



Bellevue Planning Commission

September 13, 2017

PLANNING COMMISSION STUDY SESSION ITEM

SUBJECT

Planning Commission Bylaws

STAFF CONTACT(S)

Matt McFarland, Assistant City Attorney, 452-5284
City Attorney's Office

Charmaine Arredondo, Assistant Director, 452-6466
City Clerk's Office

POLICY ISSUES

The updated Planning Commission bylaws comply with the Bellevue City Code and state law, further the City's requirement of uniformity and consistency among the Council-appointed Boards and Commissions, and incorporate the City Council's Rules of Procedure.

DIRECTION NEEDED FROM THE PLANNING COMMISSION

ACTION



DIRECTION



INFORMATION ONLY



The Planning Commission will review and discuss the variable sections of the updated bylaws. Following this second study session, the Commission will adopt the finalized bylaws at its September 27, 2017 meeting.

BACKGROUND/ANALYSIS

In July 2015, the City Council amended the Bellevue City Code (BCC) sections relating to Council-appointed Boards and Commissions. The amended BCC requires adoption of bylaws that are consistent with the BCC and state law. Specifically, each set of bylaws must comply with the Open Public Meetings Act (Chapter 42.30 RCW), the City's Personnel Code (Title 3 BCC), the City's Ethics Code (Chapter 3.92 BCC), and include elements of the City Council Rules of Procedure (Resolution 8928). The updated bylaws also provide uniformity and consistency among the various Council-appointed Boards and Commissions.

The purpose of tonight's study session item is to review and discuss the variable sections of the Planning Commission's updated bylaws. Following an overview of the Planning Commission's scope of authority and responsibility, the Commission will consider the variable sections of the bylaws and provide the direction necessary to incorporate Planning Commission procedure and protocol into these sections. For ease of reference, a summary of the variable sections of the updated bylaws, along with other substantive updates, are included in Attachment A (Bylaws Update Reference Chart). A copy of the draft bylaws is Attachment B, and the Planning Commission's authorizing ordinance, chapter 3.64 BCC, is Exhibit C.

Scope of Authority and Responsibility

The Planning Commission is advisory to the City Council. This advisory authority is derived from state law, Chapter 35A.63 RCW, and is limited to the specific functions set forth in the City's Personnel Code, Chapter 3.64 BCC. See Attachment C. The state legislature has vested the City Council with final decision-making authority governing land use in the City, and the Planning Commission serves an important advisory function to Council on land use matters, particularly in gathering public input.

However, the Planning Commission is bound by the statutory framework established by state law and the BCC for considering proposals and making recommendations to Council for legislative changes. Where chapter 3.64 BCC specifies the process to be followed or criteria to be applied in making a recommendation to Council, the Planning Commission must strictly comply with the code provisions. More broadly, the Commission must comply at all times with the requirements of the Open Public Meetings Act (Chapter 42.30 RCW), 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 ordinance, chapter 3.64 BCC. Attachment C (at BCC 3.64.010.E & 3.64.030).

Consistent with Chapter 3.64 BCC, Article I of the updated bylaws explains the scope of the Planning Commission's authority. Because this authority is set by statute, it is not variable and contains the following limitations:

- The Commission or its individual members shall not speak for or advocate on behalf of the City or Commission, or act in a manner that may be construed as representing the City, unless specifically authorized to do so by the City Council.
- The Commission or its individual members have no supervisory authority and shall not direct administrative operations, maintenance, or hiring of consultants and other independent contractors.
- The Commission shall not participate in regional issues not specifically assigned to the Commission by the City Council.
- A member of the Commission is not authorized to speak on behalf of the Commission unless the Commission has expressly authorized the member's communication.

