



# Planning & Development Services

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1800 Continental Place ▪ Mount Vernon, Washington 98273  
office 360-416-1320 ▪ pds@co.skagit.wa.us ▪ www.skagitcounty.net/planning

## Memorandum

To: Planning Commission

From: Sarah Ruether Long Range Planning Manager

Date: April 19, 2023

Re: **Planning Commission Workshop – Bylaws**

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**Summary:** The current Planning Commission bylaws were last updated in 2009. The Planning Commission worked on updating the bylaws in 2020 and 2021 but the draft was not adopted. On February 28, 2023, the Planning Commission discussed the 2021 draft in a work session. The Planning Commission had a second work session on 3/28/23. At this work session a new draft of Article VII Ethics and Rules of Conduct was presented.

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**Action Requested of the Planning Commission:** After review of bylaw edits, make a motion to the Board of County Commissioners to recommend updated bylaws.

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**Background/Discussion:** Article VIII of the bylaws state that “The Planning Commission shall review its bylaws periodically.” At Planning Commission retreats in December 2019 and January 2020, the Planning Commission expressed interest in updating the bylaws. Work was done during this time but not completed so the item has been revisited in 2023 to finish the work. This is the last step of finishing recommendations for changes. This effort does not propose changing applicable Skagit County Code.

The latest draft (Exhibit A) includes revisions requested from the March 28<sup>th</sup> meeting:

- Under Article II, the last sentence was revised to “To this end, the Planning Commission shall work to promote the long-term interests of the County.”
- The document was revised for consistency to state that three consecutive unexcused absences, in any calendar year would obligate the Chair to notify the Board of County Commissioners of a potential vacancy.

- The statement under Article V section 10 that, “an opportunity for public comment will be provided at or before every regular meeting where final action is taken.” This statement is part of new requirements for the open public meetings act (OPMA) RCW 42.30.240(1).
- Article VII Ethics and Rules of Conduct was edited to reflect Commissioner Henley’s 3/28/23 draft. Commissioner Henley has indicated he will have a new draft by Friday 4/21/23 which will be sent to Planning Commissioners as soon as it is received.
- Legal Council recommended that the bylaws reflect that confidential information, especially in the case of an executive session, may be required of Planning Commissioners.
- The Commissioners asked questions at the 3/28 meeting about whether it is required to leave the hearing room if a conflict of interest or financial interest is revealed. Legal responded that it is not a legal requirement, although leaving the room, removes the possibility that the work done on the matter can be challenged (e.g. under the appearance of fairness doctrine) so legal’s advice was to leave it in the Bylaws.

**Next Steps:** After review of bylaw edits, make a motion to the Board of County Commissioners to recommend updated bylaws.

**Applicable County Policies:** The role of the Planning Commission is described in [SCC 14.02.080](#). *The Planning Commission may, from time to time, adopt such procedural rules as are reasonably necessary to carry out the duties and responsibilities of the Planning Commission, provided such rules shall not be in conflict with this Chapter, or any other relevant provisions of the Skagit County Code. Such rules shall not take effect until they have been reviewed and approved by the Board of County Commissioners.* Public participation, the legislative amendment process, and Planning Commission review are described in [SCC 14.08](#).

1 Exhibit A:

2 **BYLAWS OF THE PLANNING COMMISSION**  
3 **COUNTY OF SKAGIT, WASHINGTON**

4 DRAFT -3/28/23

5 DRAFT 5/25/21

6 **ARTICLE I - NAME**

7 The name of this organization shall be “Skagit County Planning Commission,” or for the purposes  
8 of this document, hereinafter referred to as the “Planning Commission.”

9 **ARTICLE II - AUTHORIZATION AND PURPOSE**

10 The Planning Commission was created under the authority of RCW 36.70.040 by Resolution No.  
11 3078, adopted by the Board of County Commissioners on July 24, 1961. The powers and duties of  
12 the Planning Commission shall be as expressed in the Planning Enabling Act, RCW 36.70, as now  
13 exists or hereafter amended (SCC 14.02.080(5)). Pursuant to RCW 36.70.040, the Planning  
14 Commission:

15 shall assist the planning department in carrying out its duties, including assistance in the  
16 preparation and execution of the comprehensive plan and recommendations to the  
17 department for the adoption of official controls and/or amendments thereto. To this end,  
18 the planning commission shall conduct such hearings as are required by this chapter and  
19 shall make findings and conclusions therefrom which shall be transmitted to the  
20 department which shall transmit the same on to the board with such comments and  
21 recommendations it deems necessary.

