

Memorandum

To: Planning Commission

From: Lori Peckol, Policy Planning Manager, 425-556-2411
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Date: January 22, 2014

Subject: **Planning Commission Rules – proposed update**

BACKGROUND

The Planning Commission last updated its administrative rules of procedure in 2012 and City Council approved the updates via Resolution 1380 on November 20, 2012. At that time, the rules were updated to:

- Determine who presides over a meeting when the Chair and Vice Chair are not present;
- Determine a Chair and/or Vice Chair if one or both leaves office prior to term expiration;
- Allow, rather than require, the Planning Commission to receive copies of Hearing Examiner decisions; and,
- Update procedures for conduct during quasi-judicial hearings to ensure a fair and transparent hearing.

Administrative rules govern how the City's boards and commissions run their meetings. For example, they describe the general meeting format, usual meeting days, and other administrative details. The Redmond Municipal Code (RMC) requires that 1) the Planning Commission (and other specified boards and commissions) adopt a set of rules, 2) the Council approve those rules, and 3) the rules be kept on file.

At the Planning Commission retreat on March 13, 2013, Commissioners discussed meeting procedures and other administrative issues and as recommended by the City Attorney, determined that additional language should be included in the rules. Specifically, the Commission requested the administrative rules be revised to reflect the following items:

Item 1 The Commission will encourage oral testimony on an issue with a scheduled public hearing to occur at the public hearing and not under Items From the Audience. The Commission's reasoning for this is to ensure that the Commission has time to deliberate regarding proposed amendments. The City Attorney has advised that this practice is acceptable, but that this should be clearly stated in the Planning Commission's administrative rules.

Item 2 The Commission should state in its rules within the Municipal Code that it will default to Robert's Rules in the event a decision process is not otherwise identified.

Discussion - Item 1:

Commissioners decided that the current practice of requesting speakers to address the Commission during the scheduled public hearing on an issue and not during Items From the Audience should continue. They requested that the Rules be more explicit on this point, and also allow some discretion by the Chair. Further, that written testimony was acceptable any time up to the date of the public hearing and possibly after, if the period for written testimony was kept open by the Chair. The City Attorney also has advised that if comments are received after the hearing is closed for written comment, they do not have to be part of the record.

Discussion - Item 2:

RMC Title 4 provides enabling language for City boards and commissions. In Chapter 4.10 General Procedures, Sections 4.10.010 and 4.10.070 state that “all committees and boards...” shall abide by the rules of procedure as outlined in the most current edition of Robert’s Rules of Order, Newly Revised, as well as conduct meetings in accordance with Robert’s Rules. If the Commission would like to add language regarding Robert’s Rules in their administrative rules, that would be possible, however the issue is covered in the RMC.

PREPARATION FOR THE JANUARY 22, 2014 STUDY SESSION

Please review the enclosed Planning Commission Rules for discussion and possible approval at the January 22, 2104 meeting.

REVIEW SCHEDULE

The Commission will conduct its initial review on January 22, 2014; no public hearing is required for the adoption of administrative rules. Adoption by City Council is anticipated in March, 2014.

Please contact Sarah Stiteler, [sstiteler@redmond.gov](mailto:ssiteler@redmond.gov) with questions or concerns.

ENCLOSURES

- Proposed Planning Commission Rules
- Excerpt from Redmond Municipal Code

1 under “Items from the Audience”; however, the Chair may exercise discretion on this
2 issue depending on the time until the public hearing and whether the testimony will
3 provide new information, for example. Speakers on any one item, or the amount of time
4 allocated for oral comment as part of “Items from the Audience” may be limited to a
5 specified amount of time, also at the discretion of the Chair. For quasi-judicial items,
6 oral testimony may be provided only at the time of the public hearing. Written
7 testimony with regard to a proposed amendment to the Zoning Code or Comprehensive
8 Plan may be provided at any time up to the close of the public hearing. F. Relationship

Deleted: ¶

9 with City Council. The Planning Commission may occasionally attend the regularly
10 scheduled meetings of the City Council and Council committees. Members may attend on
11 a rotating basis and will report to the Planning Commission at their next regular meeting.
12 In addition, the Planning Commission will meet with the City Council on an annual basis
13 with a report of activities and progress.

14 G. Relationship with Hearing Examiner. The Planning Commission should stay
15 informed of issues brought to the Hearing Examiner at a minimum by receiving copies of
16 the Hearing Examiner’s decisions.

