

DAYTON PLANNING COMMISSION

RULES OF PROCEDURE

Pursuant to Dayton Planning Commission Ordinance Nos. 1443 and 1508, the following rules and regulations were developed and have been revised to avoid confusion and to aid the expeditious handling of business at Planning Commission meetings.

SECTION I - MEETINGS

A. General:

1. Regular meetings – The Planning Commission shall meet regularly on the 3rd Tuesday of each month at 6:30 p.m. in the Council Chambers at Dayton City Hall.
2. When a regular meeting conflicts with a legal or religious holiday, or an election day, the Chairperson may reschedule or cancel that meeting.
3. If no matters over which the Planning Commission has jurisdiction are pending, the Chairperson may cancel a regularly scheduled meeting after giving 5 days notice to commission members and notice shall be posted at the meeting place.
4. Special meetings may be called by the Chairperson or a majority of the commission members 24 hour notice of the time specified for the proposed meeting and the business to be transacted sent to all commission members and to the media who have filed a written request for notice. No Ordinance or policy shall be passed involving real property at any special meeting unless proper notification procedures have been given in the manner outlined in Dayton's zoning Code, section 5-12 (Proposed Title 11).
5. All meetings shall be open to the public pursuant to the Open Public Meetings act as outlined in the RCW 42.30.
6. All meetings of the Commission will be presided over by the Chairperson, or in his/her absence the Vice-Chairperson.
7. The Commission shall act upon business by a majority vote after establishing a quorum comprised of a majority of its membership.
8. Citizen testimony will be permitted only as provided for in Section III-Order of Business, except when a majority of the Commission members present believe that such testimony would be beneficial to a particular subject matter.
9. City Staff shall provide at least 24 hour notification to all area newspapers requesting such notification regarding the subject matter to be discussed at all Commission Meetings. City Staff shall also distribute informational packets to all Commission Members at least 48 hours before the Planning Commission meeting.

B. Rules of Order:

1. The following rules of order shall govern all Planning Commission meetings. In case of a dispute or need for further clarification, the Commission shall refer to the "Parliamentary Procedure Made Easier" published in 2005 by Washington State University.
2. **Conflict of interest.** - The planning commission shall be subject to the code of ethics and prohibitions on conflict of interest as set forth in RCW 35A.42.020 and Chapter 42.23 RCW, as the same now exists or may hereafter be amended.
3. **Ex parte communications** – Quasi-judicial proceeding
 - a. No member of the planning commission may communicate, directly or indirectly, regarding any issue in a quasi-judicial proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; except as provided in this section:
 - 1.) The planning commission may receive advice from legal counsel;

- 2.) The planning commission may communicate with staff members (except where the proceeding relates to a code enforcement investigation or prosecution).
- b. If, before serving as the planning commission in a quasi-judicial proceeding, any member of the planning commission receives an ex parte communication of a type that could not properly be received while serving, the member of the planning commission, promptly after starting to serve, shall disclose the communication.
- c. If a member of the planning commission receives an ex parte communication in violation of this section, he or she shall place on the record:
 - 1.) All written communications received;
 - 2.) All written responses to the communications;
 - 3.) The substance of all oral communications received, and all responses made; and
 - 4.) The identity of each person from whom the member received any ex parte communication.

The planning commission shall advise all parties that these matters have been placed on the record. Upon request made after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

4. **Disqualification.**

- a. A member of the planning commission who is disqualified shall be counted for purposes of forming a quorum. Any member who is disqualified shall make full disclosure to the audience of the reason(s) for the disqualification, abstain from voting on the proposal, and physically leave the hearing.
 - b. If enough members of the planning commission are disqualified so that a quorum cannot be achieved, then all members present, after stating their reasons for disqualification, shall be requalified and deliberations shall proceed.
5. Appearances of Fairness – The Planning Commission shall comply with chapter 42.36 RCW, when reviewing quasi-judicial land use actions, as defined in RCW 42.36.010.
 6. Each member of the Planning Commission who cannot attend a scheduled meeting of the Planning Commission shall notify the Planning Department at City Hall at the earliest possible opportunity and at the latest, prior to 4:30 p.m. on the date of the meeting. The Planning Director shall notify the Chairperson of the Commission in the event that the projected absences will produce a lack of a quorum.
 7. Only one subject may claim the attention of the Commission at any one time.
 8. No person who is not a member of the Commission shall be allowed to address that body without the permission of the presiding officer.
 9. All questions regarding the rules of order shall be decided by the presiding officer with the right of appeal to the body as a whole by any member. Such appeal shall be granted if the majority of the members agree.
 10. Only one motion can be considered by the Commission at any one time. No more than two amendments on a motion may be proposed at any one time.
 11. The order of voting shall require consideration of the last amendment to a question first, the first amendment second and the original question last.
 12. Motions to reconsider must be made by a member who voted with the majority and, the motion must occur at the same or next succeeding Commission meeting.
 13. Each member present must vote on all questions put forth to the Commission, except when a conflict of interest or appearance of fairness requires abstention.
 14. The rules of order may be altered, amended or temporarily suspended by a vote of two-thirds of the members present.
 15. A motion of adjournment shall always be in order.