22 To this end, the Planning Commission shall work to promote the long term interests of the  
23 County. ~~best interest of the people of the county over time.~~

24 **ARTICLE III - GENERAL RULES**

25 General rules regarding membership, term of office, vacancies, removal, organization, meetings,  
26 powers and duties, shall be in accordance with SCC 14.02.080 and 14.08.080.

27 ~~Planning Commission members will strive to attend all regular and special meetings. If unable to~~  
28 ~~attend, the Planning Commission member will notify the Planning & Development Services as~~  
29 ~~soon as possible prior to the meeting.~~

1 **ARTICLE IV - ORGANIZATION, OFFICERS AND DUTIES**

2 **Section 1 - General**

3 The Planning Commission shall elect a Chair and Vice Chair from among its membership, at the  
4 first regular meeting of each calendar year. Officers shall be eligible for re-election. Vacancies in  
5 unexpired terms of office shall be elected at the first regular meeting following announcement of  
6 the vacancy.

7 **Section 2 - Chair**

8 The Chair shall preside at all meetings of the Planning Commission, enforce the rules of  
9 procedure, and execute the will of the Commission. More specifically: ~~The Chair shall appoint all~~  
10 ~~sub-committees.~~

- 11 • The Chair shall appoint all sub-committees.
- 12 • The Chair shall authenticate by his or her signature, when necessary, all acts, orders,  
13 and proceedings of the Planning Commission.
- 14 • To declare the meeting adjourned when the Planning Commission so votes or –  
15 where applicable – at the time prescribed in the program, or at any time in the event  
16 of a sudden emergency affecting the safety of those present.
- 17 • To enforce the rules relating to debate and those relating to order and decorum within  
18 the Planning Commission. Formal disciplinary procedures should be reserved for  
19 serious or potentially serious situations and should be handled properly and tactfully.  
20 Prior to initiating any formal disciplinary procedure, the Chair, accompanied by  
21 another member, will discuss discreetly and informally with the offending member in  
22 an effort to reach a satisfactory resolution. If a satisfactory resolution cannot be  
23 reached, the Chair will forward the matter to the Director of Planning and  
24 Development Services and the Chair of the Board of County Commissioners.

25 **Section 3 - Vice Chair**

26 The Vice Chair shall assist the Chair and during his/her absence act as Chair until the Chair is able  
27 to resume his/her duties.

28 **Section 4 - Recording Secretary**

29 The Director of the Planning and Development Services Department or his/her designee shall  
30 serve as Secretary. The Secretary shall:

- 31 a. maintain the Planning Commission calendar, agenda, public notices and attendance  
32 records;
- 33 b. notify Planning Commission members of regular meetings, special meetings, and  
34 schedule changes;

