

City of West Linn

PLANNING COMMISSION

POLICIES AND PROCEDURES

Agenda. The agenda for each regular Planning Commission meeting shall be available to the public at least 10 days prior to the hearing date. Agendas for meetings called on seven days notice and work sessions shall be available the Friday immediately prior to the meeting. These requirements do not apply to **emergency** meetings scheduled with less than seven days notice.

Comment [MKT1]: Emergency meeting pursuant to ORS 192.640(3) is a meeting requiring less than 24 hours notice. A special meeting requires at least 24 hours notice.

Americans with Disabilities Act (ADA). All Planning Commission Agendas shall include the following language:

If any member of the public has a disability that would affect his/her attendance and/or participation in any and all public proceedings, which would require special accommodation, please contact the City Manager to submit requests and disability documentation.

Annual Review of Commission. The Planning Commission shall hold an annual work session at the beginning of each calendar year to review accomplishments and issues from the past year and, set goals, ~~and establish a monthly schedule of agenda items for the current year.~~

Comment [MKT2]: Quasi-judicial items make this difficult, if not impossible.

Attendance. Commissioners will make a reasonable effort to inform the Chair and the Planning Director if they are unable to attend any meeting. Additionally, the Chair will inform the Vice-Chair and the Planning Director regarding any absence by the Chair. Staff will inform the other commissioners about expected absences.

~~**Bias and Disqualification.** Any proponent, opponent, or other party interested in a quasi-judicial matter to be heard by the Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudice, personal interest, or other facts from which the party has concluded that the Commissioner will not participate and make a decision in an impartial manner. Such challenges shall be made prior to the commencement of the public hearing. The Chair shall give the challenged member an opportunity to respond. Any challenge concerning the qualifications or bias of a Commissioner by any party (who has standing) in the proceeding shall require a vote of the Commission on the challenge. The Commissioner being challenged shall not vote unless required by the law of necessity to do so. Such challenges shall be incorporated into the record of the hearing.~~

Comment [MKT3]: Council recently adopted specific findings regarding these issues that apply. It is better to rely on the findings and codify them in CDC 99.180 so that the standard applies to all quasi-judicial proceedings.

~~If the Planning Commission determines that the member is biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Commissioner who has been disqualified from participating in a decision may participate in the proceeding as a private citizen if the Commissioner is a party with standing.~~

~~**Bylaws.** Laws or rules governing the internal affairs of an organization. A regulation made by a local authority having legal effect only in the area governed by that authority.~~

Comment [MKT4]: Does not appear anywhere else in the rules.

~~**Code Subcommittee.** Prior to a public hearing on amendments to the Community Development Code, at the discretion of the Planning Commission, the Planning Commission or a Planning Commission subcommittee shall conduct a work session on the draft amendments. Any Commissioner choosing to participate in the work of the subcommittee may do so. Since a quorum (majority) of Commissioners may be present, the subcommittee meetings shall be publicly noticed and shall be open to the public. However, the subcommittee may choose at its discretion to allow or not allow public comments at code subcommittee meetings. The code subcommittee shall report its recommendations to the full Planning Commission at a public hearing for its consideration. The chair of the code subcommittee shall be the chair of the Planning Commission, or a commission member designated by the chair.~~

Comment [MKT5]: WLMC 2.075(6) does not allow an advisory board, committee or commission appoint an outside advisory committee or an ad hoc subcommittee. Council approval is required for subcommittees.

Commission Rules. The Commission shall review its rules as needed and at least once every year. Amendments shall be adopted by a majority vote. The Commission has an obligation to be clear and simple in its procedures and consideration of the questions coming before it. The Commission rules are not intended to replace or supersede any applicable federal or state laws or regulations, City ordinances or policies, or provisions of the City Charter.

