

NEWCASTLE PLANNING COMMISSION RULES OF PROCEDURE

Based on the City Council Rules of Procedure
Approved by Resolution #352 on May 16, 2006.

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Section 1. RULES OF ORDER.

Parliamentary law and the rules of procedure derived from such law are essential to all deliberative organizations so they may consider all matters before them in an effective and efficient manner and produce results that are legal and binding. Moreover, such procedural safeguards ensure due process during deliberations among members of the Commission while at the same time protecting the rights of the individual Commissioners and the Commission as a whole.

Accordingly, these rules establish guidelines to be followed by all persons attending City Commission meetings, including members of the Planning Commission, staff, news media, citizens, and visitors.

These rules constitute the official rules for the Newcastle City Planning Commission as referred to in the NMC. Procedural and other questions may be answered by referring to these rules. In all decisions arising from points of parliamentary order not addressed within these rules, the Commissions shall be governed by the most current version of Robert's Rules of Order Newly Revised, hereinafter referred to as RONR, a copy of which is maintained in the office of the Newcastle City Clerk.

The Deputy City Clerk shall serve as parliamentarian at all Planning Commission meetings and shall advise the Chair, Vice Chair, or other appointed Chair as to correct rules of procedure or questions of specific rule application. When

parliamentary inquiries arise which the Deputy City Clerk is unable to immediately answer, they may request a sufficient period of time to review RONR and/or consult with a Registered Parliamentarian in order to provide an appropriate response. Alternatively, the Deputy City Clerk may defer to the City Attorney.

Section 2. ORGANIZATION.

A. Swearing In Of New Commissioners.

The Deputy City Clerk shall administer an Oath of Office to all newly appointed and re-appointed Commissioners, post appointment by Mayor and City Council.

B. Election of Chair and Vice Chair.

The Planning Commission shall elect a Chair and Vice Chair for a one-year period at the Planning Commission's regular meeting in August of each year.

The Deputy City Clerk shall serve as Chair Pro Tempore for the first regular meeting in August of each year. The Chair Pro Tempore will call the meeting to order, preside over the roll call, the flag salute, the swearing in of Commissioners, the election of Chair, and the swearing in of the Chair and Vice Chair. Once elected by the Commission, the new Chair shall assume the role.

1. Nomination Process.

The Deputy City Clerk shall first call for nominations for the Office of Chair. Should two Commissioners raise their hands simultaneously to make a nomination; the nominations will be taken by the Deputy City Clerk by Commissioner seniority. Commissioners may not nominate more than one person for any given office until every member wishing to nominate a candidate has had an opportunity to do so. Nominations do not require a second.

The Deputy City Clerk shall repeat the call for nominations until all nominations have been made. Nominees wishing to decline the nomination shall make their declination known immediately.

When it appears no further nominations will be made, the Deputy City Clerk will call twice more for further nominations; and, if there are none, shall declare nominations closed. A motion to close nominations is not required.

2. Election Process.

After nominations are closed, a vote is conducted for the position of Chair in the order nominations are made. Each nominated member will be granted up to three (3) minutes to speak. The Deputy City Clerk shall conduct a voice vote to

determine the Commissioner being elected to the Office of Chair. Uncertainty in the voice vote shall result in a showing of hands vote.

When one of nominee receives a majority vote (more than half) of those present the Chair Pro Tempore will declare him/her elected. No votes will be taken on the remaining nominees. The Deputy City Clerk shall announce the results of the election. All Commissioners present must vote.

If none of the nominees receives a majority vote, the Deputy City Clerk will call for nominations again and repeat the process until a single candidate receives a majority vote before the Office of Vice Chair is opened for nominations. A tie vote results in a failed nomination. All Commissioners present must vote.

If after three rounds of voting, a Chair is not elected, the previous Vice Chair, or, if that person is no longer a Commissioner, the Commissioner with the highest seniority, shall serve as Acting Chair.

The Acting Chair shall continue in office and exercise such authority until the Planning Commission elects a Chair. Elections shall be held at each subsequent Regular Meeting, or a Special Meeting, until a Chair is elected.

The Vice Chair shall not be elected until a permanent Chair is selected.

After a Chair is elected and the Oath of Office administered, she/he will preside over conducting the election for the Vice Chair, in the same manner as prescribed for that of the Chair. The Oath of Office shall be administered to the Vice Chair by the Deputy City Clerk upon being elected.

C. Term of Office.

The terms of office for Chair and Vice Chair shall be for one year, expiring November 1st of each year.