17 H. Time and Length of Meetings. Planning Commission meetings will begin at
18 7:00 p.m. and continue until 10:00 p.m. Continuation of meetings past 10:00 p.m. will
19 require approval of a motion by a majority of the members.

20 I. Regular Meeting Date. The Planning Commission will have regular business
21 meetings on the second and fourth Wednesday of each month and on other dates as
22 deemed necessary. Special meetings and study meetings may be held at any time and

1 location indicated in the public notices. The meetings will be held in the City Council
2 Chambers at the Redmond City Hall unless public notice is given that the meeting
3 location will be changed.

4 **II. Public Hearings.**

5 The format for public hearings conducted by the Planning Commission should be as
6 follows:

7 A. The Chair or a staff member should read or paraphrase the purpose of the
8 hearing and advise the Commission of the applicable criteria that it must consider in the
9 course of its review. The purpose of this is to advise the Commission before it receives
10 testimony of the particular items it should be considering during the course of the
11 hearing.

12 B. The hearing should begin with a staff report to the Planning Commission
13 which may include the staff's recommendation.

14 C. Commissioners should direct any questions they have at that time to the
15 staff.

16 D. The hearing should then be opened to permit the applicant to make a
17 presentation to the Planning Commission.

18 E. Questions from the Planning Commission should be directed to the
19 applicant.

1 F. At this time, the hearing should be opened to the audience as a whole. A sign
2 up list will be circulated before the meeting to determine the number of persons desiring
3 to speak, which may be weighed against the amount of time available for the public
4 hearing. A stated amount of time may be allocated to the hearing, and each person who
5 has signed up given an equal amount of time to speak, as determined by the Chair.
6 Persons who have signed up may waive their opportunity to speak to leave time for those
7 who wish additional time to speak. If the time allocated for the hearing is exhausted, the
8 hearing may be continued to another date if necessary. The sign up list shall provide the
9 name and address of speakers for the Secretary who is taking the minutes for the hearing.
10 In addition, it provides an orderly process for the calling of speakers and assures that each
11 person is given an opportunity to speak before those who have already spoken are
12 recognized again.

13 G. Each person speaking, whether it is the applicant or a member of the
14 audience, shall speak from the podium. Before speaking they should state their full name
15 and address. When all of the persons on the list have been called and have either waived
16 the opportunity to speak or have spoken, the Chair shall ask if there are any other persons
17 who desire to speak. If there are any, those persons should be allocated the same amount
18 of time as previous speakers if possible.

19 H. When everyone who wishes to speak has had an opportunity, the Chair may
20 ask if any persons who have already spoken desire to speak again if there is time
21 remaining.

1 I. Each person who speaks a second time or who responds to a question should
2 come to the podium and again re-identify themselves by name; however, restatement of
3 addresses is not necessary.

4 J. If, at the conclusion of the hearing the Chair determines that there may still
5 be additional persons wishing to speak or who may provide information, then the hearing
6 time for oral testimony or written testimony or both may be continued to a date certain in
7 the future. When members of the public have completed their testimony, and before
8 closing the hearing, the applicant or his/her representative should be given a brief
9 opportunity for rebuttal. If, upon conclusion of the rebuttal, the Chair determines that
10 there are no more questions for any member of the audience or the applicant, the hearing
11 may be closed or continued until after deliberation. Written comments for both
12 legislative and quasi-judicial items may be submitted at any time prior to the close of the
13 public hearing.

14 K. Any questions by Commission members to any member of the audience or
15 the applicant should be asked prior to the closing of the hearing. Once the hearing is
16 closed on a quasi-judicial matter, no additional testimony may be taken, and the Planning
17 Commission will be limited to questions to the staff only.

18 L. It should also be noted that proponents or opponents do have a right to
19 question persons who have given testimony at the hearing on a quasi-judicial matter.
20 These questions shall be directed to the Chair of the meeting and not directly to the
21 person who gave testimony. The Chair shall direct that person to come to the podium,
22 identify himself and give a response. At the conclusion of the response, any additional

1 questions from that person or other persons should be handled in the same manner. One
2 question at a time should be channeled through the Chair to the person whose response is
3 requested. Questions shall be limited to topics that are relevant to the issues in the quasi-
4 judicial proceeding. The Chair shall determine the relevance of all questions and may
5 order the termination of any discussion that is deemed irrelevant.