Communication with Staff. Commissioners shall respect the separation between policy-making and administration by:

- Limiting inquiries and requests for information from staff or department heads to those questions that may be answered readily or with only the most minimal of research. Questions of a more complex nature that require more than one hour of staff time shall be addressed to the Planning Director. ~~Questions requiring significant staff time or resources (one hour or more) shall require the approval of the Chair or the majority approval of the Commission by resolution. All written information given by staff to one Commissioner should be distributed to all the Commissioners.~~
- Limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the authority of supervisors, or to prevent the full Commission from having benefit of any information received. However, questions relating to factual issues regarding quasi-judicial land use hearings are

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encouraged so as to alert staff to significant issues important to the Planning Commission acting as a quasi-judicial hearing body, and allow staff to research these issues and be prepared with answers at the hearing.

- Respecting roles and responsibilities of staff when ~~and if~~ expressing criticism in a public meeting or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of Commission members.

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All informational material of major significance requested by individual Commissioners will be submitted by staff to the entire Commission with a notation indicating which Commissioner requested the information.

As a demonstration of mutual respect, professionalism and courtesy between Commission and staff, written or oral communication should use formal business address in most instances. ~~Commissioners should refer to staff either as Mr. or Mrs./Ms. followed by their last name or by their job title. Staff should refer to Commissioners as Mr./Mrs./Ms followed by their last name or Commissioner or Chair as appropriate.~~ By mutual consent, individual Commissioners and staff members may choose to address each other more informally. The overall policy should, however, be one of professional courtesy.

Conferences and Seminars. Members of the Commission are urged to educate themselves about local land use and planning. To that end, Commissioners are urged to attend conferences, training seminars, or meetings. Such educational opportunities shall be approved by the Planning Commission, subject to budgetary constraints. Upon the Commissioner's return from attending a conference, training seminar, or meeting, the Commissioner will give a brief oral report to all members of the Commission unless the majority attended the same function, or if requested by any Commissioner who did not attend the conference, training seminar, or meeting.

~~**Conflict of Interest.** Generally, conflicts of interest arise in situations where a Commissioner, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Commission. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Commissioner, a relative, or a business with which the Commissioner is associated. A potential conflict of interest is one that could be to the private financial benefit of the Commissioner, a relative or a business with which the Commissioner is associated. A relative means the spouse, children, siblings, or parents of the public official. A Commissioner must publicly announce potential and actual conflicts of interest, and, in the case of actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue unless allowed by state law.~~

Comment [MKT6]: This is repetitious of state law and CDC 99.180(C). It is better not to repeat provisions in multiple locations, which can lead to conflicts between provisions and require multiple updates when state law changes.

Discussion. During discussion phases of Commission deliberations, individual Commissioners shall request recognition by the Chair to speak by use of the electronic light system within the hearing room, or by other organized method determined by the Chair if the light system is non-operational or unavailable. The Chair should recognize

individual commissioners requesting to speak in the chronological order of the request, while ensuring that each Commissioner has an opportunity to speak.

Emergency Meetings. In the case of an emergency, an emergency meeting may be called by consent of all available Commissioners upon such notice as is appropriate to the circumstances. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours notice. The City shall attempt to contact the media and other interested persons to inform them of the meeting.

Exhibits. Exhibits presented before the Commission in connection with its deliberations on a legislative, quasi-judicial, or other substantive matter shall be accepted by the Commission and made part of the record. ~~The exhibit shall be marked for identification and referenced in the minutes. The exhibit or a copy thereof shall be provided to the meeting recorder.~~

Comment [MKT7]: This requires retention and maintaining a copy; so, there is no need to include the specifics. It is likely not uncommon that exhibits, especially larger exhibits, are not marked until the record is completed.

~~**Ex Parte Contacts and Disqualification.** For quasi-judicial hearings, Commissioners will endeavor to refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts are those by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. Ex parte contacts can be made orally when the other side is not present, or they can be in the form of written information that the other side does not receive.~~

Comment [MKT8]: This is covered thoroughly by state law, the CDC, and the Council's most recent findings; thus, it should be removed from the rules to eliminate inconsistencies.

