



## **TACOMA PLANNING COMMISSION**

### **RULES AND REGULATIONS (“BY-LAWS”)**

The following Rules and Regulations of the Tacoma Planning Commission were originally adopted by the Commission on July 6, 1954, and subsequently amended on January 29, 1964; April 20, 1970, July 21, 1980; September 4, 1991; August 16, 1993; August 21, 1995; May 21, 1997; June 7, 2000; October 20, 2004; November 18, 2009; December 1, 2010; August 5, 2015; June 1, 2016; December 6, 2017; August 1, 2018; and August 21, 2019. These Rules and Regulations conform to the statutory authority of the City Charter (Article III, Section 3.8 – City Planning Commission) and the Tacoma Municipal Code (TMC) (Title 13, Chapter 13.02 – Planning Commission).

The Rules and Regulations contain the following sections:

- I. Officers
- II. Advisory Committees and Task Forces
- III. Staffing
- IV. Meetings
- V. Records
- VI. Annual Report
- VII. Miscellaneous
- VIII. Rules and Regulations Amendments

#### **Section I. Officers**

- A. The Commission shall elect its own Chair, Vice-Chair, and such other officers as from time to time it may determine it requires, all of whom shall be members of the Commission.
- B. Nominations and elections of officers shall be conducted at the first meeting in September of each year or on a different date set by the Commission. New officers will assume duties after the meeting following their election.
- C. Officer Qualification Considerations – The Officers should be interested in holding the position(s); be able to devote sufficient time to Commission business and attend as many Commission meetings as possible; be prepared to make presentations to the City Council, citizens, committees, neighborhood groups, and service clubs regarding Commission responsibilities, projects, plans and policies; and have sufficient experience on the Commission to understand its role and functions and to have a basic understanding of the City's Comprehensive Plan policies and development regulations.
- D. The term of office shall be for one (1) year or until the next scheduled election. In case of any vacancy in office, the vacancy shall be filled by an election at the first regular meeting after the occurrence of such vacancy.
- E. Duties of Officers – The Chair shall preside over all meetings of the Commission. All resolutions adopted by the Commission and Commission correspondence shall be signed in his/her name as Chair of the Commission. In the event of the absence of the Chair or his/her inability to act, the Vice-Chair shall take his/her place and perform his/her duties. In the event

of the absences or inability to act of both the Chair and the Vice-Chair, the remaining members of the Commission shall appoint one of their members to temporarily act as Chair.

## **Section II. Advisory Committees and Task Forces**

- A. Advisory Committees – The Commission may establish advisory committees as it deems appropriate, following the procedures set forth in TMC 13.02.015.
- B. Task Forces – The Commission may also establish task forces as it deems appropriate to conduct extended and supplemental analyses of issues identified and defined by the Commission. Task forces are ad-hoc and issue-oriented in nature and shall not be construed to have the same organization and operation as those of “advisory committees.” A task force shall be comprised of up to four (4) members of the Commission designated by the Commission by a majority vote. Chairpersons of task forces may be designated by the Chair of the Commission. There shall not be more than two task forces operating at any given time. Task forces shall serve at the discretion of the Commission and their duties and responsibilities shall be established by the Commission. All task force meetings shall be open to the public and conducted in accordance with these rules. Task forces may not conduct public hearings.

## **Section III. Staffing**

The Long-Range Planning Division Manager and/or his/her designee (hereinafter referred to as Staff) shall organize and supervise clerical details of the Commission's business and shall be responsible to the Commission for the proper preparation and maintenance of records of meetings, hearings, official actions and all public records. Staff shall be responsible for providing such other services as may be required by the Commission within the limits of the budget for the Planning and Development Services Department as approved by the City Council.

## **Section IV. Meetings**

- A. Regular Meetings – Regular public meetings of the Commission shall be held on the first and third Wednesday of each month at 5:00 p.m. in the Council Chambers of the Tacoma Municipal Building, or in another location designated by the Commission. If the regular meeting day falls on a legal holiday, the Chair of the Commission shall fix another day therefore and give notice of said meeting as hereinafter providing for “special meetings.” The notice for any regular public meeting shall indicate the date, time, place and business to be transacted, and be distributed prior to the meeting to those individuals and organizations listed on the mailing list that shall be maintained by Staff and may be subject to the Commission's approval.
- B. Public Hearings – Public hearings conducted by the Commission shall be held in the Council Chambers of the Tacoma Municipal Building or another location designated by the Commission and indicated in the notice of hearing. The date and time of the hearing shall be determined by the Commission and indicated on the notice of hearing. Notices for public hearings shall be distributed in accordance with TMC 13.02.057. Notices shall also be mailed, prior to the hearing, to those on the mailing list as hereinabove provided, to those individuals or organizations which have indicated in writing to the Planning and Development Services Department an interest in the subject(s) of the hearing, and to other interested parties as deemed appropriate by the Commission. An additional notice shall be required for matters continued for further hearing and continued to a time, date, and place certain.

