



DATE: December 14, 2023
TO: Chair Stash and members of the Transportation Commission
FROM: Kathy Gerla, City Attorney
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SUBJECT: Transportation Commission Bylaws Amendments

DIRECTION REQUESTED

- Action (anticipated Q1, 2024)
- Discussion/Direction
- Information

The Transportation Commission will review proposed amendments to the Commission’s Bylaws that are primarily to make the Bylaws consistent with recent City Code changes adopted by the City Council. A strike draft of the proposed amendments is included as **Attachment A**. Staff is seeking direction to bring back the proposed updated Bylaws for final adoption at the Transportation Commission’s next regular meeting.

BACKGROUND/INFORMATION

On August 7, 2023, the City Council adopted Ordinance 6752, amending the Bellevue City Code (BCC) provisions for all the Council’s advisory boards and commissions, including Chapter 3.63 BCC, which applies to the Transportation Commission. A copy of Chapter 3.63 BCC is included as **Attachment B**. The code amendments provide more flexibility for remote participation by board and commission members. They also incorporate new rules of decorum for public comment at board and commission meetings, similar to new rules the Council adopted for its meetings.

Remote Participation

On May 16, 2022, the Council adopted Ordinance 6662, amending the remote participation requirements in Title 3 of the BCC for members of the Council’s advisory boards and commissions.

Ordinance 6662 limited the number of board or commission members who could participate remotely at a meeting to three, and Council adopted a provision requiring the approval of remote participation by the board or commission in advance of the meeting. Since the boards and commissions may only make decisions in an open public meeting, the effect of that provision was to require members to know a few weeks in advance if they wanted to participate remotely at the next meeting. Board and commission members and staff have found that this provision is burdensome,

as members often do not know until closer to the meeting date that they may need to participate remotely.

In August, the City Council amended the City Code. Under the new Code provisions, board and commission members are only required to notify the presiding officer and the staff liaison of their intent to participate remotely no later than noon the day prior to the meeting. If more than three members wish to participate remotely, the staff liaison will determine which members may and may not participate remotely and will notify them of the decision. The proposed amendments to the Bylaws at Article V Section G are required to incorporate these Code changes.

Public Participation

In addition, staff also proposed amendments to the City Code for the public participation requirements at board and commission meetings, similar to the amendments proposed for the Council meetings, to ensure consistency on those issues.

Ordinance 6752 also amended the Code concerning public participation, as codified for the Transportation Commission in BCC 3.63.030.F. The amendments clarify the limits on topics that may be discussed during public comment, amend the rules of decorum for public comment and conduct at Commission meetings, and add more specificity around enforcement mechanisms. The proposed amendments to the Bylaws at Article VII Section E are required in order to incorporate these Code changes.

Other Changes

Staff is recommending two other substantive changes to the Bylaws in addition to those required by Ordinance 6752. The first is to eliminate the second oral and written communications item, in Article VI Section D as a standing agenda item. The Bylaws for all the boards and commissions were originally drafted to mirror the City Council's meeting rules on this topic, and thus included a second comment period as a standing agenda item. In 2022, the Council removed the second comment period as a standing agenda item, and instead decides on a meeting-by-meeting basis whether to allow additional public comment at the end of the meeting. If a second comment period remains as a standing agenda item, the Commission must allow someone to comment at that second comment period if they sign up or otherwise request to speak. The proposed Bylaw amendment would provide the Commission with more flexibility by allowing the Commission to decide, at any regular meeting, whether to allow a second comment period. Article VI, Section E of the Bylaws allows the printed agenda of a regular meeting to be modified, supplemented or revised by a majority affirmative vote of the Commission members present. A second comment period can be added at any regular meeting by such a vote.

The second change is to reinstate language in Article II Section A.2 that was likely inadvertently removed from the Bylaws. It is language concerning the process for nominating persons to become Transportation Commission members that is required by the City Council's rules and exists in the Bylaws of all the other boards and commissions.

BYLAWS AMENDMENTS

Chapter 3.63 of the BCC governs the Transportation Commission. BCC 3.63.050 provides: “The commission shall adopt bylaws and procedures not inconsistent with any requirements established in the Bellevue City Code for the conduct of its meetings and hearings, setting of times of hearings, and giving of notice to the public.”

The proposed amendments to the Bylaws concerning remote participation, public participation, and nomination of Commission members are required by City Code or Council resolution. The proposed amendment to eliminate the second comment period is recommended by staff, for the reasons stated above.

NEXT STEPS

Pursuant to Article XVI of the Transportation Commission Bylaws, a two-step process is required to amend the Bylaws. Proposed amendments must first be noticed at a meeting prior to the meeting where adoption occurs. If the Commission provides direction tonight to staff to bring back the proposed changes, final revisions will be presented at the Commission’s next regular meeting. Amendments require two-thirds of the membership to vote in favor of amending the Bylaws.

ATTACHMENTS

- A. Proposed updated Transportation Commission Bylaws – redline
- B. Chapter 3.63 BCC