- 1 c. keep minutes ~~(if requested by the Chair);~~;
- 2 d. create an electronic recording of all meetings and hearings and create a transcript  
3 (when appropriate) in order to maintain an adequate record of proceedings; collect  
4 and number exhibits;
- 5 ~~e. — collect and number exhibits;~~
- 6 ~~fe.~~ provide to the Planning Commission proposed legislation, staff reports (with  
7 findings, conclusions and recommendations), pre-hearing correspondence, draft  
8 recorded motions, and all documentation necessary for an adequate record and an  
9 informed decision or recommendation. Such materials shall be transmitted to the  
10 Planning Commission at the same time as they are made available to the public;
- 11 ~~f. — provide quasi-judicial, site specific rezones to the Planning Commission and the~~  
12 ~~appropriate criteria from which evidence and testimony in the record should be~~  
13 ~~evaluated.~~
- 14 g. record the Planning Commission's findings of fact, motions, and votes and preparing  
15 draft recorded motions for review by the Planning Commission members prior to  
16 final approval by the Chair;
- 17 ~~h. — provide the Planning Commission's approved recorded motions to the Board of~~  
18 ~~County Commissioners;~~
- 19 ~~h. — submit the approved plan, plan amendment or development regulation~~  
20 ~~recommendation, together with the recorded motion to the Board not later than 14~~  
21 ~~days following the date the recorded motion is signed by the chairperson of the~~  
22 ~~Commission, together with the statement of findings and conclusions, with such~~  
23 ~~comments and recommendations it deems necessary.~~
- 24 i. notify the Planning Commission members of the proposed schedule for consideration  
25 of approved recorded motions by the Board of County Commissioners;
- 26 ~~j. — notify the Planning Commission members of any staff proposed changes to an~~  
27 ~~approved recorded motion not less than 1 business day prior to any action by the~~  
28 ~~Board of County Commissioners;~~
- 29 ~~kj.~~ provide Planning Commission members copies of Board of County Commissioners  
30 recorded motions, ordinances and resolutions on matters previously before or relating  
31 to the Planning Commission.
- 32 ~~k. — Make relevant training opportunities available to Planning Commission no less than~~  
33 ~~annually.~~
- 34 ~~l. — The Secretary of the Planning Commission or their designee, in consultation with the~~  
35 ~~Chairperson, shall set the agenda for any given meeting. No subject matter shall be~~  
36 ~~placed on the agenda for action at any given meeting which is not a part of the~~

1 adopted work plan from the Board of County Commissioners. The Chairperson may,  
2 however, place housekeeping and non-action items on the agenda.

### 3 **Section 5 - Chair Pro-Tern**

4 In the absence of the Chair and Vice-Chair, a Chair pro-tern shall be elected informally by the  
5 members present to conduct the meeting.

### 6 Section 6 – Legal Advisor

7 The Prosecuting Attorney, or their designee, is the sole legal advisor for the Planning  
8 Commission. The Prosecuting Attorney duties include shall serve as legal counsel to the planning  
9 commission; preparinges memoranda of law as requested by the planning commission, and  
10 reviewings drafts of ordinances, resolutions, and by-laws, and their amendment.

## 11 **ARTICLE V - MEETINGS**

### 12 **Section 1 - Rules of Procedure**

13 Meetings of the Planning Commission shall be conducted according to the Simplified Rules of  
14 Procedure, attached as Appendix A. Procedural disputes may shall be settled by current Robert's  
15 Rules of Order.

### 16 **Section 2 - Quorum**

17 A quorum shall consist of a simple majority of the membership of the entire Planning  
18 Commission. In the absence of a quorum, no action shall be taken, except to adjourn the meeting  
19 to a subsequent date, place and time, unless the lack of a quorum occurs due to challenges made  
20 under the Appearance of Fairness Doctrine. Pursuant to RCW 42.36.900090, in the event  
21 challenges would make a quorum impossible, those challenged members may return to their seats  
22 and participate fully in the debate or decision, provided that the member fully discloses the reason  
23 for his/her disqualification before the Planning Commission renders a decision. Electronic  
24 participation in a meeting shall constitute presence in person at such meeting, and that presence  
25 shall count toward a quorum of the Commission for all purposes.

### 26 **Section 3 - Voting**

27 Each member is entitled to cast one vote. Pursuant to RCW 36.70.400 and .600, recommendations  
28 on any official control, development regulation, comprehensive plan, or amendments thereto shall  
29 be by an affirmative roll call vote of not less than a majority of the total members of the Planning  
30 Commission, not simply a majority of the quorum. Pursuant to the Washington State Open Public  
31 Meetings Act, all votes must be public.

### 32 **Section 4 - Regular Meetings**

33 Unless otherwise stated in a public notice, all meetings shall be held in the Commissioners  
34 Hearing Room of the County Administration Building, 1800 Continental Place, Mount Vernon,  
35 WA. Not less than one regular meeting shall be held each month unless no matters are pending on  
36 the Commission calendar (SCC 14.02.080(4)). Meetings shall commence promptly at 6:00 p.m. A

1 meeting may be lengthened or adjourned with approval of the Commission a motion and second.  
2 Meeting schedule will be posted annually no later than the first business day of the new year, and  
3 no less than two weeks prior to any regular meeting.

