

City of DuPont
Planning Commission Rules of Procedure

Adopted June 12, 2023

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1 **1. General Rules**

2 1.1 Meetings to be Public: The meetings of the Planning Commission
3 shall be open to the public. The journal of proceedings (minute book) shall be
4 open for public inspection.

5 1.2 Quorum: A simple majority of Planning Commission members shall
6 be in attendance to constitute a quorum and be necessary for the transaction of
7 business and for the continuation of the meeting. A tie vote on a motion to
8 approve shall constitute failure of the motion.

9 1.3 Attendance, Excused Absences: A Commissioner will be expected
10 to attend no less than 80% of all meetings in any 12-month period for which there
11 is no prearranged absence. The Mayor may waive the 80% attendance
12 requirement; however, no less than 60% of all meetings shall be attended.
13 Members of the Planning Commission may be excused by complying with this
14 section. The member shall make every effort possible to contact the Chair prior
15 to the meeting and state the reason for his/her inability to attend the meeting. If
16 the member is unable to contact the Chair, the member shall contact the City
17 staff, who shall convey the message to the Chair. The Chair shall inform the
18 Planning Commission of the member's absence, and inquire if there is a motion
19 to excuse the member. Upon passage of such motion by a majority of members
20 present, the absent member shall be considered excused and the Recorder will
21 make an appropriate notation in the minutes. If the motion is not passed, the
22 Recorder will note in the minutes that the absence is unexcused.

23 1.4 Journal of Proceedings: A journal of the Planning Commission
24 Minutes shall be kept by Staff and shall be entered in a book constituting the
25 official record of the Planning Commission.

26 1.5 Right of Floor: Any Planning Commission member desiring to
27 speak shall be recognized by the Chair and shall confine his/her remarks to one
28 subject under consideration or to be considered.

29 1.6 Rule of Order: Robert's Rules of Order Newly Revised shall be the
30 guideline procedures for the proceedings of the Planning Commission. If there is
31 a conflict, these rules shall apply.

1 **2. Types of Meetings**

2 2.1 Regular Planning Committee Meetings: The Planning Commission
3 shall meet on the 2nd Monday of each month at 6:30p.m. except for City-
4 observed holidays. Additional meetings may be scheduled by a majority vote of
5 the Planning Commission as needed.

6 2.2 Special Meetings: Special meetings may be called by the Chair or
7 any two (2) members of the Planning Commission. Staff shall prepare a notice of
8 the special meeting stating the time, place and business to be transacted. Staff
9 shall give at least 24 hours' notice of the special meeting to the official
10 newspaper of record and post the notice on the City's website and official notice
11 board. No subjects other than those specified in the notice shall be considered.
12 The Planning Commission may not make final disposition on any matter not
13 mentioned in the notice.

14 2.3 Study Session and Workshops: The Planning Commission may
15 meet informally in study sessions and workshops, at the call of the Chair or of
16 any two or more members of the Planning Commission, to review forthcoming
17 programs of the city, receive progress reports on current programs or projects,
18 receive other similar information from city department heads or conduct
19 procedures workshops, provided that all discussions and conclusions thereon
20 shall be informal and do not constitute official actions of the Planning
21 Commission. Study sessions and workshops held by the Planning Commission
22 are "special meetings" of the Planning Commission, and the notice required by
23 RCW 42.30.080 must be provided.

24 2.4 Continued and Adjourned Sessions: Any session of the Planning
25 Commission may be continued or adjourned from day to day, or for more than
26 one day, but no adjournment shall be for a longer period than until the next
27 regular meeting. Regular Planning Commission meetings shall adjourn at or
28 before 9:00PM; except that the time may be extended to a later time upon
29 approval of a motion by a Planning Commission member.

30 2.5 Planning Commission contact outside an Official Meeting:
31 Generally Planning Commission members have the same freedoms of
32 association as any other citizen. Planning Commission members must take great

1 care when present at the same social, unofficial functions, or in any public setting
2 to refrain from engaging in any activity which could be interpreted as de facto
3 deliberation or action on a matter of city business.

