

## **BY-LAWS**

### **Of the Jefferson County Planning Commission**

#### **SECTION 1 - AUTHORITY:**

These by-laws are promulgated in compliance with the Washington Planning Enabling Act, Chapter [36.70](#) of the Revised Code of Washington (RCW), 18.05.050 of the Jefferson County Code (JCC) and Jefferson County Resolution No. [54-97](#), which resolution recognized the Jefferson County Planning Department and reconstituted a new Planning Commission.

#### **SECTION 2 - MEMBERSHIP:**

The Planning Commission shall be comprised of nine members from Jefferson County. Members of the Planning Commission shall be appointed by the Board of County Commissioners (Board) for a term of four years, which shall commence on March 18<sup>th</sup>. Each commissioner district shall be equally represented on the Planning Commission.

The chair of the Board shall appoint members to the Planning Commission with approval of a majority of the Board's members. An appointment of a member to the Planning Commission shall be made from a list of applicants who shall submit a "Letter of Intent" to the Board stating their qualifications for serving on the Planning Commission.

Vacancy(ies) on the Planning Commission shall be advertised at least twice in a legal newspaper of record having county-wide circulation. The advertisement shall encourage individuals residing in the specific commissioner district in which the vacancy occurs to apply.

Vacancies resulting from the expiration of terms of office shall be filled by appointments for a term of four (4) years. Vacancies occurring for any reason other than the expiration of a term of office shall be by appointment for the unexpired term of the office being filled.

If a Planning Commission member changes residence during a term that results in the member moving them into a different commissioner district, that member shall serve the remainder of their term. If through redistricting, a member is moved into a different commissioner district, they shall remain in office until their term expires. The vacant position in the appropriate district shall then be filled after the term expires.

The chair of the Board may remove a member of the Planning Commission after a public hearing by the Board. All Board members must approve the removal. A member

of the Planning Commission may be removed for inefficiency, neglect of duty, or malfeasance.

The chair of the Planning Commission may grant an excused absence or a leave of absence.

“Excused absence” is defined as an absence from one regular meeting.

“Leave of absence” is defined as an absence from two or more regular meetings.

Two unexcused absences in a row from regularly scheduled meetings shall be grounds for the Planning Commission to recommend to the Board that the individual member be removed from the Planning Commission.

A member granted a leave of absence by the chair of the Planning Commission is not an active member.

Only active members shall constitute the current membership of the Planning Commission.

### **SECTION 3 - MEMBER’S RESPONSIBILITIES AND DUTIES:**

The duties and responsibilities of the Planning Commission shall be as follows:

1. The Planning Commission shall not make recommendations to the Board that are inconsistent with state or local law as reflected in the Washington Constitution, the RCWs, the Washington Administrative Code (WAC), the JCC or any other Jefferson County ordinances or resolutions.
2. The Planning Commission shall not make recommendations that are inconsistent with WAC 365-196-725, which states that comprehensive plans and development regulations adopted under the Growth Management Act (Chapter [36.70A](#) RCW) are subject to the supremacy principle of Article VI, United States Constitution and of Article XI, Section 11, Washington state Constitution.
3. Because Jefferson County has created both a planning commission and planning department (Department of Community Development – “DCD”), the Planning Commission will, in accordance with RCW [36.70.040](#), assist the DCD in carrying out its duties, as outlined below.
4. The Planning Commission shall review the Jefferson County Comprehensive Plan and other planning documents to determine if the county’s plans, goals, policies, land use ordinances and regulations are promoting orderly and coordinated development within Jefferson County. The Planning Commission

shall make recommendations in cooperation with DCD concerning this to the Board.

5. The Planning Commission shall review development regulations of Jefferson County and make recommendations in cooperation with DCD regarding them to the Board.
6. The Planning Commission shall recommend priorities for and review studies of geographic subareas in Jefferson County in cooperation with DCD.
7. All other county boards, committees, and commissions shall coordinate with the Planning Commission their planning activities, as they relate to land use or the Jefferson County Comprehensive Plan.
8. The Planning Commission may hold public hearings in the exercise of its duties and responsibilities as it deems necessary.
9. The Planning Commission shall have such other duties and powers as heretofore have been or hereafter may be conferred upon the commission by Jefferson County ordinances or as directed by resolution of the Board, the performance of such duties and exercise of such authority to be subject to the limitations expressed in such enactments.
10. The Planning Commission shall report in all findings referred to it within the time line given in County Resolution #54-97, which is forty (40) days, or within such additional time as may be specified by the Board. The report of the Planning Commission shall be advisory only.

#### **SECTION 4 - OFFICERS:**

Officers of the Planning Commission shall be chair and vice chair.