4 Electronic Participation: Remote access to meetings by individual members is allowed  
5 periodically. Access shall be through technology available at the meeting location that enables all  
6 persons participating in the meeting to communicate with each other simultaneously and  
7 instantaneously. Members who wish to participate in such a meeting must notify Staff before the  
8 scheduled start time for the meeting, allowing adequate time for Staff to make necessary  
9 preparations. Electronic participation in meetings shall not be used on a regular basis; it should be  
10 used to accommodate special needs of the Commission as may be determined by the Chair or to  
11 accommodate members whose physical presence at the meeting is prevented due to prior  
12 obligations, personal illness or disability, a family or other emergency, or unforeseen  
13 circumstances.

#### 14 **Section 5 - Special and Emergency Meetings**

15 The presiding officer, or a majority of members, or the Director of Planning and Development  
16 Services, may call a special meeting in accordance with RCW 42.30.080. Discussion and action  
17 during special meetings is limited to items indicated on the agenda. The notice requirements of  
18 this section may be dispensed with in the event a special meeting is called to deal with an  
19 emergency pursuant to RCW 42.30.080.

20 In the case of an emergency, the Planning Commission may hold electronic meetings of the entire  
21 membership. These meetings shall provide access to the public and comply fully with the Open  
22 Public Meetings Act.

#### 23 **Section 6 – Joint Meetings of the Planning Commission and the Board of County** 24 **Commissioners**

25 The Planning Commission shall request to meet with Board of County Commissions at least once  
26 annually. Annual or semi-annual meetings should be considered to review the Planning  
27 Commission’s work program.

#### 28 **Section 7 - Adjournments and Continuances**

29 Any regular meeting, special meeting, or public hearing may be adjourned to a specified time and  
30 place in accordance with RCW 42.30.080.

#### 31 **Section 8 – Training**

32 Planning Commission members must complete training requirements on the Open Public  
33 Meetings Act within 90 days of assuming office or taking the oath of office. Additional training in  
34 land use planning, the Growth Management Act, and similar state planning laws is encouraged.  
35 Renewal of Open Public Meetings Act training shall occur in intervals of no less than four years.

36 These Bylaws shall be sent electronically to new Planning Commission members within seven  
37 days of appointment by the Recording Secretary.

1 **Section 9 – Attendance**

2 Planning Commission members will strive to attend all regular and special meetings. If unable to  
3 attend, the Planning Commission member will notify the Planning & Development Services as  
4 soon as possible prior to the meeting. ~~Four~~ Three consecutive absences, except in the case of  
5 sudden illness or other unforeseen hardship, in any calendar year by any member obligates the  
6 Chair to notify the Board of County Commissioners of a potential vacancy.

7 **Section 10 – Public Remarks**

8 Opportunity for public participation at Planning Commission meetings is encouraged. An  
9 opportunity for public comment will be provided at or before every regular meeting where final  
10 action is taken. A public remarks agenda item may be added to the agenda once a month or more  
11 frequently. This time on the agenda is an opportunity for anyone to speak to the Planning  
12 Commission about any topic except items scheduled on the agenda for a public hearing that same  
13 day, or items that have had a public hearing and are still under Planning Commission deliberation.  
14 Public Remarks, which is not part of the formal public participation process for any development  
15 regulation or comprehensive plan amendment project, is limited to three minutes per speaker and  
16 up to fifteen minutes total, or as allowed by the Chairperson.

17 **Section 11 – Public Media Statements**

18 No release to the public or media on behalf of the Planning Commission shall be made without  
19 approval of the Planning Commission Chair or by vote of the Planning Commission.

20 **ARTICLE VI - COMMITTEES**

21 The Chair may appoint from among the members of the Planning Commission whatever  
22 committees are deemed necessary. The Chair shall appoint committee chairpersons as appropriate  
23 and may dissolve any such committees. To ensure compliance with the Open Public Meetings  
24 Act, no committee may include a quorum of the Planning Commission.