4 5 **3. Chair and Duties**

6 3.1 Chair: The Chair, if present, shall preside as Chair at all
7 meetings of the Planning Commission. In the chairperson's absence, the Vice-
8 Chair shall act as chairperson for that meeting. In the event that neither the
9 Chair nor Vice-Chair are present, then the most senior member present shall
10 act as the chairperson for that meeting. The chairperson or acting chairperson
11 shall be a voting member of the Commission.

12 3.2 Call to Order: The meetings of the Planning Commission shall be
13 called to order by the Chair or the acting chairperson.

14 3.3 Preservation of Order: The Chair shall preserve order and
15 decorum; prevent attacks on personalities or the impugning of members' motives
16 and confine members in debate to the question under discussion.

17 3.4 Points of Order: The Chair shall determine all points of order,
18 subject to the right of any member to appeal to the Planning Commission. If any
19 appeal is taken, the question shall be "Shall the decision of the Chair be
20 sustained?"

21 3.5 Questions to be Stated: The Chair shall state all questions
22 submitted for a vote and announce the result. A roll call vote may be taken on
23 any question.

24 3.6 Chair – Powers: The Chair may not make or second motions but
25 may vote on agenda items. It is anticipated the Chair will participate in debate to
26 the extent that such debate does not interfere with chairing the meeting. The
27 Chair will ensure compliance of these "Rules of Procedure."

28 29 **4. Order of Business and Agenda**

30 4.1 Order of Business: The order of business for all regular meetings
31 will be transacted as follows unless the Planning Commission by a majority vote
32 of the members present, suspends the rules and changes the order:

1 (1) Call to Order, Roll Call: The Chair calls the meeting to order and
2 will announce the attendance of Planning Commission Members, indicate any
3 Planning Commission Member who is not in attendance and whether the
4 Planning Commission Member has requested an excused absence. Excused
5 absences will be handled as stated in 1.3.

6 (2) Approval of Agenda. The Chair may, with the concurrence of the
7 Planning Commission Members, take agenda items out of order. Agenda items
8 may be added pursuant to Section 4.2 of these Rules.

9 (3) Approval of Minutes.

10 (4) Citizen Comment for non-agenda items. Members of the audience
11 may comment on non-agenda items. Comments are limited to the time allotted
12 by the Chair. No speaker may convey or donate his or her time for speaking to
13 another speaker.

14 (5) Old Business.

15 (6) New Business.

16 (7) Staff Update.

17 (8) Upcoming Schedule.

18 (9) Citizen Comments.

19 (10) Member Comment.

20 (11) Adjournment.

21 4.2 Planning Commission Agenda: The Chair and Staff shall prepare
22 the agenda for Planning Commission meetings. Subject to the Planning
23 Commission's right to amend the agenda, no legislative item shall be voted upon
24 which is not on the Planning Commission agenda, except in emergency
25 situations (defined as situations which would jeopardize the public's health,
26 safety or welfare). An item may be placed on a Planning Commission meeting
27 agenda by any of the following methods: 1) by any two or more Planning
28 Commission members, or 2) by Staff with the approval of the Chair.

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1 **5. Motions**

2 5.1 Motions: No motion shall be entertained or debated until duly
3 seconded and announced by the Chair. The motion shall be recorded and, if
4 desired by any Planning Commission member, it shall be read by the Recorder
5 before it is debated and, by the consent of the Planning Commission, may be
6 withdrawn at any time before action is taken on the motion.

7 5.2 Votes on Motions: Each member present shall vote on all questions
8 put to the Planning Commission except on matters in which he or she has a
9 conflict of interest. If a conflict of interest exists, such member shall disqualify him
10 or herself prior to any discussion of the matter and shall leave the Planning
11 Commission Chambers.

12 5.3 Failure to Vote on a Motion: Any Planning Commission member
13 present who fails to vote without a valid disqualification shall be declared to have
14 voted in the affirmative on the question.

15 5.4 Motions to Reconsider: A motion to reconsider must be made by a
16 person who voted with the majority on the principal question and must be made
17 at the same or succeeding regular meeting. No motion to reconsider an adopted
18 quasi-judicial written decision shall be entertained after the close of the meeting
19 at which the written findings were adopted.