SECTION II – ROLE OF THE PRESIDING OFFICER

It shall be the role of the presiding officer of the Commission meeting to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. State each motion and require a second to the motion before permitting discussion.
4. Handle each discussion in an orderly way by:
 - a. Giving every Commission member who wishes to speak an opportunity to speak;
 - b. Permitting audience participation at appropriate times and limiting such participation to five minutes per person unless further time is approved by the Commission;
 - c. Require all citizens to state their names and address before addressing the Commission;
 - d. Keeping all speakers to the rules and subject;
 - e. Giving pro and con speakers opportunity to speak;
5. Put motions to a vote and announce the outcome;
6. Suggest, but not make motions for adjournment.

SECTION III – ORDER OF BUSINESS

The following procedure will normally be observed; however, it may be rearranged by the Chairperson for individual items if necessary for the expeditious conduct of business.

1. Call to Order
2. Roll Call
3. Review of Minutes
4. Communications from Citizens
5. Public Hearing
6. Old Business
7. New Business
8. Adjourn Meeting

SECTION IV – PROCEDURES FOR PUBLIC HEARINGS

1. Chairperson states purpose of the hearing and declares the public hearing open.
2. The Chairperson states that the hearing is being recorded and that prior to speaking, members of the public must state their name and address.
3. The Chairperson will request that anyone who has any objection to any Commission member participating in the hearing will state so and give reasons for the objection.
4. The Chairperson shall request that any member of the Commission place in the record the substance of any communications a member may have had outside of the hearing on the issue to be heard.
5. The Chairperson then shall request the Planning Department staff to present its report: introduce issues, recite those steps taken to insure proper notice was given, description of the land involved, and discuss potential impacts to surrounding property. A recommendation to the Planning Commission may be provided.
6. The applicant is invited to comment. At this time testimony of technical experts in support of the position such as engineers or planners may be heard.
7. The Chairperson shall invite comments from citizens for the proposal.
8. The Chairperson shall invite comments from citizens against the proposal.
9. The Chairperson shall invite the applicant to rebut any opposition.
10. Any additional comments may be recognized.
11. The Chairperson shall request whether the Commission members have any questions of the applicant, staff or citizens.
12. The Chairperson shall declare the public hearing closed.
13. The Chairperson shall deliberate either following the public hearing or at a later date if necessary. All decisions of the Commission must be supported by the formal written **"Finding of Fact and Conclusion."**

SECTION V – QUORUM

A majority of the membership, three of the five member 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 Commission.

SECTION VI – DUTIES/AUTHORITY OF ELECTED OFFICERS

A. Chairperson

1. Preside at all meeting of the Commission
2. Call special meetings of the commission in accordance with the rules of procedure
3. Sign documents of the Commission
4. See that all actions of the Commission are properly taken
5. The Chairperson, as a member of the Commission, shall have the full right of his/her own vote, recorded only in a tie breaking situation.

B. Vice-Chairperson

1. During the absence, disability, or disqualifications of the Chairperson, the Vice-Chairperson shall exercise or perform all duties and be subject to all the responsibilities of the Chairperson.

C. Chairperson Pro-Tem

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

SECTION VII– ELECTION OF OFFICERS

1. The Officers of the Planning Commission shall be a Chairperson and a Vice- Chairperson elected by the appointed members of the planning Commission.
2. The election of Officers shall take place each year in the month of March. The term of each Officer shall run until the subsequent election.
3. The Chairperson will appoint a person, not the current Chairperson or Vice-Chairperson, to run the election of Officers.
4. Election of each Officer shall be by vote with the nominee receiving the majority of the votes for a particular office being declared elected.
5. In the event the Chairperson position is vacated, the position shall be replaced by the Vice-Chairperson, and the Vice-Chairperson position shall be replaced by a vote of the members of the Planning commission.

SECTION VIII– ABSENCE OF MEMBERS

In the event of a member having three (3) consecutive absences, the member's record shall be forwarded by the Chairperson to the Mayor for consideration of asking for the member's resignation.

SECTION IX– MODIFICATION OF RULES

The rules of procedure may be amended at any meeting of the Planning Commission by a majority of a quorum of the Commission, provided that notice of said amendments is given to each member in writing at least 5 days prior to said meeting.

SECTION X– COMPENSATION

As specified in R.C.W. 35.63.030, the members of the Planning Commission, including the Chairperson and Vice-Chairperson while acting as such, shall serve without compensation.

SECTION XI- APPOINTMENT OF PLANNING COMMISSION TENURE

Under Chapter 1-13 of the City of Dayton municipal code the Planning Commission will have five members. The Mayor shall appoint the members of the Planning Commission, subject to confirmation by the City Council. Members shall be selected without respect to political affiliation and serve without compensation. Not more than one-third of the members of the Planning Commission may be ex-officio members by virtue of office. Initial appointments are staggered and thereafter the term of each appointive member is for four years. Any vacancies occurring otherwise than through the expiration of terms are to be filled for the unexpired term.

APPROVED BY THE PLANNING COMMISSION ON AUGUST 20, 2013