The updated bylaws also incorporate the ethical and recordkeeping responsibilities imposed on the Planning Commission by statute. For example, Article X of the bylaws addresses conflicts of interest, the appearance of fairness, and confirms that the Commission must comply at all times with the City's Ethics Code. Article XIV identifies the statutory authority controlling Planning Commission management of public records and explains that records generated by the Commission are public records that are the property of the City and must be managed according to the Public Records Act, Chapter 40.14 RCW. It is absolutely critical that each Commissioner understands the scope of the Planning Commission's authority and adheres to the statutory requirements imposed by the City's Personnel Code, the City's Ethics Code, the Open Public Meetings Act, and the Public Records Act.

Planning Commission Procedure and Protocol

The updated bylaws contain numerous provisions that address Planning Commission procedure and protocol, including certain procedural requirements that are not variable and will be adopted by all Council-appointed Boards and Commissions. For example, Article II.D of the bylaws states that quorum must be maintained throughout the entirety of the meeting. Article V.G explains that remote participation is allowed, but it must be approved at previous meeting or approved prior to joining current meeting. Articles VI, VIII and IX all incorporate language that tracks the City Council's Rules of Procedure. The Bylaws Update Reference Chart included as Attachment A provides additional information concerning the amendments to the bylaws and the applicable chapter 3.64 BCC provisions.

The Planning Commission's unique role in gathering public input to advise the City Council allows for some variation in the updated bylaws. The following provisions contain procedural requirements that are specific to the Planning Commission and will be the focus of the Commission's review and discussion during this study session:

- Article V.J.—Time of adjournment.
- Article VII.C.—Length of time for public hearing testimony.
- Articles VII.A. & VII.D.—Length of time for oral communications.

Following discussion, the Planning Commission will provide direction regarding these variable provisions in the bylaws. With respect to the time of adjournment provision, staff recommends that the Commission set a specific adjournment time to facilitate Planning Commission control over length of meeting. Please note that the meeting can always be extended by motion carried by majority of the Commissioners, if necessary.

OPTIONS

1. Direct staff to finalize the bylaws for adoption at the September 27, 2017 meeting.
2. Provide an alternative date for adoption of the bylaws.

RECOMMENDATION

Option 1

ATTACHMENT(S)

- A. Bylaws Update Reference Chart
- B. Planning Commission Bylaws



Bellevue Planning Commission

ATTACHMENT A

Planning Commission Bylaws Update Reference Chart

Topic & Bylaws Section	Old Bylaws	Code Section (chapter 3.64 BCC)	New Bylaws & Variable/Not Variable
Quorum <i>Section: Art. II.D</i>	<p>Quorum must exist at opening of meeting.</p> <p>Quorum presumed to exist until meeting adjourned, even if members leave.</p>	<p>BCC 3.64.030(C):</p> <p>Quorum must exist for majority of Planning Commission to take action.</p>	<p>Quorum must be maintained throughout the entirety of the meeting.</p> <p><i>Not Variable</i></p>
Time/place of meetings <i>Section: Art. V.A</i>	<p>7:00 p.m. on Wednesdays</p>	<p>BCC 3.64.030(A):</p> <p>Meet at least once a month, but may recess for either August or December.</p>	<p>Meet second and fourth Wednesdays of each month at 6:30 p.m., but may recess for either August or December.</p> <p><i>Not Variable</i></p>
Remote participation <i>Section: Art. V.G</i>	<p>N/A</p>	<p>BCC 3.64.030(E):</p> <p>Allowed. Must be approved at previous meeting, or approved prior to joining current meeting.</p> <p>Provides parameters and examples of when remote participation is authorized.</p>	<p>Allowed. Must be approved at previous meeting, or approved prior to joining current meeting.</p> <p>Provides parameters for remote participation.</p> <p><i>Not Variable</i></p>