20 5.5 Planning Commission Relations with City Staff

21 (1) There will be mutual respect from both City Staff and Planning
22 Commission Members of their respective roles and responsibilities when, and if,
23 expressing criticism in a public meeting.

24 (2) Planning Commission Members shall not attempt to coerce or
25 influence City staff in the selection of personnel, the awarding of contracts, the
26 selection of consultants, the processing of development applications or the
27 granting of City licenses or permits.

28 (3) No Planning Commission Member shall request Staff to initiate any
29 action or prepare any report that is significant in nature, or initiate any significant
30 project or study without the consent of a majority of the Planning Commission.
31 New initiatives having policy implications shall be directed to the City
32 Administrator for consideration.

1 (4) Individual requests for information may be made directly to the
2 Department Director unless otherwise determined by the City Administrator. If the
3 request would create a change in work assignments or City staffing levels, the
4 request shall be made through the City Administrator.

5 (5) To provide staff the necessary preparation time, Planning
6 Commission Members will provide staff advance notice of any questions or
7 concerns they may have regarding an agenda item prior to a public meeting, if
8 possible.

9 5.6 Planning Commission Representation:

10 (1) The Planning Commission is an Advisory Body to the City Council.
11 No member of the Commission should be positioned to appear on behalf of the
12 City. A Planning Commissioner who appears as a citizen to express their position
13 on an issue will clarify that their statements do not represent the City or
14 Commission's position.

15 (2) Formal actions made by the Planning Commission must be passed
16 by a majority vote of the members. Reasonable people can come to different
17 conclusions on a matter. Accordingly, in the event of Planning Commission
18 action that is intended to be the final advice or recommendation to the Mayor or
19 Council, members who cast a dissenting vote may draft a minority opinion to be
20 included in the final advice or recommendation and shall become part of the
21 record. Members may file a minority opinion either individually or collectively. The
22 opinion is an opportunity for a member, or members, to express to the elected
23 officials why they chose to vote against the agency action. Minority opinions must
24 be written and be no more than three, single-sided, typed pages with standard
25 margins in 12-point, New Times Roman font (DMC 1.18.180). Submissions will
26 be made to the Chair not later than 12:00PM the day following the meeting. The
27 Chair will forward the dissenting opinion to the Director of Public Services or his
28 or her designee for inclusion not later than 5:00PM of the same day. Because the
29 Planning Commission Meetings precede the City Council meetings by just a day,
30 it is imperative that this timeline is met in order to ensure the dissenting opinion
31 reaches the City Council with the approved Planning Commission action for
32 consideration.

1 **6. Public Hearing Procedures**

2 6.1 Definition of Public Hearing: There are two types of public hearings:
3 legislative and quasi-judicial.-In accordance with DMC 1.04.023, the powers and
4 duties of the Planning Commission are legislative in nature. Therefore, the
5 Planning Commission is enabled to conduct legislative hearings to take public
6 testimony on matters of broad policy and general applications. Citizens are
7 encouraged to comment on public hearing items.

8 6.2 Speaker Sign-In: Prior to the start of a public hearing the Chair
9 shall require that all persons wishing to be heard sign in, giving their name and
10 address, city of residence and whether they wish to speak as a proponent,
11 opponent or from a neutral position. Any person who fails to sign in shall not be
12 permitted to speak until all those who signed in have given their testimony. The
13 Chair, subject to the concurrence of a majority of the Planning Commission, may
14 establish time limits and otherwise control presentations. Suggested time limit is
15 three (3) minutes per speaker or five (5) minutes when presenting the official
16 position of an organization or group. The Chair may change the order of
17 speakers so that testimony is heard in the most logical groupings (i.e.
18 proponents, opponents, adjacent owners, etc.).

19 6.3 Conflict of Interest/Appearance of Fairness: Prior to the start of a
20 public hearing, the Chair will ask if any Planning Commission member has a
21 conflict of interest or Appearance of Fairness Doctrine concern which could
22 prohibit the Planning Commission member from participating in the public
23 hearing process. A Planning Commission member who refuses to step down
24 after challenge and the advice of Staff shall require the Chair to order the
25 Planning Commission member to step down. The Planning Commission member
26 who has stepped down shall not participate in the Planning Commission decision
27 nor vote on the matter. The Planning Commission member shall leave the
28 Planning Commission Chambers while the matter is under consideration,
29 provided, however, that nothing herein shall be interpreted to prohibit a Planning
30 Commission member from stepping down in order to participate in a hearing in
31 which the Planning Commission member has a direct financial or other personal
32 interest.

