member who feels they have an "appearance of fairness"² issue on any quasi-judicial action that is on the Planning Commission agenda shall voluntarily excuse themselves, vacate their seat, leave the meeting room, and refrain from discussing and voting on such item as a member.
2. As an alternative, if a member feels that they can impartially participate in an issue may, particularly when there is a question of maintaining a quorum, fully disclose, at the beginning of the discussion of an issue, their "appearance of fairness" situation and ask if anyone on the Planning Commission or in the audience has an objection to the member being involved in discussing and voting on the issue.

J. COMPENSATION

As specified in RCW 35.63.030 *Planning Commissions – Commissioners – Number – Tenure - Compensation*, the members of the Planning Commission, including the Chair and Vice Chair, while acting as such, shall serve without compensation.

¹ See Chapter 42.23 RCW *Code of Ethics for Municipal Officers—Contract Interests* and City of Tumwater *Policy Manual – Part 1: Personnel Policies*, Section 8.04 *Prohibited Conduct*. For additional information see the Municipal Research and Services Center website for additional information: <http://mrsc.org/Home/Explore-Topics/Legal/Ethics-Fairness-Conflicts-of-Interest/Conflicts-of-Interest.aspx>

² See Chapter 42.36 RCW *Appearance of Fairness Doctrine – Limitations*. See also *Appearance of Fairness Doctrine in Washington State*, Municipal Research and Services Center: <http://mrsc.org/getmedia/04ae5092-48df-4964-91d7-2a9d87cb2b7c/Appearance-Of-Fairness-Doctrine-In-Washington-State.pdf.aspx?ext=.pdf>

K. ORDER OF BUSINESS

1. Generally, the Planning Commission will follow the following order of business at all meetings:
 - a. Call to order.
 - 1) Roll call.
 - 2) Announcement of agenda.
 - 3) Reading and/or approval of minutes.
 - 4) Commissioner and Planning Manager reports.
 - 5) Comments from the audience on any topic that is not the subject of public hearing. The Chair may limit the length of comments as needed per Section (D)(1)(f).
 - 6) Hearings.
 - 7) Briefings.
 - 8) Worksessions.
 - 9) Discussions.
 - 10) Adjournment.
 - b. The order of business may be changed during the meeting by the Chair by a vote of a majority of the members present.
2. Regular Meetings – Public Hearings
 - c. All Planning Commission recommendations shall be forwarded to the City Council for final action. Cases for which the Planning Commission takes no action shall be forwarded to the City Council for review and recommendation.
 - d. On matters requiring public hearings, such hearings shall be held only after complying with State Environmental Policy Act procedures. A matter may be heard at the public hearing pending the threshold determination, but such matter shall not be referred from the Planning Commission to the City Council prior to the rendering of the threshold determination or the preparation of a Final Environmental Impact Statement if one is required.

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- e. Staff will do presentation of each item of business at the public hearing. Following the public hearing and necessary discussion, the Staff will make a recommendation for action to the Planning Commission.
- f. No official action from the Planning Commission will be considered prior to any required public hearing. Exceptions may be considered only on items which have had prior hearings and which have been resubmitted for consideration, if no new conditions or no new information is present.
- g. It shall be the responsibility of the Chair to present to the City Council, through Staff, special information regarding those cases or proposals having unusual significance.

L. MINUTES AND RECORDING OF MEETINGS

The purpose of the minutes and recordings of meetings is to provide the City Council, Planning Commission, and the public with a clear understanding the discussion leading to the decision and of what was decided. If recordings are not publicly available for meetings, minutes should be detailed enough for the City Council and public to follow the work of the Planning Commission and for members to use to refresh their memories later. Complete and accessible records of each meeting, including packets and materials submitted before and during the meeting will be maintained by the City Clerk.

M. AMENDMENT

A majority of a quorum of the Planning Commission may amend the rules of procedure at any meeting of the Planning Commission, if notice of said amendment(s) is given to each member in writing at least two (2) weeks prior to said meeting.

APPROVED BY PLANNING COMMISSION ACTION

June 9, 2020

Meghan Sullivan – Planning Commission Chair

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Jessica Hausman – Planning Commission Vice Chair