6 M. As photographs, maps, slides, letters, invoices, memorandums, petitions or
7 any other documents of any nature are presented to the Commission in connection with
8 the hearing, staff shall obtain a copy of each for the official record of the proceedings.

9 N. Commission members should be recognized by the Chair before asking
10 questions or providing other information. This allows for the Chair to specifically
11 recognize the Commission member by name who is about to speak, so that the record
12 accurately reflects who has spoken.

13 O. Commission members should avoid whispered conversations between
14 themselves during the course of the hearing. These conversations may not be audible on
15 the tape recording and may jeopardize the record of the hearing since they cannot be
16 interpreted.

17 P. During the course of deliberation following conclusion of the public hearing,
18 the Planning Commission should thoroughly discuss the pros and cons of the proposal
19 particularly in relation to the criteria to be applied, as defined by the Redmond
20 Comprehensive Plan, the Redmond Zoning Code or other guidelines as identified in the
21 Technical Committee Report.

1 Q. At the conclusion of deliberation, the Planning Commission should bring a
2 motion to the floor. If the motion is seconded, concluding discussion should follow.
3 The Chair may call upon each member to state his/her reasons for or against the
4 particular motion. At the conclusion of the discussion, the Chair should call for a vote
5 upon the motion.

6 R. At the conclusion of the vote and the announcement of the decision, the
7 Chair should close the hearing if not closed previously and should at the time advise the
8 audience that the recommendation will be submitted to the City Council, and further
9 public comment, either written or oral, will be governed by the Council's rules and
10 procedures. Once a motion has been made for a recommendation to be transmitted to the
11 City Council, any written materials received by the Planning Commission will be
12 disclosed at the next public meeting but will not be considered as part of the public record
13 on a quasi-judicial matter.

Planning Commission Rules Update
1/22/14

EXCERPTS FROM REDMOND MUNICIPAL CODE

Title 4
BOARDS, COMMISSIONS, AND COMMITTEES

Chapter 4.10
GENERAL PROCEDURES

Sections:

- [4.10.010](#) Applicability of chapter.
- [4.10.020](#) Creation/termination.
- [4.10.030](#) Appointment, removal and vacancy.
- [4.10.040](#) Qualification of board members.
- [4.10.050](#) Term of service.
- [4.10.060](#) Compensation and reimbursement.
- [4.10.070](#) Quorum.
- [4.10.080](#) Meetings.
- [4.10.090](#) Officers.

4.10.010 Applicability of chapter.

(A) Each board, commission, or committee created by the Council shall be governed by this chapter unless otherwise provided by ordinance, or rules of procedure, as allowed by the ordinance of the board. For purposes of this chapter, the terms “board,” “commission,” and “committee” have identical meanings.

(C) All committees and boards, whether temporary or not, shall comply with the relevant provisions of the code and each board’s respective rules of procedure, if allowed by ordinance, and shall abide by the rules of procedure as outlined in the most current edition of Robert’s Rules of Order, Newly Revised. (Ord. 2581 § 3 (part), 2011).

4.10.070 Quorum.

(A) All meetings shall be conducted in accordance with the current edition of Robert’s Rules of Order, Newly Revised.

Chapter 4.43 PLANNING COMMISSION

Sections:

- [4.43.010](#) Purpose.
- [4.43.020](#) Authority and duties.
- [4.43.030](#) Composition.
- [4.43.040](#) Public hearings.
- [4.43.050](#) Appointments and qualifications.
- [4.43.060](#) Term of office.
- [4.43.070](#) Vacancies.
- [4.43.080](#) Removal.
- [4.43.090](#) Rules.
- [4.43.100](#) Staff services.
- [4.43.110](#) Conflict of interest.
- [4.43.120](#) Quorum and voting.

4.43.040 Public hearings.

The Commission shall hold public hearings as required in RZC Chapter 21.76, Review Procedures. The Commission may hold additional hearings and meetings as it sees fit to conduct its business. (Ord. 2588 § 2 (part), 2011).

4.43.090 Rules.

The Commission shall adopt rules for the transaction of its business. The rules shall provide, but not be limited to, the date, time, place and format of regular meetings and hearings; a record of proceedings, reports, studies, findings, conclusions and recommendations; election of a Commission Chair and Vice Chair to a one-year term each; and a procedure for handling citizen proposals and requests for plan preparation or modification. The rules of the Planning Commission shall be approved by the City Council and kept on file with the Planning Department. (Ord. 2588 § 2 (part), 2011).