25 **ARTICLE VII - ETHICS AND RULES OF CONDUCT**

26 **Section 1 - Statement of Ethical Principles**

- 27 A. Serve the public interest.
  - 28 1. Recognize the rights of citizens to participate in planning decisions.
  - 29 2. Give citizens full, clear, and accurate information.
  - 30 3. Expand choice and opportunity for all persons.
  - 31 ~~4. Assist in the clarification of community goals.~~
  - 32 ~~5. Ensure that information available to decision makers is also available to the public.~~



1 6. Pay special attention to the interrelatedness of decisions and the long-range  
2 consequences of present actions.

3 B. Strive to achieve high standards of integrity and proficiency.

4 1. Exercise fair, independent, and honest judgment.

5 2. Publicly disclose any interest in any matter that comes before the  
6 Commission.~~personal interests.~~

7 3. Disclose any real or seeming incompatibility between a conflict of one's private  
8 interests and one's public or ~~fiduciary~~fiduciary duties. ~~Define personal~~  
9 interest broadly.

10 4. ~~Abstain from participation in a matter in which you have a personal interest and leave~~  
11 ~~the chamber when the matter is being deliberated.~~

12 4.5. ~~Neither s~~Seek nor accept any gifts or favors.

13 5.6. Abstain from participating as an advisor or decision maker on any plan or project in  
14 which you have previously participated as an advocate except as part of your duties  
15 as a Planning Commissioner.

16 7. ~~Serve as advocates only when the objectives are legal and serve the public interest.~~

17 6.8. Not participate as an advocate on any plan or program in which you have previously  
18 served as an advisory or decision maker except after full disclosure and in no  
19 circumstance earlier than one year following termination of the role as advisory or  
20 decision maker.

21 7. Planning Commission meetings are open to the public. There should be no occasion  
22 where confidential information is disclosed to any Commissioner either privately or in  
23 a meeting.

24 9. ~~Not use confidential information to further a personal interest.~~

25 10. ~~Not disclose confidential information.~~ Per Legal this needs to be included.

26 8. ~~11.~~ Not misrepresent facts or distort information.

27 9~~12.~~ Not participate in any matter unless prepared.

28 13. ~~Respect the rights of all persons.~~

29 Note: While the above principles may be considered aspirational, they should also be considered  
30 as binding on the members of the Planning Commission. ~~These principles are aspirational in nature~~  
31 and they seek to inspire voluntary commitment through appeals to conscience. They are a positive  
32 obligation.

1 **Section 2 - Conduct of the Members of the Planning Commission**

- 2 • Members of the planning commission shall take such time as to prepare themselves  
3 for hearings and meetings and act according to Section VII.1.B.9 above.
- 4 • Any member of the planning commission absent from three consecutive regular  
5 meetings or any six regular meetings within a calendar year, without being excused  
6 by the Chair~~person~~, may be removed for cause.
- 7 • A planning commission member with a conflict of interest in an item before the  
8 commission must state that a conflict of interest exists and withdraw from  
9 participation in the public hearing, working session, emergency meeting, or regular  
10 meeting on that item. Sections VII.1.B.2, 1.B.3, 1.B.5, and 1.B.6 above also apply.
- 11 • The interests of that planning commission member may be represented before the  
12 planning commission by a specifically designated representative or legal agent at the  
13 public hearing or working session, and testimony entered into the public record.
- 14 • Participation of a planning commission member with a conflict of interest is cause  
15 for removal.

16 **Section 3 - Censuring a Member**

17 The censure of a member of a governing body is public statement condemning the member’s  
18 inappropriate behavior with the hopes of reforming him or her so that he or she will not behave in  
19 the same way again. Members can be censured for:

- 20 • misconduct at meetings,
- 21 • failing to follow proper procedures,
- 22 • violating confidentiality, See section VII.1.B.7 above.
- 23 • moral misconduct,
- 24 • absenteeism,
- 25 • lying,
- 26 • disloyalty,
- 27 • working against the organization, including the undermining of a decision of the  
28 organization,
- 29 • conspiracy, and
- 30 • violating other values that the governing body holds dear.