Planning Commission Bylaws Update Reference Chart

Topic & Bylaws Section	Old Bylaws	Code Section (chapter 3.64 BCC)	New Bylaws & Variable/Not Variable
Time of Adjournment <i>Section: Art. V.J</i>	<p>After 11:00 pm, no new business will be heard without majority vote of Commissioners present.</p>	N/A	<p>Option for inserting defined adjournment time into updated Bylaws.</p> <p>Can extend adjournment time by motion carried by majority of Commissioners.</p> <p>Variable</p> <p>Staff Recommendation:</p> <p>Set specific adjournment time to facilitate Planning Commission control over length of meeting.</p> <p>Adjournment time can always be extended by motion carried by majority of Commissioners.</p>

Public Hearing Testimony <i>Section: Art. VII.C</i>	<p>Five (5) minutes per speaker.</p> <p>No repetitive testimony.</p> <p>Applicants for privately-initiated Comprehensive Plan Amendments allowed fifteen (15) minutes for testimony.</p> <p>Additional time allowed if majority of Commissioners present determine necessary.</p>	N/A	<p>Three (3) minutes per speaker. (Art. VII.C(3)).</p> <p>Applicants for privately-initiated Comprehensive Plan Amendments allowed fifteen (15) minutes for testimony. (Art. VII.C(3)).</p> <p>Speakers encouraged to indicate support or opposition to previous comments, rather than repeat testimony. (Art. VII.C(4)).</p> <p>No specific time limitations on length of public hearings. (Art. VII.C(5)).</p> <p><i>Variable with respect to length of Public Hearing Testimony</i></p>
Length of Public Comment During	Five (5) minutes at first opportunity to	N/A	No public comment except during public hearing or

Planning Commission Bylaws Update Reference Chart

Topic & Bylaws Section	Old Bylaws	Code Section (chapter 3.64 BCC)	New Bylaws & Variable/Not Variable
Oral and Written Communications <i>Sections:</i> Art. VII.A Art. VII.D	<p>comment if no public hearing has been held.</p> <p>Three (3) minutes at first opportunity to comment if public hearing is on Agenda.</p> <p>Three (3) minutes at second opportunity to comment, regardless of whether or not public hearing is held.</p>		<p>during Oral and Written Communications Agenda Item.</p> <p>Time allowed for Oral Communications shall not exceed thirty (30) minutes.</p> <p>Three (3) minutes per person, but additional can be allowed by Chair or majority of the Commissioners.</p> <p><i>Variable with respect to length of time for oral communications.</i></p>
Ethics <i>Section: Art. X</i>	<p>Old Bylaws address conflict of interest and appearance of fairness.</p>	<p>BCC 3.64.010:</p> <p>Commissioners held to high ethical standards.</p> <p>Commissioners must comply with the City of Bellevue's Ethics Code, chapter 3.92 BCC.</p>	<p>Updated Bylaws address conflict of interest, appearance of fairness, and legal assistance.</p> <p>Commissioners "shall at all times comply with Chapter 3.92 of the Bellevue City Code."</p> <p><i>Not Variable</i></p>

Planning Commission Bylaws Update Reference Chart

Topic & Bylaws Section	Old Bylaws	Code Section (chapter 3.64 BCC)	New Bylaws & Variable/Not Variable
Communications With Council <i>Section: Art. XIII.A</i>	N/A	BCC 3.64.040: Formal communications to Council shall represent the official majority or minority opinions of the Planning Commission, and not those of individual Commissioners.	Planning Commission shall provide quarterly communications to Council. Variable: Planning Commission has option to add BCC 3.64.040 language to updated Bylaws. Staff Recommendation: Either add BCC 3.64.040 (Council communications) language to Bylaws, or incorporate BCC 3.64.040 into Bylaws by reference.
Records <i>Section: Art. XIV</i>	Records available for review.	Public Records Act Chapter 42.56 RCW Public Documents, Records and Publications Chapter 40.14 RCW	Public records are the property of the City of Bellevue and must be managed according to the provisions of Chapter 40.14 RCW. Planning Commissioner responsibilities and protocol regarding records are addressed in updated Bylaws. Not Variable



PLANNING COMMISSION BYLAWS

These Bylaws constitute the official rules of procedure for the Planning Commission (hereinafter Commission). Where rules of procedure are not addressed in these Bylaws, the Commission shall be governed by the City Council's adopted Rules (Resolution No. 8928) and/or by *Robert's Rules of Order, Newly Revised*.