D. Removal from Position.

1. Removal of Chair or Vice Chair.

A vote of two-thirds vote shall be required to approve a motion to remove either the Chair or Vice Chair from their respective position. Removal from the position of Chair or Vice Chair does not constitute a removal from the position of Commissioner.

2. Removal of Commissioner.

Commission members may be removed by a majority vote of the City Council. Such decision shall be final and there shall be no appeal.

E. Quorum.

At all Commission meetings, a majority of the members (4) shall constitute a quorum for the transaction of business. In the absence of a quorum, the only business to be legally transacted is:

- a motion to fix the time to which to adjourn
- a motion to adjourn
- a motion to recess; or
- measures taken to obtain a quorum (i.e., a brief time to contact Commissioners via telephone or other means in order to obtain a quorum.

Pursuant to RONR, the prohibition against transacting business in the absence of a quorum cannot be waived – even by unanimous consent of the Commission.

F. Voting.

Voting, during all Commission meetings, shall be conducted as follows:

1. The Chair shall conduct a voice vote on all items unless otherwise requested by any Commissioner.
2. A Commissioner may call for a Roll Call vote on any issue. If the motion for a Roll Call vote receives a majority of ayes, a Roll Call vote shall be conducted. If a majority vote in the affirmative is not received, no Roll Call vote shall be conducted, and the Chair shall proceed with a voice vote.
3. Silence by a Commissioner during the vote on any motion shall be recorded as an affirmative vote except:
 - a. When a Planning Commissioner chooses to abstain totally from the debate; or
 - b. When a conflict of interest precludes a Planning Commission member's participation on an issue or question.
4. In case of a tie vote on any motion, the motion shall be considered lost.
5. Commissioners must be present to vote on any matter. No provision is included herein for proxy voting.

G. Attendance, Excused Absences, Unexcused Absences.

1. Members of the Commission may be excused from attending any Planning Commission meeting by contacting the Chair, the Staff Liaison or the Deputy City Clerk. The Staff Liaison or the Deputy City Clerk shall convey the message to the Chair prior to the meeting and state the reason for his/her inability to attend. While no motion to excuse the absence of a Commissioner is required, the Chair is required to announce all absences for the record.
2. The accumulation, during a calendar year, by any member, of two (2) consecutive or a total of three (3) unexcused absences from regular meetings and/or public hearings constitutes grounds for recommendation, by the Planning Commission to the City Council, for removal of that member. An excused absence will be granted to any member who notifies the Staff Liaison Coordinator or the Deputy City Clerk in advance of the meeting.
3. Three (3) unexcused late arrivals of thirty (30) minutes or more or three (3) unexcused departures of thirty (30) minutes or more from any meeting shall be considered equal to one unexcused absence.

H. Adjournment.

Commission meetings shall adjourn at 9:00 p.m. Where it is deemed business may proceed beyond the prescribed hour of 9:00 p.m., the adjournment time may be extended with a majority vote of the Commission. Any Commissioner may call for a "Point of Inquiry" if it is felt the business will be complete at a point beyond the 9:00 p.m. hour, a Commissioner may move to suspend the Rules of Commission and extend meeting beyond 9:00 pm. Such motion shall also contain either a new time to adjourn or the length of time the moving Commissioner expects may be required to complete remaining business.

I. Deputy City Clerk – Attendance.

The Deputy City Clerk or their designee shall attend all Commission meetings. If the Deputy City Clerk is absent from any Commission meeting, and no prior arrangements have been made for City staff to serve as a Clerk Pro Tempore for that meeting, the Chair shall appoint a Commissioner to serve as Recording Clerk. The appointment of a Commissioner as Recording Clerk shall not, in any way, abridge his or her right to vote upon all questions put to the Commission.

J. Staff Liaison Coordinator – Attendance.

The City Manager shall appoint a Staff Liaison Coordinator. The Staff Liaison Coordinator shall support the work of the Planning Commission, and shall attend all meetings of the Planning Commission.

K. Commission Vacancies.

1. Causes of Vacancy.

A Commission position shall be officially declared vacant upon the occurrence of any of the following causes:

- a. resignation
- b. removal from office
- c. death

2. Filling of Commission Vacancies.

Commission vacancies shall be filled in accordance with the appointment process set forth:

- a. The Mayor shall direct staff to begin the appointment process and establish an interview and appointment schedule in order to fill the position at the earliest opportunity.
- b. The City Clerk's Office shall prepare and submit a display advertisement to the City's official newspaper, with courtesy copies to all other local media, announcing the vacancy consistent with the requirements to hold public office. Those requirements include that applicants a) be at least 18 years of age and b) a resident of Newcastle. The display ad shall contain information such as time to be served in the vacant position, commission duties and appointment process, application deadlines and appointment schedules, and any other information the Mayor may deem appropriate.
- c. Upon completion of applicant interviews, the Mayor shall present recommendation for appointment to the Council for approval and appointment.

