

Planning Commission Policies and Procedures

The Commission will abide by all applicable federal, state, and local laws and regulations, including specifically the:

- legislative procedures in CDC Chapter 98, and
- quasi-judicial procedures, exparte communications, bias, conflict of interest and disqualification provisions in CDC Chapter 99.

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 meetings scheduled with less than seven days 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 to review accomplishments and issues from the past year and review and consider goals.

Attendance. Commissioners will make a reasonable effort to inform the Chair and the Community Development Director and or his/her designee (“Community Development Director”) if they are unable to attend any meeting. Additionally, the Chair will inform the Vice-Chair and the Community Development Director regarding any absence by the Chair.

Bias and Disqualification. See CDC Chapter 99.

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 do not 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 likely to require more than one hour of staff time shall be addressed to the Community Development Director.
- 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 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 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.

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. 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. See CDC Chapter 99.

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.

Exhibits. Exhibits presented to the Commission in connection with its deliberations on a legislative, quasi-judicial, or other substantive matter shall be given to staff.

Ex Parte Contacts and Disqualification. See CDC Chapter 99.

Flags, Signs, and Posters. No flags, posters, placards or signs 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.

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 Community Development 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 Community Development Director or City Manager.

Meeting Staffing. The Community Development Director will attend all Commission meetings unless excused by his/her supervisor. The Community Development 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 regular Commission meetings, unless excused by the Community Development Director or his/her supervisor. The City Attorney will, upon request, give an opinion, either written or oral, on legal questions.

Meeting Times. The Commission shall meet regularly in the Council Chambers on the first and the third Wednesday of each month at 6:00 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 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. Public Comment
- D. Public Hearings
- E. Report from the Community Development 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, enforce the rules of the Commission, and vote last on all matters. 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. In case of the absence of the Chair and the Vice-Chair, the Community Development 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 or work session 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.

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 Community Development 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 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.

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.

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 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 receive 5 minutes each, unless otherwise modified by the Commission.
 - c. The Chair will call for additional staff comments.
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 and initial Commission questions for applicant.
6. Public testimony.
7. Staff response, if necessary.
8. Applicant's rebuttal testimony.
9. Questions from the Commission to staff.
10. Closure of public hearing, no further information from the public.
11. Discussion by Commission, including, but not limited to, polling, making of a motion, deliberation, and decision.
12. 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 Community Development 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.

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.

Representing the City. When a member of the Commission represents the City before another governmental agency, 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; however, a member may abstain on some procedural matters, such as election of officers or approval of minutes.

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.

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, Community Development Director, or two Commissioners.