ARTICLE I – Scope of Authority/Responsibility

The members of the Commission accept the responsibility of the office and declare their intention to execute the duties defined under the State law and Bellevue City Code to the best of their ability and to respect and observe the requirements established by the Bellevue City Council.

The authority of the Commission is limited to those specific functions set forth in the Bellevue City Code, Chapter 3.64. The purpose of the Commission is advisory to the City Council.

The Commission shall have no authority or responsibility relating to the following activities:

- A. The Commission or its individual members shall not speak for or advocate on behalf of the City or Commission, or act in a manner that may be construed as representing the City, unless specifically authorized to do so by the City Council.
- B. The Commission or its individual members have no supervisory authority and shall not direct administrative operations, maintenance, or hiring of consultants and other independent contractors.
- C. The Commission shall not participate in regional issues not specifically assigned to the Commission by the City Council.

A member of the Commission is not authorized to speak on behalf of the Commission unless the Commission has expressly authorized the member's communication.

An individual member is free to voice a position, oral or written, on any issue after making it clear that the member is not speaking as a representative of the City or as a member of the Commission.

ARTICLE II – Membership and Organization of the Commission

A. Membership.

- 1. Each person at time of nomination and continuing uninterrupted thereafter while serving on the Commission shall be a resident of the City of Bellevue.
- 2. Each person to be appointed shall be nominated by the City Council Liaison for a specific, numbered position on the Commission.

3. Appointees shall commence service after confirmation by the City Council and the effective date of the previous member's resignation or expiration of the existing term for the position, as applicable.
 4. Each confirmation motion by the City Council shall include the ending date and term for the position to which the member is appointed and that information shall be entered into the City Council meeting minutes and maintained in the Commission's records by the Deputy City Clerk.
- B. Election of Officers. The Commission shall elect a Chair and Vice-Chair, and any other officers the Commission deems necessary, for a term of one year at their first regular meeting in June of each year, or as soon thereafter as feasible based on seating of newly-appointed members.
- The election process shall be in accordance with *Roberts Rules of Order Newly Revised*.
- In the event of the resignation of the Chair or Vice-Chair, the Commission shall expeditiously elect a new officer to fill the vacancy.
- In the absence of the Chair and Vice-Chair, a Chair pro-tem shall be elected informally by the members present to conduct the meeting.
- C. Committees. The Chair, with the concurrence of the Commission, may appoint standing committees or special committees of the Commission and assign one or more members to such committees.
- D. Quorum. At all meetings of the Commission, quorum shall consist of a majority of the members. Quorum must be maintained throughout the entirety of the meeting.
- E. Ex officio members. The City Council may approve the appointment of an ex officio member to the Commission. Ex officio members are authorized to sit at the table and participate in discussions, but are non-voting members.
- F. Resignation. A member may resign by giving written notice to the City Clerk and the Chair of the Commission.
- G. Removal from office. Members of the Commission may be removed at any time by the Mayor, upon approval of a majority of the Council, for neglect of duty, conflict of interest, unexcused absence from three consecutive regular meetings of the Commission, or for any reason deemed sufficient by the majority of the City Council. The decision of the Council shall be final and there shall be no appeal.
- H. Vacancies. Vacancies shall be reported immediately to the City Clerk.
- Vacancies occurring for reasons other than the expiration of a term shall be filled for the unexpired portion of the term by appointment by the Mayor upon approval of a majority of the City Council.
- I. Staffing. The Planning and Community Development Director shall assign staff support to the Commission.

ARTICLE III – Duties of Officers

- A. Presiding Officer. The Chair shall be the presiding officer of the Commission. In the temporary absence of the Chair, the Vice-Chair shall perform the duties and responsibilities of the Chair.