- 1 6.4 The Public Hearing Process: The Chair introduces the agenda
2 item, opens the public hearing and announces the following Rules of Order:
- 3 (1) All comments by proponents, opponents or other members of the
4 public shall be made from the podium; any individuals making comments shall
5 first give their name and address city of residence. This is required because an
6 official recorded transcript of the public hearing is being made.
- 7 (2) No comments shall be made from any other location. Anyone
8 making "out of order" comments shall be subject to removal from the meeting. If
9 you are disabled and require accommodation, please advise Staff.
- 10 (3) There shall be no demonstrations during or at the conclusion of any
11 presentation.
- 12 (4) These rules are intended to promote an orderly system of holding a
13 public hearing, to give every person an opportunity to be heard, and to ensure
14 that no individual is embarrassed by exercising his/her right of free speech.
- 15 • The Chair calls upon City Staff to describe the matter under
16 consideration.
 - 17 • The Chair calls upon proponents, opponents and all other individuals
18 who wish to speak regarding the matter under consideration.
 - 19 • The Chair inquires as to whether any Planning Commission member
20 has questions to ask the proponents, opponents, speakers or staff. If
21 any Planning Commission member has questions, the appropriate
22 individual will be recalled to the podium.
 - 23 • The Chair continues the public hearing to a time specific or closes
24 the public hearing.
- 25

26 **7. Duties and Privileges of Citizens**

27 7.1 Meeting Participation: Citizens are welcome at all Planning
28 Commission meetings and are encouraged to attend and participate prior to the
29 deliberations of the Planning Commission. Recognition of a speaker by the Chair
30 is a prerequisite and necessary for an orderly and effective meeting, be the
31 speaker a citizen, Planning Commission member or Staff member. Further, it will

1 be expected that all speakers will deliver their comments in a courteous and
2 efficient manner and will speak only to the specific subject under consideration.
3 Anyone making out-of-order comments or acting in an unruly manner shall be
4 subject to removal from the meeting. Use of cellular telephones is prohibited in
5 the Planning Commission Chambers.

6 7.2 Subjects Not on the Current Agenda: Under agenda item "Citizen
7 Comments" citizens may address any item they wish to discuss with the Chair
8 and Planning Commission. Citizens shall first obtain recognition by the Chair,
9 state their name and subject of their comments. The Chair shall then allow the
10 comments, subject to a three (3) minute limitation per speaker, or other
11 limitations as the Chair or Planning Commission may deem necessary.
12 Following such comments, if action is required or has been requested, the Chair
13 may place the matter on the current agenda or a future agenda or refer the
14 matter to staff or a Planning Commission committee for action or investigation
15 and report at a future meeting.

16 7.3 Comments and Suggestions to Planning Commission: When
17 citizen comments or suggestions are brought before the Planning Commission is
18 not on an agenda, the Chair shall first determine whether the issue is within the
19 scope of the Planning Commission responsibilities. If so, and the Planning
20 Commission finds such comment suggests a change to an ordinance of the City,
21 the Planning Commission may refer the matter to the City Administrator for
22 consideration.

23 7.4 Personal and Slanderous Remarks: Any person making personal,
24 impertinent or slanderous remarks or who shall become boisterous while
25 addressing the Planning Commission may be requested to leave the meeting
26 and may be barred from further audience before the Planning Commission during
27 that Planning Commission meeting by the Chair.

28 7.5 Written Communications:

29 (1) Interested parties, or their authorized representatives, may address
30 the Planning Commission by written communication in regard to any matter
31 concerning the city's business or over which the Planning Commission had
32 control at any time.

(2) The written communication may be submitted by direct mail or by addressing the communication to the Director of Community Development who will distribute copies to the Planning Commission members. The communication will be entered into the record without the necessity for reading as long as sufficient copies are distributed to members of the audience/public.