~~If a Commissioner has ex parte contact prior to any hearing, the Commissioner will reveal this contact at the meeting and prior to the hearing. The Commissioner shall describe the substance of the contact and the contact and the presiding officer shall announce the right of interested persons to rebut the substance of the communication. The Commissioner also will state whether such contact affects the Commissioner's impartiality or ability to vote on the matter. The Commissioner must state whether he or she will participate or abstain.~~

~~For quasi-judicial hearings, a Commissioner may be disqualified from the hearing by a majority vote of the Commission. The Commissioner disqualified shall not participate in the debate, shall step down from the dais for that portion of the meeting, and cannot vote on that motion.~~

~~For quasi-judicial hearings, a Commissioner who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the Commissioner has reviewed all the evidence and testimony received.~~

~~While a site visit is an ex parte contact, Commissioners are encouraged to make such visits and take a detailed look at the site, under the condition that: 1) the Commissioner shall not discuss his or her visit with any party; and, 2) the Commissioner shall disclose the visit and any observations made at the public hearing.~~

~~**Filling Vacancies on the Commission and Election of Officers.** (See attached Exhibit "A," Municipal Code section for Planning Commission.)~~

Comment [MKT9]: There is no exhibit A, and there is no need to repeat something that is in the WLMC.

Flags, Signs, and Posters. No flags, posters, placards or signs, unless authorized by the Chair, may be carried or placed within the Council chambers in which the Commission is officially meeting. This restriction shall not apply to arm bands, emblems, badges, or other articles worn on personal clothing or individuals, provided that such devices do not interfere with the vision or hearing of other persons at the meeting or pose a safety hazard.

Government Standards and Practices Commission Requirements and Reporting.

Commissioners shall review and observe the requirements of the State Ethics Law (ORS 244.010 to 244.390) dealing with use of public office for private financial gain.

Commissioners shall give public notice of any conflict of interest or potential conflicts of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Commissioners shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Commission. This general obligation includes the duty to refrain from:

1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
2. Making decisions involving business associates, customers, clients, and competitors.
3. Repeated violations of Commission Rules.
4. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers, or friends.
5. Seeking employment of relatives with the City.
6. Actions benefiting special interest groups at the expense of the City as a whole.
7. Expressing an opinion that is contrary to the official position of the Commission without so stating.

In general, Commissioners shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Commission and abiding by all decisions of the Commission, whether or not the member voted on the prevailing side.

In accordance with ORS 244.195, it is the Commissioner's responsibility to file annual statements of economic interest with the Government Standards and Practices Commission. Each year, on or around April 1st, Commissioners will be sent a Statement of Economic Interest form from the Government Standards and Practices Commission. Commissioners should complete the form and return it directly to the

Government Standards and Practices Commission. It is important to complete the form in a timely manner; failure to do so may result in the imposition of a civil penalty and/or removal from office. Commissioners are also responsible for filing a Supplemental Statement of Economic Interest with the Government Standards and Practices Commission within 30 days of leaving office.

Legal Advice. Requests to the City Attorney for advice requiring legal research shall not be made by a Commissioner except with the concurrence of the majority of the Commission or of the Chair. Before requesting research or other action by the City Attorney, the Commission is encouraged to consider consulting with the Planning Director to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Commission meeting, a Commissioner should make requests of the City Attorney through the Planning Director or City Manager.

Meeting Staffing. The Planning Director or his/her designee will attend all Commission meetings, when necessary, unless excused. The Planning Director may make recommendations to the Commission and shall have the right to take part in all Commission discussions but shall have no vote. The City Attorney or his/her designee will attend all regular Commission meetings when necessary and will, upon request, give an opinion, either written or oral, on legal questions. ~~The City Manager shall designate a staff or contract person as a meeting recorder who will attend all Commission meetings and keep the official journal (minutes) and perform such other duties as may be needed for the orderly conduct of meetings.~~

Meeting Times. The Commission shall meet regularly in the Council Chambers on the first and the third Wednesday of each month at 6:30 p.m. for a regular meeting or work session, open to the public, ~~which~~ Work sessions may be followed by a regular Commission meeting, ~~beginning at 7:00 p.m.~~ Commission meetings that exceed three and a half hours in length shall be continued to the next scheduled meeting unless extended by majority vote of the Commission. After approximately 90 minutes in session, the Commission will break for 10 minutes. The Commission may schedule special meetings as needed at its discretion.