1 Censure is one way for the other members of the governing body to avoid the appearance of  
2 agreement with the objectionable behavior of a fellow member. The presiding officer cannot  
3 censure a member of the governing body for misbehavior; only the body can do so. The presiding  
4 officer can also be censured for not following parliamentary rules in meetings, and for denying  
5 members their basic rights to make motions, participate in debate, and vote.

#### 6 Section 4 - Support for Decisions of the Planning Commission

7 Local governments and public bodies are different from private organizations. Under the First  
8 Amendment to the Constitution, elected officials and citizen volunteers have the right to speak out  
9 when they hold a different view from the body. At the same time, they may not try to undermine  
10 the body's decision.

#### 11 Section 5 - Quasi-Judicial Actions

12 Planning Commissioners shall comply with the provisions below in addition to the Appearance of  
13 Fairness Doctrine articulated in RCW 42.36.

14 Pursuant to RCW 42.36.060, during the pendency of a quasi-judicial proceeding, members should  
15 avoid ~~ex-parte~~any outside communications about the proposal when all participants in the matter  
16 are not present. . If a member has had ~~ex-parte~~ communication with either proponents or  
17 opponents of the project during the pendency of the proceeding, the member shall make a public  
18 announcement of the content of the communication at each hearing and provide an opportunity for  
19 parties to rebut the substance of the communication.

#### 20 Section 26 - All Actions

21 Any member of the Commission who in his or her opinion has a pecuniary financial interest in  
22 any matter before the Commission that would prejudice his or her actions shall so publicly  
23 indicate and shall step down, **leave the hearing room** and refrain from voting and any manner of  
24 participation with respect to the matter in question so as to avoid any possible conflict of interest  
25 or violation of the appearance of fairness.

26 If a member of the Commission or his/her immediate family has a pecuniary financial interest in  
27 the matter at hand but does not think that this would prejudice his/her opinion the member should  
28 publicly disclose this interest on the record prior to the start of the hearing and allow persons to  
29 challenge his/her participation in the hearing. If so challenged the member shall step down, leave  
30 the hearing room and refrain from voting and any manner of participation with respect to the  
31 matter in question. If not challenged the member may participate. ~~When a topic is first introduced~~  
32 ~~or a main motion is made, the Chair should allow all questions for information purposes to be~~  
33 ~~asked before opening to debate.~~

#### 34 **ARTICLE VIII - AMENDMENT OF BYLAWS**

35 The Planning Commission shall review its bylaws periodically as needed. The initial draft of a  
36 proposed amendment must be provided to the Commission at least one meeting before adoption.

- 1 Any changes to bylaws require a majority vote of the Planning Commission members and
- 2 approval by the Board of County Commissioners (SCC 14.02.080(6)).
- 3 These bylaws, upon approval by the Board of County Commissioners, repeal and supersede all
- 4 previous bylaws.

1                   **APPENDIX A - SIMPLIFIED RULES OF PROCEDURE**

2   **A.     Intent**

3   These procedures are adopted to provide the Chair with guidelines for conducting orderly  
4   public hearings and meetings ~~in lieu of Robert's Rules of Order.~~ The Planning Commission  
5   reserves to the Chair the authority-to make reasonable changes or modify these guidelines to  
6   facilitate legitimate special needs and to promote a fair- and orderly proceeding.

7   In all matters of parliamentary procedure not specifically governed by these Bylaws or  
8   otherwise required by law, the current edition of Robert's Rules of Order (Newly Revised)  
9   shall apply.

10   **B.     Public Hearings (Legislative and Quasi-Judicial)**

11       1.    General Hearing Procedures

12           a.   Chair declares the public hearing open.

13           b.   Chair reads the following statement as a guideline, prepared by staff in advance:

14                   *The purpose of this public hearing is to [state purpose]. Everyone present will be*  
15                   *given an opportunity to speak. However, if this hearing extends beyond [state*  
16                   *hour], the hearing will be continued to a later date and time.*

17                   *[For legislative hearings] Those of you who wish to provide public comment are*  
18                   *asked to sign in on the speakers list so that you may have an opportunity to*  
19                   *comment. Those who may not elect to sign in will nevertheless be given an*  
20                   *opportunity to speak following those who have signed in.*

21                   *Comments [may] will be limited to a [state time period].*

22                   *Written comments are encouraged and will be received until the close of this*  
23                   *public hearing.*

24                   *[If applicable] A court reporter is present to record your comments. Before you*  
25                   *testify, clearly state your name, spell your last name for the record, and indicate*  
26                   *where you reside.*

27           c.   Appearance of Fairness Issues (Quasi-Judicial hearings only)

28           i.    Chair requests anyone who objects to the Chair's participation, or any other  
29           Planning Commission member's participation, to please state so now and  
30           give the reasons for objection.