- C. Special Meetings – Special meetings of the Commission set for a time different than regularly scheduled as hereinabove provided shall be held at such times as the Commission may determine, or may be called by the Chair for any time upon the written request of three members of the Commission. Special meetings shall be open to the public. Per RCW 42.30.080, special meetings require at least 24 hours' written notice. Such notice shall indicate the date, time, place and business to be transacted. Notices of special meetings shall be distributed to the same recipients of notices for regular public meetings, to the recipients on the special press mailing list on file with the City Clerk's Office, and to other interested parties as deemed appropriate by the Commission.
- D. Quorum – A quorum for the transaction of official business shall consist of a simple majority of appointed, filled positions of the Commission, per TMC 13.02.041.
- E. Electronic Participation in Meetings – Members of the Commission may participate in a meeting through electronic communications, teleconferencing, videoconferencing, or other appropriate technology available at the meeting location that enables all persons participating in the meeting to communicate with each other simultaneously and instantaneously. Members who wish to participate in such a meeting must notify Staff before the scheduled start time for the meeting, allowing adequate time for Staff to make necessary preparations. Participation in such a meeting shall constitute presence in person at such meeting, and that presence shall count toward a quorum of the Commission for all purposes. Electronic participation in meetings shall not be used on a regular basis; it should be used to accommodate special needs of the Commission as may be determined by the Chair or to accommodate members whose physical presence at the meeting is prevented due to prior obligations, personal illness or disability, a family or other emergency, or unforeseen circumstances.
- F. Absences – Members are expected to attend Commission meetings and to fully participate in and contribute to the work of the Commission. Any member anticipating absence from a meeting should notify the Chair or Staff in advance, so that the absence may be excused by the Commission at the meeting. Any member who is absent from three consecutive meetings without being excused or six meetings in a calendar year, whether excused or unexcused, should be deemed to have forfeited the office and the Chair should recommend to the City Council that a new member be appointed to fill the unexpired term. When a member misses three meetings within a six-month period, the Chair should discuss with the member the implications of their lack of attendance and options for improvement. If the circumstances are expected to continue unimproved, the member may be asked to consider resigning from the Commission before reaching the above mentioned threshold of absences. For the purpose of this provision, "meetings" shall mean "regular meetings" as defined in Section IV.A above.
- G. Every official act taken by the Commission shall be by resolution or by motion by an affirmative vote of a majority of the quorum. In the event that a member disqualifies themselves or passes, this is to be registered as "not voting". Notwithstanding Robert's Rules of Order, the Chair shall vote on all resolutions or motions.
- H. Conduct of Meetings
  - 1. Order of Business – The following order of business may be modified for any meeting by a suspension of the rules, concurred in by a majority of the voting members present, except that consideration of matters set for public hearing must occur at or following the time indicated on the hearing notice:
    - (a) Call to Order and Quorum Call
    - (b) Approval of Agenda

- (c) Approval of Minutes
  - (d) Public Comment – The Chair shall decide whether this item will be included in the agenda, and if so, how much time will be allowed for each speaker. Public comments, if included in the agenda, must be limited to items on the agenda that are not the topic of a recent public hearing.
  - (e) Discussion Items – Matters set for public hearing shall be considered at such time as determined by the Commission and set forth in the hearing notice.
  - (f) Communication – This may include other business brought forward by Commissioners, comments by Commissioners, and comments and additional information provided by Staff.
  - (g) Adjournment
2. Conduct of Regular and Special Meetings:
- (a) The Chair shall preside over all regular and special meetings of the Commission.
  - (b) The Chair introduces the agenda items.
  - (c) Staff and/or presenters invited by staff summarize the information prepared or received by the staff responsible for the agenda item.
  - (d) The Commission considers requests and may ask questions of the staff and/or other presenters. Comments by the public on the agenda item under consideration may be permitted, but only at the discretion of the Chair.
  - (e) The Chair asks for reports from advisory committees or task forces, if appropriate.
  - (f) The Commission takes appropriate action, if an action is required.
3. Conduct of Public Hearings:
- (a) The Chair shall preside over all public hearings conducted by the Commission.
  - (b) The Chair calls the public hearing to order and announces the procedure for the public hearing as established by the Commission.
  - (c) Staff summarizes the staff report or other information prepared or received by the staff responsible for the hearing item.
  - (d) The Chair asks for reports from advisory committees or task forces, if appropriate.
  - (e) The Commission receives oral testimony.
  - (f) The Chair either closes the hearing and announces the date upon which the record of the hearing will remain open to receive additional written comments, or continues the hearing to a later date if there is a finding by the Chair that all interested parties have not been afforded an adequate opportunity to testify before the Commission or if new information is to be considered on which the Commission feels additional public testimony to be appropriate.
  - (g) At a meeting(s) subsequent to the public hearing, the Commission considers all oral and written testimony concerning the hearing item and acts to approve, disapprove, modify, or defer the decision-making until the completion of additional analyses.
- I. Open Public Meetings Act and E-mail Exchanges – E-mail exchanges between members of the Commission can constitute a violation of the Washington State Open Public Meetings Act