It shall be the Presiding Officer's duty to see that the transaction of Commission business is in accord with these Bylaws.

B. Presiding Officer Duties. It shall be the duty of the Presiding Officer to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Control the discussion in an orderly manner.
 - a. Introduce the agenda topic, provide for staff presentation and questions from the Commission, and call for discussion among the Commission members.
 - b. Give every Commission member who wishes an opportunity to speak.
 - c. Permit audience participation at the appropriate times.
 - d. Require all speakers to speak to the question and to observe the rules of order.
 - e. Give pro and con speakers opportunities to speak to a question when practicable.
 - f. Guide the Commission in providing direction to staff and making recommendations to the City Council.
4. State each motion before it is discussed and before it is voted upon.
5. Put motions to a vote and announce the outcome or summarize consensus direction achieved by the Commission.
6. Decide all questions of order, subject to the right of appeal to the Commission by any member.

The Presiding Officer may at his or her discretion call the Vice-Chair or any member to take the Chair so the Presiding Officer may make a motion.

C. Commission Staff. The Commission staff, or an authorized designee, shall attend all meetings of the Commission. The Commission staff shall:

- a. Provide for noticing of special meetings or changed locations of meetings;
- b. Post agendas and Commission packet materials for each meeting;
- c. Record and retain, by electronic means, each meeting for the official record;
- d. Provide for timely preparation of summary minutes of all Commission meetings;
- e. Maintain the Commission's official records;
- f. Manage correspondence on behalf of the Commission.

ARTICLE IV – Council Liaison

- A. The Mayor, with the concurrence of Council, shall appoint a Councilmember to serve as Liaison to the Commission.
- B. The Council shall identify roles and responsibilities for Liaisons to the Council's appointed Boards and Commissions.

ARTICLE V -- Meetings

Public notice of meetings of or hearings before the Commission shall be provided as required by law. Noticing of special meetings is provided by the Deputy City Clerk.

- A. Regular meetings. The regular meetings of the Commission shall be held at 6:30 pm on the second and fourth Wednesdays of each month; unless there is critical or time-sensitive work, the Commission may recess for either the month of August or December.

Regular or continued meetings that fall on a holiday shall be rescheduled by the Commission.

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- B. Special meetings. Special meetings may be held by the Commission subject to notice requirements prescribed in state law. The notice for special meetings shall state the subjects to be considered, and no subjects other than those specified in the notice shall be considered.

Electronic mail shall be considered written notice to members for purposes of this rule.

- C. Meeting place. Meetings of the Commission shall be held at Bellevue City Hall unless otherwise noticed.

- D. Open Public Meetings. No legal action may be taken by the Commission except in a public meeting. "Action" is defined as the transaction of official business, but is not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions.

All meetings of the Commission shall be open to the public; provided, the Commission may hold Executive Sessions as permitted by law (RCWs 42.30.110 and 43.30.140).

Minutes will be prepared for all regular and special meetings and presented as soon as practicable for Commission review and approval. Minutes will include all pertinent information, motions, decisions made, and actions and votes taken. Minutes are not required to be taken at an Executive Session (RCW 42.32.030).

- E. Public Notice. Public notice of meetings or hearings before the Commission shall be provided as required by law. Notice of special meetings will be delivered in writing by mail or electronic mail at least 24 hours in advance to Commission members and to the City's newspaper of record and other media publications that have filed written requests of the City to be notified. The notice will specify the time and place of the special meeting and the business to be transacted.

- F. Attendance. Attendance at regular and special meetings is expected of all Commission members.

Any member anticipating absence from an official meeting should notify the Chair or Commission staff in advance.

Unexcused absences from three consecutive regular meetings shall be reported to the City Council for appropriate action as prescribed by Bellevue City Code, Section 3.64.010.

