

RESOLUTION NO. 25-01

A RESOLUTION OF THE CITY OF OAK HARBOR AMENDING THE BYLAWS OF THE OAK HARBOR PLANNING COMMISSION

WHEREAS, the Oak Harbor Planning Commission was created by Ordinance No. 78 (January 6, 1953) as an advisory board to the Mayor and City Council to perform all duties specified by Chapter 35A.63 RCW, together with any other duties specified by the City Council or state law; and

WHEREAS, the Planning Commission, as approved by City Council, has adopted its Planning Commission Bylaws and Rules of Procedure ("Planning Commission Bylaws"); and

WHEREAS, the Planning Commission reviewed proposed amendments to the Planning Commission Bylaws on December 17, 2024; and

WHEREAS, the City Council considered the proposed amendments to the Planning Commission Bylaws on October 23, 2024; and

WHEREAS, the City Council agrees it is in the best interest to revise the Planning Commission Bylaws;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OAK HARBOR, WASHINGTON as follows:

Section One. Amending Bylaws. The City hereby adopts by reference and incorporates herein the attached Oak Harbor Planning Commission Bylaws, attached hereto as Exhibit A and fully incorporated herein.

Section Two. Severability. If any provision of this Resolution or its application to any person or circumstances is held invalid, the remainder of the Resolution or the application of the provision to other persons or circumstances is not affected.

Section Three. Effective Date. This Resolution shall be in full force and effect on January 7, 2025.

PASSED by the City Council and approved by its Mayor this 7th of January 2025.

CITY OF OAK HARBOR



Ronnie D. Wright, Mayor

Attest:



Julie Nester, City Clerk

Approved as to form:



Hillary Evans, City Attorney

**City of Oak Harbor
Planning Commission
Bylaws and Rules of Procedure**

City of Oak Harbor Ordinance No. 78 approved January 6, 1953, and codified as Chapter 18.04 OHMC, created the City of Oak Harbor planning commission.

1. Name. The official name shall be "Oak Harbor planning commission" and may be referred to as the "planning commission." The planning commission shall report directly to the mayor or their designee.

2. Purpose. The planning commission shall perform each and all of the duties specified by Chapter 35A.63 RCW, together with any other duties specified by the city council or state law. The exercise of such authority under law is subject to all of the limitations expressed in such legislative enactment or enactments. The planning commission is charged with the following functions:
 - a. To keep current a comprehensive plan for the city of Oak Harbor which has been adopted by the city council as an official guide to the public and private uses of land.
 - b. To prepare city legislation that will implement the purposes of the comprehensive plan.
 - c. To review the capital improvement programs each year for consistency with the general plan.
 - d. To recommend to the city council plans for regulation of the future growth, development, and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds, vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants' sanitation, proper service of all public utilities and transportation facilities.
 - e. To recommend to the city council plans for promotion, development, and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits.
 - f. To encourage industrial settlement within the municipality.
 - g. To study needs of existing local industries with a view to the strengthening and developing local industries and stabilizing employment conditions.
 - h. To do and perform all other acts necessary or proper to carry out the provisions of the 1935 Planning Enabling Act as amended.

1. To study and propose in general such measures as may be advisable for the promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the city and of the area within the comprehensive land use map for the city of Oak Harbor.
3. Membership -Appointment, attendance, and vacancies. Appointment. Planning commission members shall be appointed, and terms of office shall be as provided in Chapter 2.65 OHMC.
 - a. The planning commission consists of seven (7) members appointed by the mayor and confirmed by the city council.
 - b. There may be one (1) ex-officio councilmember and/or subject matter expert. This will be a non-voting position and their attendance does not count towards a quorum.
 - c. There shall be one (1) student representative from the local high school. This will be a non-voting position and does not count towards a quorum.
 - d. The mayor, or their designee, will interview qualified applicants for appointment before being confirmed by the city council.
 - e. The mayor, or designee, shall appoint a primary staff liaison, staff support, and a recording secretary to this commission. Remote Attendance.
4. Remote. Attendance by a Commissioner who is not able to physically be present, whether for all or part of a meeting, is allowed as needed subject to the following:
 - a. Notice: A Commissioner shall contact the Chair and the Staff Liaison at least one day prior to the meeting for which they will attend remotely or as soon as possible due to an emergency. After the Staff Liaison has called the roll at a meeting, the Chair shall indicate any Commissioner attending remotely, which will be noted in the minutes. If joining after roll call, the Staff Liaison shall note the time the Commissioner joined and, if before adjournment, when the Commissioner left in the minutes.
5. Remote Attendance Requirements:
 - a. Remote attendance by a Commissioner shall be through the City's preferred teleconferencing platform.
 - b. A Commissioner's camera should be turned on when participating in the meeting.
 - c. A Commissioner attending remotely will be marked present, counting towards a quorum and can vote during the meeting as if they were physically present.
 - d. A Commissioner attending remotely must be able to hear public comments or testimony and staff's presentation in real time.

6. Attendance. Attendance at all meetings is expected of all planning commission members. Any member anticipating an absence from a meeting shall notify the chairperson, staff liaison and commission secretary at least two (2) business days prior to the meeting.
 - ii. The planning commission shall comply with attendance policies per Chapter 2.65 OHMC.
 - iii. It is the desire of the city that members attend meetings in person. If members have to attend the meeting virtually, they must be able to hear and be heard in order for their attendance to count and to be able to vote.
 - iv. If a member misses twenty-five percent (25%) of the meetings in a rolling twelve (12) month period, the chair shall discuss participation with the member and notify the mayor.
 - v. If a member chooses to resign during their current term, they need to send a letter to the mayor's office indicating that they will be resigning from the advisory board and the effective date of the resignation.