Minutes. Minutes shall be prepared with sufficient detail to meet their intended uses. Verbatim minutes are not required unless requested and approved by the Commission.

The minutes of meetings of the Commission shall comply with provisions of ORS 192.650 by containing the following information at a minimum:

1. The names of Commissioners and staff present.
2. All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition.
3. The results of all votes and the vote of each member by name;

4. The substance of the discussion on any matter.
5. Reference to any document discussed at the meeting.

The Commission may amend the draft minutes to correct any factual errors in them. Upon receipt of the minutes in the Commission agenda packet, the Commission members should read and have ready in writing any changes to the minutes. The Commission will discuss and vote on any changes at its next earliest meeting, including work sessions. After any changes are approved, the City Manager (or his/her designee) will prepare a final draft copy of the minutes that will be voted on at a subsequent meeting. Once the final draft is adopted, under no circumstances shall the minutes be subsequently changed except by unanimous vote of the Commission.

Motions. When a motion is made, it shall be clearly and concisely stated by its mover. Commissioners are encouraged to exercise their ability to make motions and to do so prior to debate in order to focus discussion on an issue and speed the Commission's proceedings. The Presiding Officer will state the name of the Commissioner who made the motion and the name of the Commissioner who made the second. When the Commission concurs or agrees to an item that does not require a formal motion, the Presiding Officer will summarize the agreement at the conclusion of discussion. The following rules shall apply to motions during proceedings of the Commission:

- A motion may be withdrawn by the mover at any time without the consent of the Commission.
- If a motion does not receive a second, it dies. Certain motions can proceed without a second, including nominations, withdrawal of motion, and agenda order.
- A motion that receives a tie vote fails.
- A motion to postpone to a certain time is debatable and amendable, and may be reconsidered at the same meeting. The question being postponed shall be considered at a later time at the same meeting or at a set specified time in the future. A motion to postpone is both debatable and amendable.
- A motion to call for the question shall close the debate on the main motion and is not debatable. This motion must receive a second and fails without a majority vote. Debate is reopened if the motion fails.
- A motion to amend can be made to a motion that is on the floor and has been seconded. An amendment is made by inserting or adding, striking out, striking out and inserting, or substituting.
- Motions that cannot be amended include motion to adjourn, agenda order, lie on the table, reconsideration, and take from the table.

- A motion to amend an amendment is in order.
- Amendments are voted on first, then the main motion as amended.
- Commission will discuss a motion only after the motion has been moved and seconded.
- The motion maker, presiding officer, or meeting recorder should repeat the motion prior to voting.
- The Commission Chair will originate all procedural motions.
- A motion to continue or close a public hearing is debatable.
- A point of order, after being addressed by the presiding officer, may be appealed to the body.

News Media. The Commission recognizes the important role of the news media in informing the public about the decisions, activities, and priorities of government. Workspace shall be reserved for members of the press at Commission meetings so that they may observe and hear proceedings clearly. The terms “news media,” “press,” and “representative of the press” for the purpose of these rules are interchangeable and mean someone who:

Represents an established channel of communication, such as a newspaper or magazine, radio or television station; and regularly reports on the activities of government or the governing body.

It is inappropriate to comment to the news media or through any communications medium on an issue before or during the decision-making process, especially if the issue is a quasi-judicial matter.

Order and Decorum. A law enforcement officer of the City may be sergeant-at-arms of the Commission meetings. The sergeant-at-arms shall carry out all orders and instructions given by the Chair for the purposes of maintaining order and decorum at the Commission meeting. If the sergeant-at-arms determines that the actions of any person who violates the order and decorum of the meeting constitutes a violation of any provision of the West Linn Municipal Code, the sergeant-at-arms may place such person under arrest and cause such person to be prosecuted under the provisions of the Municipal Code, or take other appropriate action as outlined in the West Linn Official Police Manual Revised.