- d. Vacancies occurring other than through the expiration of terms shall be filled for the unexpired term in the same matter as for the original appointment.

Section 3. OFFICERS.

A. Presiding Officer.

The Chair shall preside at all Commission meetings. The Vice Chair shall serve as presiding officer when the Chair is not present. In the absence of both the Chair and the Vice Chair, the Commission shall, by majority vote, appoint one Commissioner to serve as a temporary Presiding Officer.

In the event the Chair or Vice Chair is unable to serve the complete duration of her/his term, a new Vice Chair shall be elected at the next Regular meeting or an advertised Special meeting.

B. 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 discussion in an orderly manner.
 - a. Give every Commissioner who wishes an opportunity to speak when recognized.
 - b. Permit audience participation at appropriate times (public comment or public hearings).
 - c. Require all Commissioners and speakers to keep comments germane to the pending issue and to observe the Rules of Order.
 - d. Make suggestions, yet not make motions.
 - e. Put the question to a vote after making clear the exact question before the Commission and announce the outcome. In announcing results of any vote, the Chair shall state the names of those voting in the negative.

C. Chair - Participation.

The Chair may relinquish the gavel, (or “turn over the meeting”) to the Vice Chair in order to make a motion, speak in debate, or, for other good cause, yield the Chair.

D. Request for Written Motions.

Motions shall be reduced to writing when required by the Chair or any member of the Commission. All resolutions and ordinances shall be in writing.

Section 4. DUTIES AND PRIVILEGES OF COMMISSIONERS

A. Forms of Address.

The presiding officer of the Commission shall be addressed as “Chair (surname).” Members of the Commission shall be addressed as “Commissioner (surname).”

B. Seating Arrangement.

Planning Commissioners shall sit in a manner prescribed by the Chairman.

C. Dissents and Protests.

Any Planning Commission member shall have the right to express dissent from, or protest against any motion of the Commission, and have the reason entered into the minutes.

Section 5. COMMISSIONER CONDUCT.

A. Respect Speaker.

While in session, all members of the Commission must preserve order and decorum. No member shall, by conversation or other means, delay or interrupt the proceedings or the peace of the Commission. Nor may any Commissioner disrupt any member while speaking, or refuse to obey the orders of the Commission or the Chair, except as otherwise provided in these Rules.

B. Commissioner Debate – Conduct and Time Limits.

When recognized by the Chair during a meeting, Commissioners may speak up to three minutes under the heading “Commissioner Comments.”

Debate on any main motion or question shall not exceed five minutes and must be germane to the pending question. Speakers must address their remarks to the

Chair, maintain a courteous tone; and, especially in reference to any divergence of opinion – should avoid injecting a personal note into debate. To this end, they must never attack or make any allusion to the motives of members or staff. Commissioners should refer to others only by title and should avoid mention of first names as much as possible. No Commissioner shall speak more than twice on the same subject without permission from the Chair. No Commissioner shall relinquish her or his position as Commissioner to speak as a citizen at a Planning Commission meeting.

C. Commissioner Presentations.

When a Commissioner appears before the City Council on Commission-related matters, the Commissioner shall state the majority position of the Commission, if known. Personal opinions and comments differing from a majority of the Commission may be expressed if the Commissioner clearly states those statements do not represent the Commission's position.

D. Public Appearance.

A Commissioner shall maintain decorum and set an example for conduct when representing the City in any official capacity.

E. Official Correspondence.

If a Planning Commissioner writes a letter or email message as a Planning Commissioner, the Planning Commissioner's document must clearly state that the document contains his or her own opinion, unless the Planning Commission has taken action on the subject matter. The Planning Commissioner must sign his or her name and title. Letters received by or from Planning Commissioners are considered public information subject to the Public Disclosure Records Act (RWC 42.17). Email messages are also considered public information subject to the Public Disclosure Act (RCW 42.17) and should be treated as such. Electronic messages must adhere to the same retention schedules and guidelines as paper copies.

F. Conflict of Interest.

Prior to addressing an agenda item, a Commission member shall make public any conflict of interest with respect to any issue under consideration by the Commission. The nature of such conflict need only be described in terms that make clear the existence of a conflict. (RCW 42.23.) The Commission member shall not participate in discussions of the subject and shall not vote on it if the Commission member has a personal, financial or property involvement in the subject. The Commission member shall step away from the Commission table during the discussion of the item. The Commission member cannot speak as a private citizen on the issue.