- 1           ii. Chair asks the Planning Commission members if any have an interest in the  
2           property or issue. Chair asks Planning Commission members if they can  
3           hear and consider this matter in a fair and objective manner.
- 4           iii. Chair requests any Planning Commission member to place on record the  
5           substance of any communication each has had outside of the hearing with  
6           opponents or proponents on the issue to be heard. After the communication  
7           is placed on the record, the Chair should request whether any interested  
8           parties wish to rebut the substance of the communication.
- 9           d. Chair requests staff to make its presentation (15-minute limit).
- 10          e. [Follow procedures in subsection 2 or 3 below, as appropriate to the type of  
11          proceeding.]
- 12          f. Chair declares the public hearing closed and thanks members of the public for  
13          their testimony.
- 14          g. Planning Commission deliberates on the record, discussing findings of fact,  
15          conclusions, and recommendations (See "C - Public Meetings" below). The  
16          Planning Commission may take all information under advisement and postpone  
17          deliberation until a later meeting, provided the meeting is properly adjourned.
- 18          2. For quasi-judicial hearings, or for legislative proposals of a site-specific nature, the  
19          procedures shall be as follows:
- 20               a. Following the staff presentation, the applicant or his/her representative is invited  
21               to comment. If there is an organized group of opponents to a proposal, then the  
22               representative of that group is also invited to comment. Notwithstanding  
23               subsections (e) and (f) below, the Chair may decide on the timing of cross-  
24               examination, depending on the circumstances of the particular hearing, and the  
25               availability of the expert witness.
- 26               b. Chair invites comments from citizens for and against the proposal.
- 27               c. The chair invites the applicant to rebut the opposition.
- 28               d. Additional comments from those against and those for the proposal should be  
29               recognized, if needed.
- 30               e. Cross-examination of experts and staff by representative of applicant or  
31               opponents.
- 32               f. Chair requests whether the Planning Commission members have questions of the  
33               applicant, citizens, or staff.
- 34          3. For legislative proposals that are not of a site-specific nature, the procedures shall  
35          be as follows:

- 1 a. Following the staff presentation, the chair invites comments in the order of  
2 names on a sign-up sheet.
- 3 b. Chair invites comments from latecomers or others who may not have signed up.
- 4 c. Chair requests whether the Planning Commission members have questions of  
5 citizens or staff.

6 **C. Public Meetings**

7 1. Order of Business

- 8 a. Call to order
- 9 b. Roll call (optional. In any case, Secretary records attendance)
- 10 c. Approval of minutes of last meeting, if applicable
- 11 d. Officers and Committee reports, if applicable
- 12 e. Special orders - Important business previously designated for consideration at  
13 this meeting
- 14 f. Unfinished business
- 15 g. New business
- 16 h. Announcements
- 17 i. Adjournment

18 2. Process

- 19 a. Before Deliberations
  - 20 i. The Planning Commission should not begin deliberation on matters before  
21 them until the Chair calls for a motion. However, the Chair may allow  
22 Planning Commission members to seek additional information or  
23 clarification on a matter before them prior to opening debate on such matter.
  - 24 ii. Before making a motion, a Planning Commission member must request to  
25 obtain the floor from, and be recognized by, the Chair.
  - 26 iii. Absent a second on any motion, the motion is lost, without any further  
27 discussion.

- 28 b. Deliberations

- 1 i. After a motion is made and seconded, the Chair repeats the motion and calls  
2 for discussion on the motion. The Chair may set a time limit for discussion  
3 at his/her discretion.
- 4 ii. The Planning Commission member making a motion is always allowed to  
5 speak first.
- 6 iii. All comments and debate must be directed to the Chair.
- 7 iv. The Planning Commission member making a motion may speak again only  
8 after other speakers have finished, unless called upon by the Chair.