Candidates for chair and vice chair shall be nominated from the floor annually at the first regular meeting in September from among its members.

The election shall take place at the next scheduled meeting unless 2/3 of active members of the Planning Commission vote at the nominating meeting to hold the election at the same meeting.

Nominations from the floor can also take place at the second/election meeting (if held). In the absence of both the chair and vice chair at a meeting or workshop, members present shall elect a temporary chair to perform those duties described by Section 5 of these by-laws.

The member elected temporary chair shall only serve as temporary chair for that meeting or workshop.

#### **SECTION 5 - OFFICERS' RESPONSIBILITIES AND DUTIES:**

The chair of the Planning Commission shall: (1) preside at all meetings and execute the agenda of such meetings in an orderly manner; and, (2) officially represent the Planning Commission before organizations or groups.

The vice chair shall officiate as chair in the chair's absence.

#### **SECTION 6 – COMMITTEES OF LESS THAN A QUORUM OF THE PLANNING COMMISSION**

When appropriate and necessary, the chair shall establish committees and appoint members to them. If made up of less than a quorum of the Planning Commission, Committees are not governed by the Open Public Meetings Act (Chapter [42.30](#) RCW) and therefore do not require public notice of committee meetings or an audio record of such Committee meeting.

#### **SECTION 7 - SECRETARY:**

The secretary shall be provided by the Planning Department. The secretary's duties shall be to record and document the proceedings of all Planning Commission meetings. No member of the Planning Commission shall be appointed secretary.

#### **SECTION 8 – STAFF AND RESPONSIBILITIES:**

The Jefferson County Planning Department shall provide staff to the Planning Commission. The designated county planning staff shall: (1) prepare for future meetings with the chair of the Planning Commission, (2) distribute agendas for meetings and workshops, (3) prepare the Planning Commission budget, (4) account for and process expenditures, (5) notify members by e-mail of workshops, and, (6) where sufficient staff resources exist, act in any other manner deemed necessary by the Planning Commission, such as providing technical advice or developing plans, studies, or reports.

#### **SECTION 9 - MEETINGS AND WORKSHOPS:**

Since the Board is required to consider its recommendations, the Open Public Meetings Act (Chapter [42.30](#) RCW) applies to any scheduled Planning Commission meeting. The Planning Commission shall follow the requirements of the Open Public Meetings Act. Any action taken in violation of the Open Public Meetings Act subjects all persons who participate in the meeting to liability under the Open Public Meetings Act. Under the Open Public Meetings Act, "action" is defined broadly to include "the transaction of

the official business ... including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions.” RCW [42.30.020\(3\)](#).

Notification to the public of all Planning Commission meetings shall be made through advertising in a legal newspaper of record with county-wide circulation. Planning Commission meetings requiring public notification include but are not limited to: (1) regular meetings, (2) special meetings, (3) public hearings, (4) workshops, and (5) committee meetings. Notification will appear at least ten (10) days prior to a public hearing. Workshops can be held on matters of discussion by approval of the Planning Commission with notice to the public. No official action shall be taken at any meetings or workshops that involve a quorum of the Planning Commission. If a meeting needs to be canceled due to a lack of a quorum, a notice shall be posted on the door of the meeting place.

The Open Public Meetings Act requires that meetings of an agency be open to the public and that no conditions precedent to attendance by the public, except for orderly conduct, may be imposed. Therefore, the Planning Commission shall not ban the use of recording devices or video cameras from the open portion of a meeting held pursuant to the Open Public Meetings Act. The Planning Commission may impose restrictions on the use of recording devices, but only to the extent necessary to preserve the orderly conduct of the meeting.

E-mails between the members addressing matters before the Planning Commission could be construed to be a virtual public meeting, particularly if there was any response to such communication. Therefore, all e-mails related to matters before the Planning Commission must be forwarded to the planning desk at [pcommissiondesk@co.jefferson.wa.us](mailto:pcommissiondesk@co.jefferson.wa.us) for appropriate distribution.

### **SECTION 10 - CONDUCT:**

Except where in conflict with these By-laws, Robert’s Rules for Small Boards, Robert’s Rules of Order Newly Revised, 11th edition, pp. 487-488 (Robert’s Rules for Small Boards) shall guide the conduct of all public meetings and hearings of the Planning Commission.

### **SECTION 11 – QUORUM:**

Under the Open Public Meetings Act, Chapter [42.30](#) RCW the Planning Commission can take no action by secret ballot. RCW [41.30.060](#).

A majority of the Planning Commission membership, being not fewer than (5) five, shall constitute a quorum for the consideration of action, with a majority vote of those present being sufficient to take action.

Comprehensive Plan Changes, Zoning Changes, By-Law Changes, Unified Development Code (UDC) changes and other site-specific approvals shall be by the affirmative vote of no fewer than (5) five members - a majority of the total membership.

