

**City of Spokane Valley
Planning Commission
RULES OF PROCEDURE
Updated 6-22-06**

We, the members of the Planning Commission of the City of Spokane Valley, State of Washington, pursuant to the City of Spokane Valley Ordinance No. 35, do hereby adopt and publish the following Rules of Procedure

ORGANIZATION AND RULES OF PROCEDURE

1. Name

- A. The "City of Spokane Valley Planning Commission," hereinafter referred to, as the "Commission" is an advisory body created by the City Council for purposes consistent with Ordinance No. 35.

2. Location

- A. The Commission offices shall be the City Hall of the City of Spokane Valley.

3. Officers

Unless otherwise required by a vacancy in office, the Commission shall organize every year in accordance with Ordinance No 35.

- A. Officers of the Commission shall be elected from its membership; the officers shall be Chair, Vice Chair, and other appropriate officers that the Commission may choose to approve and appoint by majority vote.
- B. The Chair shall preside over the Commission and exercise all powers incidental to the office, retaining however, the full right as a member of the Commission to propose second motions and have a vote recorded on all matters of the Commission.
- C. The Vice-Chair shall, in the absence of the Chair from any meeting, perform all the duties incumbent upon the Chair, and retain the full right as a member of the Commission in the same manner as the Chair.

4. Secretary of the Commission

- A. The Director of the Department of Community Development or his/her designee shall serve as the Secretary to the Commission.
- B. The Secretary shall provide for a recording of Commission meetings, including public hearings and shall ensure that summary minutes of all public hearings are prepared and filed in the public record.

- C. The Secretary will conduct and record a roll call of the Commission members at each meeting and public hearing and shall note for the record attendance at study sessions.

5. Election of Officers

- A. Officers shall be elected at the first regular meeting in the 12th calendar month of each year, by majority vote of the membership of the Commission. Terms of office shall run from January 1 until December 31 or until a successor has been elected. No Commission member shall serve more than two full consecutive terms as Chair of the Commission. No member shall serve as vice-chair for more than two full consecutive terms.
- B. A vacancy in any office will be filled by a special election, to be held at a convenient time with a majority present. In the event that the office of Chair is vacated, the vice-chair shall serve in that capacity until the required special election is held. Any member of the Commission is eligible to fill the vacancy. However, no member can hold two office positions.

6. Quorum

- A. A quorum shall consist of four members of the Commission and no action can be taken in the absence of a quorum except to adjourn the meeting to a subsequent date. A quorum must be present for public hearings and study sessions.

7. Voting

- A. The affirmative vote of a majority of those present shall be necessary for the adoption of any motion or other general matter.
- B. For the conduct of business dealing with matters, which require adoption or changes to the City's Comprehensive Plan and the election of officers, at least four affirmative votes must be cast. Each member of the Commission is entitled to one vote but no proxy shall be allowed.

8. Meetings

- A. There shall be at least one regular meeting each month with additional meetings scheduled as necessary. Regular meetings shall be scheduled on the 2nd and 4th Thursdays of the month, commencing at 6:00 p.m. and ending not later than 9:00 p.m. Meeting ending time can be extended by a majority vote of the commission. Meetings may be used for general planning matters, study sessions or public hearings as described below.
 - 1. Meetings on General Planning Matters. General planning matters to be reviewed by the Commission will be typically be preceded by a study session of the Commission to discuss the issues with Community Development Department staff. Generally, no testimony from the public shall be taken at a study session.

2. Public Hearing Meeting. A public hearing is a meeting wherein general business and public hearing items, such as the Comprehensive Plan and development regulations are discussed and decided.
3. Scheduled meetings may be canceled or convened at other times if deemed necessary by the Chair or, in the absence of the Chair, by the Vice-Chair. Notice of cancellation shall be given personally to Commission Members and to the public by posting a notice at Commission offices.
4. The recommended order of business for meetings is:
 - (a) Call to order by Chair.
 - (b) Pledge of Allegiance.
 - (c) Roll call by recording secretary.
 - (d) Approval of Agenda.
 - (e) Approval or amendment of minutes.
 - (f) Commission Members Report
 - (g) Administrative Report.
 - (h) Commission Business.
 - a. Old Business
 - b. New Business
 - (i) Public Comment
 - (j) For the Good of the Order.
 - (k) Adjournment.