Any of the following shall be sufficient cause for the sergeant-at-arms to, at the direction of the Chair, or by a majority of the Commission present, remove any person from the Commission chamber for the duration of the meeting:

1. Use of unreasonably loud or disruptive language.

2. Making of loud or disruptive noise, including applause.
3. Engaging in violent or distracting action.
4. Willful injury of furnishings or of the interior of the Commission chambers.
5. Refusal to obey the rules of conduct provided herein, including the limitations on occupancy and seating capacity.
6. Refusal to obey an order of the Chair or an order issued by a Commissioner that has been approved by a majority of the Commission present.

Before the sergeant-at-arms is directed to remove any person from a Commission meeting for conduct described in this section, that person shall be given a warning by the Chair to cease his or her conduct. If a meeting is disrupted by members of the public, the Chair or a majority of the Commission present may declare a recess and/or order that the Council chamber be cleared.

Order of Business. The Chair shall have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:

- A. Call to Order.
- B. Minutes
- C. Community Comments
- D. Public Hearings
- E. Report from the Planning Director/Staff
- F. Business from the Planning Commission

Planning Commission Testimony. The Planning Commission was established in compliance with state statute to make recommendations to the City Council on general land use issues and to act as a hearing body for the City. In an effort to maintain the impartiality of the Planning Commission, especially in cases where issues can be remanded by the City Council back to the Planning Commission for review, the following rules are established. For legislative land use matters before the Council, Commissioners may testify as a Commissioner, as a Commissioner representative if so designated by the Commission, or as a citizen. For quasi-judicial hearings or petitions for review before the Commission, Commission members, who have participated in the preceding Commission decision, may not testify before the Council on the respective matter.

Presiding Officer. The Chair shall be the Presiding Officer and conduct all meetings, preserve order, and enforce the rules of the Commission. The Vice-Chair shall preside in the absence of the Chair and shall receive and organize public testimony forms received during the meeting. The Presiding Officer shall not be deprived of any of the rights and privileges of a Commissioner, ~~except that the Presiding Officer may only vote to break a tie.~~ In case of the absence of the Chair and the Vice-Chair, the Planning

Director shall call the meeting to order and the Commission shall elect a chairperson for the meeting by majority vote.

Public Comment. At the beginning of each regular meeting the Commission shall designate a time for Public Comment, which shall be reserved for citizens to address the Commission on matters related to City planning and other land use issues for the Commission's consideration. Persons wishing to speak shall be allowed to do so only after completing the form provided. Time is limited to five minutes for each speaker.

Comment [MKT10]: Each meeting would include all work sessions and special meetings. Last year the Commission held a number of special meetings, and I do not recall public comment being on all of those agendas. Modifying it in this way allows the Commission the flexibility to have or not have public comment at special meetings or work sessions at the discretion of the Commission.

~~Each Commissioner shall have five minutes at each meeting that may be allocated to those speaking at Public Comments. The Commissioner may divide this time as he sees fit (provided that each increment of time is no shorter than one minute). The Commissioner will inform the Chair that a speaker can have "x" number of that Commissioner's minutes. The Vice Chair will keep track of the expenditure of each Commissioner's minutes. When a Commissioner has expended his/her minutes, he shall not receive more that meeting. Unused minutes do not carry over to the next meeting. Speakers may request that one or more Commissioners extend them minutes, but the Commissioners are under no obligation to do so.~~

Comment [MKT11]: I do not think I have seen this happen in my time here at the City. This could subject the City to content and viewpoint discrimination claims.

The purpose of the Public Comment period is to provide citizens an opportunity to be heard by the Commission primarily on issues not on the agenda. Commissioners should refrain from engaging speakers in debate or extended dialogue, or directing questions to staff for immediate response. Commissioners should refer complaints or questions to the Planning Director or the appropriate staff person for a follow-up report at a future meeting.

Public Testimony at Hearings. Each person addressing the Commission shall first complete a testimony form and give it to the meeting recorder or Vice-Chair prior to discussion of an item on the agenda.