### **SECTION 12 - VOTING:**

All members are entitled to one vote. A vote shall be either (1) yeah, (2) nay, or (3) abstain. An abstention per Robert's Rules for Small Boards is not counted as a nay vote. If a member recuses themselves, they shall leave the room and not take part in any of the discussion pertaining to the matter before the Planning Commission. All matters acted on shall be recorded as written motions.

The chair is a Planning Commission member and is therefore allowed one vote on all issues.

Some matters before the Planning Commission (e.g., election of officers, approval of the Planning Commission's minutes, setting dates and times for special meetings, etc.) are administrative and not quasi-judicial in nature. Such administrative matters shall be decided by a majority vote of the active members present.

### **SECTION 13 - BUDGET:**

A preliminary budget for the Planning Commission shall be prepared by the DCD. An itemized estimate of expenditures for the ensuing calendar year shall be included in the preliminary budget. The preliminary budget shall be reviewed by members of the Planning Commission at the earliest possible time so the members may express any shortcomings in the budget and make a recommendation direct to the Board to address the Planning Commission's needs.

The budget shall become final in December without further review by the Planning Commission, unless there is a substantial change. The budget and any amendments thereof shall be prepared in accordance with requirements established by the Jefferson County Auditor.

### **SECTION 14 - CLAIMS FOR EXPENDITURES:**

All claims for expenditures for operating the Planning Commission shall be made by DCD in accordance with requirements established by the Jefferson County Auditor. All claims shall be reviewed by the Director of the DCD and approved by the Board. Any requests to claim mileage, expenses for attending a conference, seminar, or similar session shall be approved by the Board.

## **SECTION 15 - REPORTS:**

Reports of official Planning Commission reviews or official recommendations shall include only that which has been approved by a majority vote of the members present as expressed in Section 11.

Drafts of reports of official Planning Commission reviews or official recommendations shall be reviewed, corrected as necessary, and adopted by a majority vote of the Planning Commission active members present.

Under exceptional circumstances, where time is of the essence, this rule may be suspended by a two-thirds majority of the Planning Commissioner members in attendance. Should this rule be suspended, the drafters of the subject report shall make a good faith effort to have the subject draft report reviewed by as many Planning Commissioner Members as feasible. Under such circumstances, such reports will be sent to the Planning Commissioner members immediately upon completion. Further, this means of adoption shall be noted on the facing page of such document.

A Planning Commission minority report may be submitted with a majority report. A minority report shall: (1) contain the concurrent opinion of two or more Planning Commission members who participated in the discussion and voted in the negative; (2) be signed by such members; (3) not contain diverging opinions; and, (4) contain an issue relating directly to the majority report with which it is submitted.

One or more business days before any minority report is submitted to the Board, a copy of such minority report shall be: (1) submitted to the Planning Commission secretary, and, (2) made reasonably available to all Planning Commission members.

The timing of minority reports shall follow the same timeline as the Planning Commission majority report and be submitted in the same Board packet. Such minority report shall be disseminated to the entire Planning Commission on the day the minority and majority reports are submitted to the Board packets.

## **SECTION 16 - AMENDMENTS:**

Amendment to these By-Laws may be made at any regular meeting of the Planning Commission, provided the following conditions have been met:

- a. The proposed change has been an item of business at the previous meeting;
- b. The proposed change has been e-mailed to the membership ten (10) days prior to the meeting considering the proposed change;
- c. The proposed change is not in conflict with the statutes which authorize the Planning Commission; and,

- d. The proposed change receives an affirmative vote of no fewer than (5) five members - a majority of the total membership.

**SECTION 17 - REPEALER**: All previous by-laws of the Jefferson County Planning Commission are hereby repealed and replaced.

**SECTION 18 - ADOPTION**: These by-laws, as amended, are hereby adopted this 5<sup>th</sup> day of August, 2020.

Jefferson County Planning Commission

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Michael Nilssen, Chair

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Nichole Allen, Secretary

Original adoption date 7/23/97; Amended Section 17 on 11/17/99 and 12/1/99; Amended Section 4 on 6/21/00; Amended Section 13 on 7/19/00; Amended Sections 12 & 13 on 5/16/01; Entire revision on 8/6/03; Amended Section 4 on 4/18/07; Amended Section 14 on 1/16/08; Amended Sections 3, 9, 10, 11, 14 & 16 on 9/3/08; Amended Sections 4 and 8 on 6/1/11; Amended Section 8 on 2/6/13. Amended Section 4 on August 5, 2020, with edits throughout by Jefferson County Prosecuting Attorney's Office September 1, 2020 (line-in/line-out preserved).