7.6 "Out of Order" Comments": Any person whose comments have been ruled out of order by the Chair shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from inappropriate, slanderous or otherwise disruptive remarks after being ruled out of order by the Chair may subject the individual to removal from the Planning Commission Chambers. These rules are intended to promote an orderly system of holding a public meeting and to give every person an opportunity to be heard.

8. Filling Vacancies, Selecting Chair and Removal

8.1 Filling Vacancies: If a Planning Commission vacancy occurs, the Mayor shall appoint a new member pursuant to the procedures outlined in DMC 1.04.020.

(1) Terms will be four (4) years in length commencing on January 1st of the year of their appointment or reappointment. At the end of a member's term, a former member seeking reappointment must reapply for the position. Members shall have full voting privileges until such time as their successor is appointed and seated. Two consecutive four-year terms on the Commission must be followed by a mandatory one year off.

(2) Sixty (60) days prior to the end of a member's term the Secretary shall, at a minimum, post a notice of vacancy on the City's website and official notice board. The notice shall set a deadline for the filing of letters-of-interest and additional supporting information that a candidate may wish to submit for consideration. Thirty (30) days prior to the end of a member's term the Planning Commission at a minimum shall review the letters-of-interest and additional supporting information submitted and shall forward a name to the Mayor for his consideration at a Council meeting. The Commission may, at its discretion,

1 conduct interviews of potential candidates with its recommendation to the Mayor
2 subject to the time constraints above.

3 8.2 Selecting the Chair and Vice-Chair: The Mayor shall appoint a
4 member of the Commission to serve as Chair of the Commission for the following
5 year by no later than November 30th of each year. At the January meeting of the
6 Commission, the members of the Commission shall elect a vice-chair from
7 among its membership.

8 8.3 Removal of Member: Any member of the Commission may be
9 removed during their term by the Mayor with a majority vote of the Council
10 confirming the removal in accordance with DMC 1.04.022.

11 12 **9. Suspension and Amendment of These Rules**

13 9.1 Suspension of These Rules: Any provision of these rules not
14 governed by the city code may be temporarily suspended by a vote of a majority
15 of the Planning Commission with concurrence of the Mayor.

16 9.2 Amendment of These Rules: Any provision of these rules not
17 governed by the city code may be amended or new rules adopted by a majority
18 vote of all members of the Planning Commission, provided that the proposed
19 amendments or new rules shall have been introduced into the record at a prior
20 Planning Commission meeting and received approval by the Mayor.

21 22 **10. Public Records**

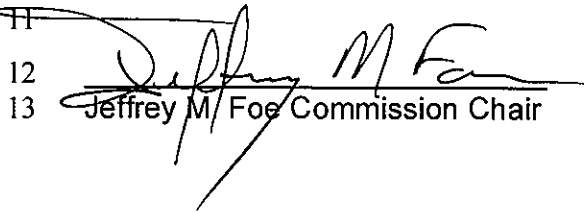
23 10.1 Public records created or received by any Planning Commission
24 Member should be transferred to Staff for retention by the City in accordance
25 with the Public Records Act, Chapter 42.17 RCW. Public records that are
26 duplicates of those received by, or in the possession of the City, are not required
27 to be retained. Questions about whether or not a document is a public record or if
28 it is required to be retained should be referred to Staff.

29 10.2 Electronic mail communications that do not relate to the functional
30 responsibility of the recipient or sender as a public official, such as meeting
31 notices, reminders, telephone messages and informal notes, do not constitute a

1 public record. All other messages that relate to the functional responsibility of the
2 recipient or sender as a public official constitute a public record.

3 10.3 Open Public Meetings Act regarding electronic mail: e-mails
4 between elected officials of a governing body can implicate the Open Public
5 Meetings Act. If discussing City business with a quorum of fellow Planning
6 Commission members via e-mail, it can constitute a meeting and all the
7 requirements for a public meeting would have to be met or a violation of the Act
8 could occur.

9
10 Adopted this 26TH day of February, 2024

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13 Jeffrey M. Foe Commission Chair