9 c. Voting

- 10 i. If there is no more discussion, the Chair asks if the Planning Commission is  
11 ready to vote. Alternatively, a Planning Commission member may move to  
12 end debate and call for a vote (call the question).
- 13 ii. Voting may be by roll call or voice vote.
- 14 iii. When a motion is not likely to be opposed, a motion may pass by general  
15 consent. The Chair says, “if there is no objection...” The membership  
16 shows agreement by their silence. However, if there is an objection, the item  
17 must be put to a vote.

18 d. Types of Motions

19 The following is a list of the various types of motions, and their use.

- 20 i. Main Motion: The formal proposal for consideration and action. A main  
21 motion cannot be made when any other motion is on the floor, and yields to  
22 privileged, subsidiary, and incidental motions.
- 23 ii. Subsidiary Motions: Their purpose is to change or affect how a main motion  
24 is handled. These motions are voted on before a main motion. Examples are:
  - 25 • Motion to Amend: Used to suggest an addition or revision to the main  
26 motion.
  - 27 • Motion to Divide the Question: Breaks the motion on the floor into  
28 two parts, in a manner suggested by the mover.
  - 29 • Motion to Refer to Committee: Applies only to the main motion. The  
30 Chair may appoint committees pursuant to Article VIII above.
  - 31 • Motion to Extend Debate: Can be general, or for a specific time or  
32 number of speakers. Not debatable.



- 1 • Motion to End Debate and Vote or Call the Question: Applies only to  
2 the motion on the floor. Not debatable.
- 3 iii. Privileged Motions: Their purpose is to bring up important or urgent matters  
4 or needs, such as a motion to recess or adjourn. Not debatable.
- 5 iv. Incidental Motions: Their purpose is to provide a means of questioning  
6 procedure concerning other motions and must be considered before any  
7 other business is taken up. Some examples are:
- 8 • Motion to Suspend the Rules: Suspends the formal process for dealing  
9 with a specific question (such as time limits, motions, etc.) Debatable.
- 10 • Motion to Appeal Chair’s Decision: Allows the Planning Commission  
11 to overrule a decision made by the Chair. Not debatable.
- 12 • Point of Order: A question about a process, or objection and  
13 suggestion of alternative process. May include a request for the Chair  
14 to rule on process.
- 15 • Point of Information: A request for information on a specific question,  
16 either about process or about the content of a motion. May not be used  
17 to obtain the floor for debate.

18 3. Other Meeting Guidelines

- 19 a. **When a topic is first introduced** or a main motion is made, the Chair should  
20 allow all questions for information purposes to be asked before opening to  
21 debate.
- 22 b. **Discourage the repetition of arguments.** The Chair should attempt to call on  
23 people who have not yet spoken before those who have already spoken. The  
24 Chair should also discourage dialogues that start up between two individuals in  
25 debate.
- 26 c. If **debate carries on too long**, the Chair should impose time limits on speakers.
- 27 d. **Do not speak in jargon, initials or acronyms** - unless all present are familiar  
28 with common terms, avoid such usage.
- 29 e. **Be respectful.** Differences of opinion are inevitable. It is up to each Planning  
30 Commission member to balance the needs of his/her constituents with the needs  
31 of the community as a whole. Agree to disagree. Lose gracefully. Win honorably.
- 32 f. **Be prepared.** Read staff reports and other materials provided before coming to a  
33 meeting. Ask questions of each other or staff in advance to avoid spending  
34 meeting time becoming familiar with the issue being addressed.

- 1 g. **Be objective.** Planning Commission members must be able to distinguish  
2 between fact and opinion, and to support decisions based on facts, regardless of  
3 personal opinion.
- 4 h. **Speak in turn.** Public proceedings are recorded. Speaking out of turn may  
5 prevent someone’s testimony or comments from being recorded, which may  
6 unfairly exclude such testimony or comments from the record. Planning  
7 Commission members and staff must speak directly into the microphone, and  
8 only when in turn, as granted by the Chair.