(OPMA), Chapter 42.30 RCW. Generally, if a majority of the members participate in an e-mail discussion of Commission business, the members are conducting a meeting in violation of the OPMA requirement that meetings must be “open to the public with prior notice.” It is suggested that Commission members observe the following guidelines to avoid OPMA problems with e-mail exchanges:

1. When possible, limit e-mail exchanges on issues related to Commission business to less than a majority of Commission members. Sending copies of an e-mail to less than a majority may not suffice if subsequent exchanges relay the content of the original exchange to a majority of members.
2. Never decide at an open meeting that a majority of the Commission will continue or complete discussion of an agenda item by e-mail.
3. One-sided (no response anticipated) informational e-mails to a majority or more of Commission members are probably consistent with the OPMA. In open meetings, the Commission members should verbally announce that they have sent this type of e-mail if it relates to the discussion at hand. Commission members are free to engage in e-mail exchanges with staff on one-sided e-mails, but not with each other.
4. E-mail exchanges on issues that the Commission will not address are consistent with the OPMA. However, if any reasonable chance exists that an issue relates to a vote that may or will come before the Commission, a majority of the Commission should not subject the issue to e-mail discussion.

## **Section V. Records**

- A. The Commission's adopted summary minutes of the public meetings and public hearings, as well as the audio recordings of these meetings and hearings as long as they are retained, shall be the official records of proceedings and be maintained by Staff consistent with state law, RCW 40.14.
- B. Supplemental records pertaining to matters of public meetings and public hearings shall be kept on file in the Planning and Development Services Department as required by law. These supplemental records may include but not be limited to the following:
  1. Description of agenda items, including all submitted information therewith.
  2. Report of the Planning and Development Services Department, Commission Advisory Committees and Task Forces on the matter as presented to the Commission at a meeting thereof, including such material submitted in writing and in map form.
  3. Written communications concerning the matter.
  4. Facts concerning the matter.
  5. Records of all actions taken by the Commission in the matter (resolutions, motions, setting of dates for hearings, etc.).
  6. Record of actions taken by the City Council in the matter (ordinances, resolutions, results of hearings, etc.).
- C. Recorded transcripts or summary minutes of all official Commission proceedings shall be filed with the City Clerk and shall be opened to public inspection.

## **Section VI. Annual Report**

Pursuant to TMC 13.02.040, the Commission shall annually report to the City Council regarding accomplishments and the status of planning efforts undertaken in the previous year, and if applicable, the outlook of planning issues for the coming year. Said report is typically prepared in July of each year and should, at the discretion of the Chair, take the form of a letter, a memorandum, a summary report or a copy of relevant minutes of the Commission's meetings, and may be posted on the City's website.

## **Section VII. Miscellaneous**

- A. Code of Ethics – Members of the Commission shall comply with the City of Tacoma's Code of Ethics pursuant to TMC 1.46 while conducting Commission business.
- B. Disclosure of Contacts – Individual members of the Commission may, but are not required to, participate in or initiate discussions with interested parties affected by issues under consideration by the Commission. Such meetings or contacts with citizens should be disclosed at the next scheduled meeting of the Commission. The intent of such disclosures in a public setting is to preserve the integrity of the Commission's process and provide a record and notice to other individuals who may also be affected or interested. If a Commissioner receives a request to meet/discuss but prefers not to do so, he/she may suggest the requesting parties to express their comments and concerns through the normal procedures, i.e., providing testimony at public hearings and/or providing comments to staff.
- C. Contact Information – The contact information of members of the Commission should be considered public information and made available for public access upon request.
- D. Conferences – Members of the Commission may attend, at their own expense, conferences, meetings and training courses closely related to Commission business.

## **Section VIII. Rules and Regulations Amendments**

The Rules and Regulations may be amended by the Commission by a majority of vote at any meeting.

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