Section 6. MEETINGS.

All Planning Commission meetings shall comply with the requirements of the Open Meetings Act (RCW Section 42.30). All Regular Meetings and Special Meetings of the Commission shall be open to the public regardless of time, place or location.

A. Regular Meetings.

The Planning Commission shall conduct Regular meetings on the third Wednesday of each month. All Regular meetings shall begin at 7:00 p.m. at City Hall, and are open to the public. On instances where a Regular meeting coincides with a legally observed holiday, that Regular meeting shall be rescheduled to the next day (Thursday) at the same hour and location.

B. Special Meetings.

Special meetings may be held by the Commission subject to notice requirements prescribed by State law. Special meetings may be called by the Chair or by any four members of the Planning Commission. Written notice of such a meeting and its purpose shall be given to all members not less than twenty-four hours in advance thereof, and the same notice shall be posted at the City's regular posting locations. Notice of such Special meetings shall state the subjects to be considered at the meeting. No subjects other than those specified in the notice shall be considered. The Commission may take discussion and vote upon all issues contained on the Notice of Special Meeting.

C. Meeting Location.

Unless otherwise directed by the Planning Commission, and with a subsequent public notice, all Planning Commission Regular and Special meetings shall be held at Newcastle City Hall.

D. Public Notices.

The Office of the City Clerk shall comply with the provisions of RCW 35A.12.160 Public notice of hearings and meeting agenda, (i.e., written notification to the City's official newspaper, publication of a notice, posting of meeting agendas at public locations or on the City's official website.

Section 7. MEETING AGENDA – ORDER OF BUSINESS.

A. Order of Business - Regular meetings.

The order of business for each Regular meeting shall be as follows:

1. Call to Order
2. Roll Call
3. Flag Salute
4. Approval of Minutes
5. Presentations/Introductions
6. Public Comments
7. Commissioner Comments
8. Reports
 - a. Action Items
 - b. Chair
 - c. Subcommittees
 - d. Staff
9. Public Hearings
10. General Business
11. Planning Calendar
12. Adjournment

Section 8. AGENDA PREPARATION.

A. Advanced Preparation.

The Staff Liaison Coordinator in conjunction with the Planning Commission Chairman or in his or her absence the Vice-Chairman, will prepare a preliminary agenda for each Planning Commission Meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Planning Commission.

An item for a regular Planning Commission meeting may be placed on the preliminary agenda by any of the following methods:

1. Planning Commission consensus.
2. By any two Planning Commission members, in writing or with phone confirmation, with signatures by fax allowed for confirmation of support, no later than 12:00 pm seven days prior to the meeting. The names of the requesting Planning Commission members shall be set forth on the agenda.
3. By the City Manager or designee.
4. By a Planning Commission Committee.
5. By direction from the City Council.
6. By the Chairman.

Agenda items continued from one meeting to another will have preference on the agenda to the extent possible.

Section 9. PUBLIC TESTIMONY.

A. Oral and Written Comments.

The Chair will call for public testimony at Regular meetings during public hearings, public comments and general business items.

Public input may be allowed during study sessions and special meetings by invitation by the Chair.

Speakers shall be granted three minutes to present their individual views, or no more than five minutes when presenting the official position of a recognized organization. Suspension of this rule requires a majority vote of those Commissioners present. The Chair, or any Commissioner when recognized by the Chair, may ask questions of a speaker before that speaker stands down from the lectern.

Written citizen comments may be submitted to the Commission liaison, until the close of business on the date of any Planning Commission meeting. The Deputy City Clerk shall copy and distribute those comments before the meeting is called to order. In cases where the citizen is unable to attend the meeting or is unable to present their statements verbally, a request may be made of the Deputy City Clerk to read the comments into the record at the appropriate time.

B. Identification of Speakers.

Persons testifying on any matter shall identify themselves for the record as to name, address and organization.

C. Rules for Public Testimony and Participation.

1. General Discussion Items.

Public input may only be obtained during the public comment periods at Regular or Special meetings.

2. Chair's Instructions.

Speakers will be advised by the Chair that their testimony is being recorded and that all comments by proponents or opponents shall be made from the lectern.

Any individual making comments shall first give his/her name and address and be reminded to sign an official sign-up sheet provided by the Office of the City Clerk.

It shall also be stated by the Chair that 1) comments shall be directed through the them and not to any particular Commissioner or City staff member, and 2) that this is not a question and answer session.