- G. Remote participation. A member not able to be physically present for a meeting may participate remotely using approved teleconferencing equipment. Remote participation must be approved in advance, by majority vote of the Commission, either at an earlier Commission meeting or before joining a current meeting. A member may participate remotely no more than four times per year, unless absent for medical reasons, and only two 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.

- H. Recess. The Commission may, by a majority vote or consensus, recess for a short break. The proposal to recess may set a time limit or run until the Chair calls the meeting back to order.

- I. Continuation. The continuation of a meeting shall be to a definite time and place and approved by majority vote.

- J. Adjournment. Regular meetings of the Commission shall adjourn at _____ pm. The adjournment time may be extended to a later time certain upon approval of a motion carried by a majority of Commission members.

At the conclusion of the agenda, after calling for any additional business, the Chair may declare the meeting adjourned.

ARTICLE VI – Order of Business/Agenda

- A. Preparation of meeting agendas will be the duty of the Commission staff in coordination with the Chair.
- B. Copies of the agenda will be available to all Commission members at least two days prior to a regular meeting and 24 hours in advance of special meetings.
- C. The agenda will indicate whether formal action is intended to be taken by the Commission on a particular matter.
- D. The order of business for each regular meeting shall be as follows:
 - 1. Call to Order
 - 2. Roll Call
 - 3. Approval of Agenda
 - 4. Reports of City Council, Boards and Commissions
 - 5. Staff Reports
 - 6. Oral and Written Communications
 - 7. Public Hearing
 - 8. Study Session
 - 9. Other Business
 - 10. Approval of Minutes
 - 11. Continued Oral Communications
 - 12. Executive Session
 - 13. Adjournment
- E. The printed agenda of a regular meeting may be modified, supplemented or revised by a majority affirmative vote of the Commission members present.
- F. A topic on the agenda may be continued to subsequent meetings when it is apparent that one meeting will not be sufficient to complete the scheduled business.
- G. The order of business does not apply to Special Meetings.

ARTICLE VII – Public Comment

- A. Timing of Communications. The Commission shall not take public comment at regular meetings except for that given at a public hearing or at Oral and Written Communications. Written comments may be submitted to the Commission staff in advance of the meeting.
- B. Addressing the Chair. Speakers shall address all statements to the Chair. Commission members may direct questions to speakers only with the Chair's permission.

C. Public hearings. The purpose of a public hearing is to gather information and opinions on a specific subject the Commission is studying. The following rules shall be observed during any public hearing:

1. The Chair shall, at the opening of a public hearing, state the purpose of and process for the hearing and may request that staff provide an introductory staff report.
2. Persons wishing to speak shall sign in on the sign-in sheet provided and will be called to speak in the order in which they signed.
3. Speakers will be allowed three minutes in which to make their comments. Additional time will not be allowed unless the Chair or a majority of the Commission determines to allow additional time; provided, applicants or applicant representatives for a privately-initiated comprehensive plan amendment proposal will be allowed one presentation of up to 15 minutes (in total) for their comments. Other proponents for such a proposal will be allowed the general three minutes.
4. Speakers are encouraged to indicate support for or opposition to previous comments rather than repeating prior testimony.
5. No specific time limitations are placed on the length of public hearings.
6. The Commission may continue a hearing to a future date or close a hearing after everyone wishing to speak has spoken.
7. All written material provided before or during the hearing will be included in the hearing record.
8. The Chair may allow additional time for receipt of written comments when needed.

D. Oral Communications.

1. The time allowed for Oral Communications shall not exceed thirty minutes.
2. Persons wishing to speak shall sign in on the sign-in sheet provided and will be called to speak in the order in which they signed.
3. Speakers will be allowed to speak for three minutes. Additional time will not be allowed unless the Chair or a majority of the Commission determines to allow additional time.
4. Suspension of these rules will require a majority vote of the Commission members present.