B. Planning Commission meetings shall be held in accordance with the requirements of the Open Meetings Act, RCW Chapter 42.30.

C. Special meetings and study sessions may be called:

1. By the request of the Chair, or, in the Chair's absence, by the Vice-Chair.
2. By the written request of three or more members of the Commission.
3. By agreed motion of the Commission.

9. CONDUCT OF HEARINGS

A. Actions for a Planning Commission Public Hearing.

1. Prior to the start of the public hearing, the Chair may require that all persons wishing to be heard shall sign in with the Secretary, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing, persons who have signed in and wish to be heard shall be given an opportunity to be heard. However, the Chair shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. The Chair, subject to concurrence by the majority of the Commission, may establish time limits and otherwise

control presentations. The Chair may change the order of speakers so that testimony is heard in the most logical groupings, (i.e., proponents, opponents, adjacent owners, vested interests, etc.)

B. The Chair introduces the agenda item, opens the public hearing, and announces the following Rules of Order:

1. All comments by proponents, opponents, or the public shall be made from the speaker's rostrum, and any individual making comments shall first give his/her name and address. This is required because an official recorded transcript of the public hearing is being made.
2. It is not necessary to be a proponent or opponent in order to speak. If you consider yourself neither a proponent nor opponent, please speak during the proponent portion and identify yourself as neither a proponent nor an opponent.
3. No comments shall be made from any other location, and anyone making "out of order" comments shall be subject to removal from the meeting.
4. Demonstrations, applause or other audience participation during or at the conclusion of anyone's presentation are prohibited. It is distracting to the Commission and persons testifying.
5. These rules are intended to promote an orderly system of holding a public hearing, to give persons an opportunity to be heard and to ensure that individuals are not embarrassed by exercising their right of free speech.

C. When the Commission conducts a hearing to which the Appearance of Fairness Doctrine applies, the Chair (or in the case of a potential violation by that individual, the Vice Chair) will ask if any Commission member knows of any reason which would require such member to excuse themselves pursuant to the Appearance of Fairness Doctrine. The form of the announcement is as follows:

All Commission members should now give consideration as to whether they have:

- (1) A demonstrated bias or prejudice for or against any party to the proceedings;
- (2) A direct or indirect financial interest in the outcome of the proceeding;
- (3) A prejudgment of the issue prior to hearing the facts on the record, or
- (4) Had *ex parte* contact with any individual, excluding administrative staff, with regard to an issue prior to the hearing. Please refer to Section 16(B) for more specific information on how to proceed where there has been an *ex parte* communication.

If any Commission member should answer in the affirmative, then the Commission members should state the reason for his/her answer so that the Chair may inquire of administration as to whether a violation of the Appearance of Fairness Doctrine exists.

CONDUCTING THE PUBLIC HEARING

The Chair announces the matter and opens the public hearing stating the date and time.

The Chair allows staff to describe the matter under consideration and place matters in the public record.

The Chair inquires as to whether Commissioners have any questions of staff. If any Commission member has questions, the appropriate individual will be recalled.

The Chair allows proponents, opponents and the public to offer testimony and evidence on the pending matter. The Chair may allow Commission members to ask questions of any person at the conclusion of their testimony.

At the conclusion of the public testimony, the Chair asks staff if there is any additional information, testimony or evidence to submit for the record.

The Chair either closes or continues the public hearing. Additional testimony may not be requested or considered after the closing of the public hearing, unless the Chair declares the record open until a date certain for the purpose of receiving written testimony or materials.

The Chair inquires if there is a motion by any Commission member. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its second, discussion occurs among Commission members.

The Chair inquires if there is any further discussion by the Commission members.

The Chair inquires if there are any final comments or recommendations from staff.