3. Public Hearings.

The following rules shall be observed during any public hearing: The Chair introduces the agenda item, opens the public hearing, and announces the following process:

- a. All comments by proponents or opponents of the issue being discussed shall be made from the lectern; and, any individual making comments shall first give his or her name and address as part of the official record of the public hearing. Speakers shall also be reminded to sign in on an official sign-up sheet for each public hearing as provided by the Office of the City Clerk.
- b. Individuals will be allowed three minutes to speak or five minutes when presenting the official position of a recognized organization. Each organization shall have only one five-minute presentation. Public comments shall be directed through the Chair and not to a particular Commissioner or City staff member. Written comments or evidence shall be submitted to the Deputy City Clerk to be included as part of the meeting's official record.
- c. The Chair may, with the consensus of the Commission, hold open a public hearing to allow additional time for receipt of written testimony, when needed.
- d. The Deputy City Clerk shall be the timekeeper.
- e. When all persons wishing to speak at the public hearing have done so, the Chair shall declare the public hearing closed.

D. Addressing Commission through the Chair.

No person shall be allowed to address the Commission while it is in session without recognition from the Chair.

Section 10. SUBCOMMITTEES – STANDING / SPECIAL.

A. Subcommittees - General.

The Planning Commission may establish from time to time such standing or special subcommittees, as it deems advisable and assign each subcommittee specific duties or functions. No standing or special subcommittee shall have the power to commit the Planning Commission to the endorsement of any plan or program without its submission to, and the approval of, the body of the Planning Commission. The Chairman shall take into account the interest of Planning Commission members when making appointments to these subcommittees to take advantage of a particular Planning Commission member's expertise and interest.

Subcommittees shall consist of up to three (3) Planning Commission members appointed by the Chairman. Robert's Rules of Order notes the first person appointed to subcommittees shall serve as Chair.

B. Subcommittees - Types.

1. Standing Subcommittees.

Standing subcommittees are utilized when there are issues or assignments of a broader base that may be ongoing or overlap onto several related issues of the same nature. Standing subcommittees differ from special subcommittee in that they remain in force perpetually.

The Planning Commission may request the City Council to create a special citizen advisory committee, which would assist in the conduct of the operation of the City government.

2. Special Subcommittees.

Special subcommittees shall sunset at the end of their mission, but no later than the end of one year, unless specifically continued by the Planning Commission thereafter for a specified time period.

The Planning Commission may request the City Council to create a special citizen advisory committee, which would assist in the conduct of the operation of the City government.

C. Removal of Subcommittee Members.

The Planning Commission may remove any member of any subcommittee, which it has created by a vote of a majority of all members of the Planning Commission.

D. Public Notice.

All Planning Commission subcommittee meetings will be open to the public and properly noticed pursuant to Washington State law by the City Clerk's Office. Notice of such meetings will be posted at City Hall, Lake Boren Park, on the City's website and to the local media for informational purposes.

E. Minutes.

In accordance with RCW 42.30.030, minutes of all regular and special meetings of commissions and committees, subcommittees and special committees shall be promptly recorded and such records shall be signed by the recording clerk, filed with the City Clerk's Office and open to public inspection.

F. Powers.

A committee, subcommittee or special committee shall have no powers other than advisory to the Council or to the City Manager except as specified.

Section 11. COMMISSIONER RELATIONS / INTERACTION WITH STAFF, SUBCOMMITTEES & VOLUNTEERS.

A. Administrative Interference by Commission Members.

Except for the purpose of inquiry, the Planning Commission and its members shall deal with the administrative service solely through the City Manager or designee and neither the Planning Commission nor any committee or member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

B. Administrative Complaints.

When administrative policy or performance complaints from the public are made directly to a Planning Commission member, the Planning Commission member should refer the matter directly to the City Manager for his or her action, rather than directly taking up the issue with a City employee.

C. Relations.

There will be mutual respect from both City staff and Planning Commission members of their respective roles and responsibilities. City staff shall acknowledge the Planning Commission as an advisory body to the City Council, and the Planning Commission members shall acknowledge City staff as administering the policies of the City Council.

Section 12. EFFECT / WAIVER OF RULES.

The City Council wants the Planning Commission Rules of Procedure to mirror the City Council Rules of Procedure to the extent the City Council rules can be applied to the Planning Commission. Any significant deviations from the City Council Rules of Procedure must first be approved by the City Council. The City Council periodically reviews and amends its Rules of Procedure by Resolution. Amendments of City Council Rules of Procedure immediately apply to the Planning Commission when applicable. It is the intent of the City Council that the rules of procedures be periodically reviewed as needed.