When called by the Commission Chair, those wishing to address the Commission shall come to the designated area and state their name and ~~City of residence address~~ in an audible tone. They shall limit their remarks to five minutes unless the Commission decides prior to a particular agenda item to allocate more or less time. They should address all remarks to the Commission as a body and not to any member thereof. ~~Each Commissioner shall have 10 minutes at each meeting that may be allocated to those speaking on agenda item(s). The Commissioner may divide this time as he/she sees fit (provided that each increment of time is no shorter than one minute). The Commissioner will inform the Chair that a speaker can have "x" number of that Commissioner's minutes. The Chair will keep track of the expenditure of each Commissioner's minutes. When a Commissioner has expended his/her minutes, he shall not receive more that meeting. Unused minutes do not carry over to the next meeting. Speakers may request that one or more Commissioners extend them minutes, but the Commissioners are under no obligation to do so.~~

Comment [MKT12]: Same as above.

No person, other than the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Chair. During all hearings, questions and comments from the public shall be permitted at the discretion of the Chair. No member of the public will be allowed to speak more than once on a particular agenda item, unless requested by the Chairman, except that an applicant in a quasi-judicial hearing shall have the right to rebut all comments from the public, commission, or staff pursuant to specific rules set forth for such rebuttal.

At the conclusion of an individual's testimony, a member of the public may be questioned by individual commissioners regarding their testimony. Questions from the Commission should be for the purpose of ascertaining additional facts and opinions from the public, not for argument or dispute. The Chair shall have the authority to set a time limit for responses to questions should such a limit become necessary.

~~The Commission shall maintain a forum allowing citizens to exercise their right of freedom of speech regarding City-related issues, policy, and Commission decisions.~~

Any person making personal, offensive, or slanderous remarks, or who become boisterous, threatening, or personally abusive while addressing the Commission may be requested to leave the meeting. The Chair has the authority to preserve order at all meetings of the Commission, to cause the removal of any person from any meeting for disorderly conduct, and to enforce the rules of the Commission. The Chair may request the assistance of Sergeant-at-Arms to restore order at any meeting.

Public Comment at Prehearing Meetings, Briefings and during Deliberations.

Public comment will not be accepted during the Planning Commission's prehearing meetings and briefings or during deliberations subsequent to the close of a public hearing, with the exception that the Chair and Commissioners may ask questions of people in attendance at such meetings.

Public Hearings.

Conducting Legislative Hearings:

1. The Chair shall announce prior to each public hearing the nature of the matter to be heard as it is set forth on the agenda.
2. Discussion of conflict of interest of the West Linn City Commission and Commissioners.
3. ~~The Chair will call for the staff report.~~
4. The Chair will ~~then~~ declare the hearing to be open and invite testimony to be heard in the following order:
 - a. Staff report of topic, including any correspondence received.

- ~~b. Persons wishing to speak on the matter (5 minutes each, unless otherwise modified by the Commission in support.~~
- ~~b. Persons wishing to speak on the matter in opposition.~~
- ~~c. Persons wishing to speak on the matter who are neutral.~~
- ~~d. The Chair will call for additional staff comments. Written testimony received.~~

5. Close the public hearing.

6. Commission deliberation and vote.

Conducting Quasi-Judicial Hearings: Conduct of quasi-judicial hearings shall conform to the requirements of ORS 197.763 and the West Linn Community Development Code including, but not limited to the following:

1. The Chair shall announce prior to opening the hearing the nature of the matter to be heard as it is set forth on the agenda and the procedure to be followed for the hearing.
2. The Chair shall give notice that failure to address a criterion or raise any other issue with sufficient specificity precludes an appeal to the Land Use Board of Appeals on that criterion or issue.
3. Discussion of jurisdiction and impartiality of the West Linn City Commission and Commissioners.
4. Staff report on the application (including summary of additional correspondence) and initial Commission questions for staff.
5. Applicant's presentation.
6. ~~Public testimony in support of the application.~~
- ~~7. Testimony in opposition to the application. Staff response, if necessary.~~
- ~~8. Neutral testimony.~~
9. Applicant's rebuttal testimony.
10. Questions from the Commission to staff ~~and staff response to testimony.~~
11. Closure of public hearing, no further information from the public.
12. ~~Initial polling of the Commission to enable the Commissioners to express their thinking and any concerns.~~

Comment [MKT13]: I recommend deletion because this is covered in WLMC 98.120(B), but if deletion does not occur the edits shown are suggested.