The Chair inquires of the Commission members if they are ready for the question.

The Secretary records a roll call vote.

The Chair may direct staff to prepare findings for approval.

- D. Pre-filing of testimony or evidence is encouraged and may be delivered to the Department of Community Development in advance of a hearing.

10. **Agenda, Staff Reports and Minutes for Regular Meetings.**

- A. Typically, a copy of the agenda for every regular meeting of the Planning Commission shall be sent to each member up to seven (7) days prior to the date of the meeting.

- B. If available, staff reports will be sent to Planning Commission members with the agenda. Agendas and staff reports will be made available to applicants and the public at the same time.

11. Minutes and Communications with the City Council.

- A Minutes of all meetings shall be kept and the complete files of proceedings and actions taken in connection therewith shall be considered the public record and filed with the City Clerk.

The Secretary shall provide the Commission members with a set of minutes of the previous meeting. These minutes shall be considered for approval by the Commission at a regularly scheduled public meeting and upon approval shall become part of the official record of action of the Commission. Minutes shall also be transmitted as correspondence to the City Council for general information.

- B The assigned City Council Liaison may attend meetings for the purposes of communications with the Council as set forth in the "CITY OF SPOKANE VALLEY GOVERNANCE COORDINATION MANUAL".

12. Recording of Meetings

Proceedings of all public hearings shall be recorded and retained. Proceedings of study sessions or workshops may be recorded at the discretion of the Planning Commission Chair.

13. Temporary Committees

The Chair shall have authority to create temporary committees of one or more members and to appoint the members to such committees, which may be charged with such duties as examination, investigation and inquiry into one or more subjects of interest to the Commission. No temporary committee shall have the power to bind the Commission to the endorsement of any plan or program. The Chair may appoint citizens to committees of the Commission.

14. Code of Conduct

- A. Prohibited Acts. Members of the Commission are prohibited from:
 - 1. Acting in a manner, which would result in neglect of duty, misfeasance or malfeasance in office.
 - 2. Acting in a manner that intentionally disrupts Commission meetings.
 - 3. Missing six (6) or more regularly scheduled meetings or study sessions in a 12-month period without such absence being excused by the Commission.
 - 4. Using his or her position to secure special privileges or exemptions for himself, herself, or others.

5. Directly or indirectly giving or agreeing to receive compensation, gifts, rewards, or gratuities from any source, except the City of Spokane Valley, for a matter connected with or related to the services as a member of the Commission, unless otherwise provided by law.
6. Accepting employment or engaging in business or professional activities that he or she might reasonably expect would require or induce said member to disclose confidential information acquired by reason of membership on the Commission.
7. Disclosing confidential information gained by reason of his or her membership on the Planning Commission or using such information for his or her personal gain or benefit.

15. Conflict of Interest

- A. Any Commission member having a direct or indirect interest in, or who would benefit from any matter, shall disclose this interest and shall, if deemed appropriate by that commissioner or required by law, refrain from participating or voting on the matter.
- B. No member may participate or vote on a matter unless the member has been in attendance at all public hearings regarding such matter or has listened to the taped recording of the public hearing and reviewed the written record of the matter in question.

16. Appearance of Fairness

- A. The Commission shall adhere to the applicable requirements of the appearance of fairness doctrine, RCW Chapter 42.36.
- B. During the pendency of any quasi-judicial proceeding, no Commission member may engage in *ex parte* communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Commission member: (1) places on the record the substance of such oral or written communications; and (2) provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and Commission members if the correspondence is made part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. (RCW 42.36.060)

17. Review of These Rules of Procedure

The Planning Commission shall review these rules of procedure on the first anniversary of their adoption and every other year thereafter. Any amendments identified by the Planning Commission shall be forwarded to the City Council for review and ratification.

KNOW ALL PERSONS BY THESE PRESENT:

That the undersigned Secretary of the Spokane Valley Planning Commission does hereby certify that upon review and majority vote the above and forgoing rules have been duly adopted by the members of said Commission.

BY: _____
Secretary of the Commission

Date: _____