E. Decorum. Persons participating in Commission meetings are strongly encouraged to aid the Commission in maintaining the decorum and orderly progression of the meeting agenda. Engaging in shouting, use of profanity or slurs against others, disruptive noise, or comments that are off-topic detract from the ability of the Commission to conduct business. Where such conduct results in actual disruption of the meeting, the Chair may issue a verbal warning to the speaker and, if the behavior continues, have the speaker removed from the meeting room. Repeated disruption may result in the speaker being excluded from participating in public comment at one or more subsequent Commission meetings. If the Chair issues an exclusion to any speaker, he or she shall inform the person of the basis for the exclusion and the term of the exclusion. The Chair shall also notify the speaker that if he or she desires to address the Commission during the period of exclusion from public comment, he or she may

submit written comments which will be received by the Commission staff and provided to each of the Commission members.

- F. Timekeeping. The Commission staff shall be the timekeeper.

ARTICLE VIII – Motions

- A. No motion shall be entertained or debated until seconded and announced by the Chair. The motion shall be recorded and, if desired by any member, read by the Commission staff before it is debated. With the consent of the Chair, a motion may be withdrawn at any time before action is taken on the motion.
- B. Motions shall be entertained in the order of precedence outlined in *Robert's Rules of Order Newly Revised*.

ARTICLE IX – Voting

- A. Action. Action may be taken by a majority of the members present when a quorum exists.
- B. Votes on Questions. Each member present or participating remotely shall vote on all questions put to the Commission except on matters in which he or she has been disqualified for a conflict of interest or under the Appearance of Fairness doctrine. Such member shall disqualify himself or herself prior to any discussion of the matter, stating the reason for the disqualification unless there is a legal impediment to disclosure. The disqualified member will then leave the meeting room.
- Voting shall be accomplished by voice or through a showing of hands. Secret balloting is prohibited. Proxy votes of members not present are not valid votes. All votes shall be recorded in the Summary Minutes.
- C. Tie Vote. The passage of a motion is defeated by a tie vote, provided that the question may be brought forward again at the request of any member at the same meeting or at the next meeting when any members who were absent or disqualified at the time of the tie vote are present.
- D. Failure to Vote. Any Commission member who fails to vote without a valid disqualification shall be declared to have voted in the affirmative on the question.
- E. Six-month Time Limitation. Except as otherwise provided in these Bylaws, once a matter has been voted on and the time for reconsideration has passed with no action, the matter may not be taken up again for six months unless there is a showing of a substantial change of circumstances.
- F. Decisions. The Commission shall act as a body in making its decisions and in announcing them. The Chair or the Chair's designee shall serve as the spokesperson for the Commission in reporting decisions.

ARTICLE X – Conflict of Interest, Appearance of Fairness, and Legal Assistance

Commission members are held to high ethical standards and shall at all times comply with the provisions of Chapter 3.92 of the Bellevue City Code, as they exist now or as amended in future.

Any member of the Commission who, in his or her opinion, has an interest in any matter before the Commission that would tend to prejudice his or her actions shall so publicly indicate and

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shall step down and refrain from voting and participating in any manner on the matter in question to avoid any possible conflict of interest or violation of the appearance of fairness.

When there is doubt concerning the legality of an issue, the City Attorney (or designee) may be called upon to advise members as to the legality of the proposed action. If necessary, a hearing or deliberation may be continued until legal matters can be clarified. Care must be taken in maintaining records of the proceedings when litigation is a possibility.

ARTICLE XI – Minutes

- A. Minutes are the official record of a meeting. Electronic recordings of meetings (if made) are retained on-site for six years.

Minutes should be sufficiently detailed to provide what was done, by whom, and why, in order to provide an accurate summary of the main points of the discussion. Minutes are written to provide a readable, concise record of lengthy meetings, and as such not every speaker's comments on every topic are included.

If a Commission member wishes to ensure that a particular statement is included in the minutes, he or she should indicate, "For the record...." to signal the desire to have this comment included.

- B. Draft minutes presented for approval in the meeting packet may be amended if a legally sufficient reason to do so exists.

