



Bellevue Planning Commission

June 8, 2022

PLANNING COMMISSION AGENDA ITEM

SUBJECT

Adoption of updated Planning Commission Bylaws.

STAFF CONTACT(S)

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POLICY ISSUES

The updated Planning Commission Bylaws comply with the Bellevue City Code and state law; implement changes mandated by Ordinance 6662, which reinstated, with more flexibility, limits in City Code on remote participation by Planning Commission members; provide for clarity and conformance with current City process; further the City's requirement of uniformity and consistency among the City Council-appointed boards and commissions; and incorporate specific changes requested by the Planning Commission during its retreat.

DIRECTION NEEDED FROM THE PLANNING COMMISSION

ACTION



DIRECTION



INFORMATION ONLY



The Planning Commission will review the updated Bylaws and may take final action by adopting the amended Bylaws in order to bring the Commission's Bylaws into conformance with Ordinance 6662 and current City requirements.

BACKGROUND/ANALYSIS

On June 1, 2020, and in response to the COVID-19 pandemic, the City Council amended the Bellevue City Code (BCC) to eliminate the restrictions that prevented all members of City of Bellevue boards and commissions from participating remotely in board or commission meetings. This amendment was intended to be temporary, in order to allow the boards and commissions to meet fully remotely while in-person meetings were not available due to the COVID-19 pandemic.

Prior to the COVID pandemic, the BCC limited remote participation by board and commission members to no more than two members per meeting and no more than four meetings per year. This limitation is included in the current version of the Planning Commission's Bylaws at Article V.G. When the City Council eliminated the remote participation restrictions from the BCC in response to the pandemic, the Planning Commission took action to suspend Article V, Paragraph G of the Bylaws on June 10, 2020.

In person attendance at City board and commission meetings is now possible, and on May 16, 2022, the City Council adopted Ordinance 6662. This Ordinance amends the City's Personnel Code, Title 3 BCC, to reinstate limitations on members of boards and commissions attending meetings remotely.

The changes mandated by Ordinance 6662 provide more flexibility with respect to remote participation than existed prior to the pandemic, but Ordinance 6662 does limit remote participation by board and commission members. For example, the limit on the number of board and commission members who can participate remotely at any one meeting has been expanded from two to three, and the previous restriction that a member could not participate remotely more than four times a year was eliminated. There is also a requirement that the presiding officer (PO) attend meetings in person. For meetings where the PO is authorized by the Commission to attend remotely, the PO must pass the PO role for that meeting to another board or commission member who will be attending in person.

With respect to the Planning Commission, Section 6 of Ordinance 6662 amends BCC 3.64.030 to provide the following:

Amended BCC 3.64.030.E:

E. Remote Participation.

- 1. Commission members are encouraged to attend meetings in person when practicable. A member not able to be physically present for a meeting may participate remotely using approved teleconferencing equipment. Remote participation must be approved by the commission in advance of the meeting.*
- 2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a board member who is physically present at the meeting.*
- 3. No more than three members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.*

Following adoption, the updated Planning Commission's Bylaws will comply with the remote participation requirements in Ordinance 6662 and with BCC 3.64.030.E. For the Commission's convenience, a red-lined version of the updated Planning Commission Bylaws is included as Attachment A; Ordinance 6662 is included as Attachment B; and Chapter 3.64 BCC is included as Attachment C.

The City Council intends to revisit the updated remote participation parameters adopted through Ordinance 6662 in a year to determine their effectiveness. That assessment will include input from the boards and commissions, the public, and relevant City staff.

In addition to complying with recently adopted City legislation, the updated Bylaws provide clarity, fix typos, and update an incorrect citation in the current Bylaws. The updates contain amended language in Article VII.D.5 that specifically references the Open Public Meetings Act, Chapter 42.30 RCW (OPMA); modifications to Article VII — Public Comment to conform the Bylaws to the City's hybrid meeting process; amended language in Article VIII — Motions; and corrected citations in both Article V — Meetings and Article XIV — Records.

With respect to the updated language in Article VIII.A, the purpose of "seconding the motion" and the Chair announcing the motion is to be sure that at least two people on the Commission want to discuss the proposed action prior to the Commission entertaining and debating the motion. Even in the absence of seconding the motion or the Chair announcing the motion, if a majority of the Commission

votes to pass the motion, then it is self-evident that at least two people wanted to discuss the motion, and did. Although all motions should be seconded and announced by the Chair, the minor update to Article VIII provides flexibility so that failure to second the motion or formally announce the motion does not invalidate later action on the motion taken by a majority of the Commission.

All of these updates to the Bylaws will further the City's requirement of uniformity and consistency among the City Council-appointed boards and commissions. The Planning Commission is advisory to the City Council, and this advisory authority is derived from state law, Chapter 35A.63 RCW. However, the Planning Commission's authority, as well as the authority of other boards and commissions in the City, is limited to the specific functions set forth in the City's Personnel Code, Title 3 BCC.

More broadly, the Planning Commission must comply at all times with the requirements of the OPMA, the Public Records Act (Chapter 42.56 RCW), and the City's Ethics Code (Chapter 3.92 BCC)—all of which are incorporated by reference into the Planning Commission's authorizing statute, chapter 3.64 BCC. By requiring uniformity and consistency for the board and commission Bylaws, the City ensures that each set of Bylaws also complies with the OPMA, the Personnel Code, and the Ethics Code.

Finally, the proposed updates to the Planning Commission Bylaws contain amendments to Article V — Meetings, Article VI — Order of Business/Agenda, and Article XI — Minutes. Each of these respective amendments is based on input provided by the Planning Commission during its retreat. These changes to the Bylaws will add a standing Consent Calendar agenda item to Article VI.D and explain that approval of minutes may occur through action taken by the Commission on Consent Calendar. For example, if no Commissioner requests any amendment to the draft minutes, then the minutes may be approved as a Consent Calendar item. If any Commissioner requests an amendment to the draft minutes, then the minutes may not be approved as a Consent Calendar item.

ATTACHMENTS

- A. Red-lined version of the updated Planning Commission Bylaws
- B. Ordinance 6662
- C. Chapter 3.64 BCC