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- ~~13. Open discussion by Commission, including, but not limited to, making of a motion, deliberation, and decision.~~
- ~~14. The Chair asks the Commissioners if they want 5 to 10 minutes for individual reflection. If so, the Chair provides such time. The Commissioners will remain at the dais.~~
- ~~15. The Chair will call for a motion. The motion will be followed by discussion and a vote. When voting, the Commissioners will explain their rationale.~~
16. The Commission shall adopt findings employing staff and the City Attorney as necessary in the preparation and adoption of the findings. The Commission may, at its discretion, direct the Chair to sign the decision and findings, or it may continue the hearing to consider a draft decision and findings at a subsequent date.

If there are objections to the jurisdiction of the City Commission to hear a matter, the Chair shall terminate the hearing if the inquiry results in substantial evidence that the Commission lacks jurisdiction, or the procedural requirements of any code or ordinance provision were not met.

The Commissioners should avoid conduct during a hearing that can be construed or misinterpreted as conducting private deliberations shielded from public view.

Public Records. The disposition of public records created or received by Commissioners shall be in accordance with Oregon Public Records Law. Written information incidental to the official duties of a member of the City Commission, including electronic mail messages, notes, memos, and calendars (e.g., “day timers”) are public records and are subject to disclosure under the Public Records Law.

Questioning of Staff by Commission Members. As a general rule, during Commission meetings Commission members will address questions of staff to the Planning Director. However, if a member of staff is at the meeting specifically to provide special knowledge or expertise, a Commissioner may direct his/her question directly to that person.

Quorum. The quorum requirement for the conduct of Commission business is a majority of members of the Planning Commission. If a Planning Commissioner is disqualified from voting for any reason, steps down from the dais, and remains in the room, then they shall be still considered as part of the quorum even though not voting.

Reconsideration of Actions Taken. A member who voted with the majority may move for a reconsideration of an action at the same meeting. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commission.

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Representing the City. When a member of the ~~City~~ Commission represents the City before another governmental agency, ~~before a~~ community organization, or ~~the~~ media, the official should first indicate the majority position of the Commission. Personal opinions and comments may be expressed only if the Commissioner clarifies that those statements do not represent the position of the Commission.

Roberts Rules of Order. On any matter or issue not addressed by these Planning Commission rules, Roberts Rules of Order shall apply.

Speaking by Commission Members. Any Commissioner desiring to be heard shall be recognized by the Chair, but shall confine his or her remarks to the subject under consideration or to be considered. Commissioners will be direct, candid, and professional in speech and demeanor. Commissioners will speak one at a time, allowing one another to finish.

Suspension of Rules. These rules may be suspended upon an affirmative vote of the majority of a quorum of the Commission. Suspension of the rules should only occur in cases of extreme necessity and for no other reason.

Televising of Commission Meetings. Televising of Commission Meetings shall be accomplished pursuant to the adopted policies of the City Council and the City Manager.

Voting. Every Commissioner, when a question is taken, shall vote unless a majority of the Commission present, for special reason, shall excuse said person. All votes shall be taken by a roll call. A vote may be yes ~~or~~; no, ~~or an abstention~~.

No Commissioner shall be permitted to vote on any subject in which he or she has a conflict of interest.

The concurrence of a majority of the Commission members qualified to vote shall be necessary to decide any question before the Commission. The meeting recorder shall call the roll, alternating the order of members called. The Chair, in all instances, shall vote last, ~~and may only vote to break a tie vote among the other Commission members qualified to vote.~~

Work Sessions. Work sessions of the City Commission shall be held in accordance with the Oregon Public Meetings Law (ORS 192.6-710). Whenever circumstances require such a session, it shall be called by the Chair, Planning Director, or two Commissioners.

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