Once approved, that page of amended minutes will subsequently show the following wording next to the spot of the amendment: "Corrected – see minutes of _____."

ARTICLE XII – Compliance with Laws

All Commission members shall comply with all federal, state, and local laws and ordinances, including but not limited to Chapter 49.60 RCW (Washington's Law Against Discrimination) and 42 U.S.C. 12101 et. seq. (ADA), BCC 3.92 (Code of Ethics), RCW 42.56 (Public Records Act), RCW 42.30 (Open Public Meetings Act), BCC 2.26 (Public Records) and the Civil Rights Act of 1964 (Public Law 88-352).

ARTICLE XIII – Communications

- A. Communications with Council. The Commission shall provide at least quarterly communications to the City Council, either at Reports of Boards and Commissions or in written form. Reports should highlight major activities, future work plans, changes in work plans, and request any policy direction needed from the City Council.
- B. Communications among Commission members. To avoid possible violations of the Open Public Meetings Act, Commission members shall refrain from back-and-forth exchange of information, viewpoints, positions, or other dialogue via email, telephone, or in person among a quorum of the membership about the business of the Commission outside of a public meeting. Communications among less than a quorum that are then relayed by a participant to other members, who together constitute a quorum, are also prohibited.

ARTICLE XIV -- Records

The term “public records” applies to any paper, correspondence, completed form, bound record book, photograph, film, audio or video recording, map drawing, machine-readable material, video stream, email, text message, or social media that has been created or received by any state or local government agency during the course of public business and legislative records described in RCW 40.14.100. The following requirements apply to the Planning Commission and its individual members:

- A. Public records are the property of the City and must be managed (preserved, stored, transferred, destroyed, etc.) according to the provisions of RCW 40.14.
- B. Tools are in place to manage all emails sent to the Commission’s email account (planningcommission@bellevuewa.gov), as well as individual city of Bellevue email accounts of Commission members, according to state law.
- C. Commission members are responsible for including Commission staff on all Commission-related communications, including forwarding any emails sent to the member in his/her individual capacity that occur outside of the Commission member’s city provided email, to the planningcommission@bellevuewa.gov address. Any hard copy records shall also be transferred to staff for long-term maintenance.
- D. Members may be required to produce emails or documents that relate to the activities or operations of the Commission in response to a public disclosure request. Members may also be required to produce their personal notes taken at Commission meetings that relate to the activities and deliberations of the Commission. To the extent those notes contain information that is purely personal or material that is exempt under the Public Disclosure Act, they may not need to be provided to the requestor.
- E. As required by WAC 44-14-04003(2) and the City’s Public Records Act Rules, the City must provide the fullest assistance in response to public disclosure requests. The City’s Public Records Officer and a representative of the City Attorney’s Office will review any documents that may be exempt from disclosure and will provide the necessary explanations of any exemptions to the requestor if access to particular records is denied. Courts may award monetary penalties should the City not respond fully or promptly.
- F. Commission members are advised to establish a separate, clearly-named file within their personal email account and/or on the hard drive of their personal computer to which they file all materials relating to the Commission.

ARTICLE XV – Compensation and Reimbursement of Expenses

Members of the Commission shall serve without compensation. Members shall be reimbursed for authorized travel or other expenses incidental to that service, which are authorized by the

City Manager or City Council. Members should seek pre-authorization for any proposed expense.

ARTICLE XVI – Amendments

These Bylaws may be amended, revised, or repealed by the entire Commission at any regular meeting or any special meeting, provided that notice of such changes is included on the agenda and the vote to change takes place at the next regular meeting. Amendments will not be valid unless two-thirds of the membership of the Commission vote in favor of amending the Bylaws.

ARTICLE XVII – Validity

If any part or parts of these Bylaws are found to be invalid, that part or parts will not invalidate the remainder of the Bylaws.

Approved this ____ day of _____, 2017.

_____,
Chair

_____,
Director
Planning and Community Development

_____, Commission Staff