7. Vacancies. The planning commission shall comply with membership vacancy requirements per Chapter 2.65 OHMC.

8. Officers, elections, and duties. At the first regular meeting in January of each year, the planning commission members shall elect from the entire planning commission a chairperson and a vice- chairperson who shall hold office for one (I) year. It is the desire the of city to rotate these positions/duties. Duties of each officer are described as follows:
 - a. Chairperson. The chairperson shall:
 1. run the meeting;
 - ii. be a spokesperson for the planning commission;
 - iii. ask for volunteers or may appoint people to lead sub-committees; and
 - iv. perform other duties as assigned by the planning commission.

 - b. Vice-chairperson. The vice-chairperson shall:
 - i. run the meeting in the absence of the chairperson;
 - ii. perform the duties of the chairperson in their absence; and
 - iii. perform other duties as assigned by the planning commission.

In rare instances where both the chairperson and vice-chairperson are absent simultaneously, the attending planning commission members will nominate and vote for a fellow commissioner to proceed as interim chairperson for that meeting only.

9. Meetings. In January of each year, the Oak Harbor planning commission shall establish

their meeting schedule and set the time and location for each meeting. Any changes must be added to the meeting agenda and approved by a majority of planning commission members.

- a. Date, time, and location. The planning commission shall meet regularly on the second Tuesday of each month at 6:00 p.m., at Oak Harbor City Hall, 865 SE Barrington Drive, Oak Harbor, Washington 98277, unless otherwise directed by the chairperson. The time, date, and location of a regular meeting may be changed by motion approved at a prior meeting.
- b. Special meetings. Special meetings of the planning commission may be called at any time by the chairperson or by a quorum of the members of the planning commission upon personal notice being given to all members of the planning commission.
- c. Work session and site visits. Advisory boards may meet informally in a work session or site visit (open to the public) to do concentrated planning, receive progress reports on current programs or projects, or receive other similar information from city staff, provided that all discussions and conclusions thereon shall be informal. An advisory board shall make no disposition of any item at a work session meeting or site visit. Public comment is not taken at a work session meeting or site visit unless participation is requested by the advisory board.
- d. Open to the public. All meetings shall be open to the public and all persons shall be permitted to attend any meeting. Meetings shall be conducted in accordance with Chapter 42.30 RCW and Robert's Rules of Order.
- e. Regular meeting agenda. Agendas should meet the requirements of Chapter 42.30 RCW Open Public Meetings Act (OPMA). The planning commission shall provide reasonable notice of meetings to any individual specifically requesting such in writing. No other notice to the media is required. An agenda for each public meeting shall be prepared by the staff support person and shall be forwarded to each planning commission member with a reminder of the next regular meeting. The agenda shall be posted on the city website and bulletin boards at city hall.
 - i. Additional agenda items may be proposed by any member of the planning commission when submitted to the chairperson, staff liaison, and commission secretary at least two (2) weeks prior to the regular monthly meeting. The staff liaison has the discretion to decline adding the proposed agenda item to an upcoming planning commission meeting and shall provide the proponent of the proposed agenda item a brief explanation for declining to schedule the item. Should the staff liaison place the proposed agenda item on an upcoming planning commission agenda, the planning commission may decline to discuss the newly added agenda item by a vote of a majority of the members present.

- ii. A typical agenda may consist of:
- Call to Order/Roll Call
 - Approval of Agenda
 - Approval of Minutes
 - Public Comment
 - Discussion/Action/Presentation/Report Items
 - Member Comments
 - Determination of Future Agenda Items
 - Adjournment
- f. Minutes. The staff liaison shall attend all regular and special planning commission meetings and keep an account of all proceedings in the form of minutes.
- g. Quorum. A quorum for the transaction of official business shall consist of a majority of the appointed members of the board, commission, or committee. If a quorum is not present within fifteen (15) minutes of the meeting time, the chairperson needs to call the meeting to order, indicate there is no quorum, and close the meeting. Ex-officio members and student representatives are non-voting and do not count towards the quorum.
- h. Serial meetings. A serial meeting occurs when a majority of the planning commission members have a series of small gatherings or communications that results in a majority of the commission collectively taking action even if a majority is never part of any one communication. Such a meeting violates the OPMA because it amounts to taking "action" - as defined in RCW 42.30.020(3) - outside an open meeting. Serial meetings can occur with or without technology, but the range of communication options available nowadays to members of the commission increases the risk. This is why members should not "reply all" to the whole commission on emails.
- i. Conflict of interest. Planning commission members shall recuse themselves from discussing and voting on contracts in which that member or a member of that person's immediate family has a direct or remote financial interest. The definitions of contracts, financial interests, remote interests, and direct interests are set forth in RCW 42.23.020 and .030 and commissioners are encouraged to contact the city attorney in advance of the deliberation or vote on a contract in which the commissioner may have a financial interest for a recommendation regarding how to proceed.

In the interest of avoiding bias or the appearance of bias, a planning commission member should use discretion in discussing with the applicant for specific land use, or others interested in the application, any request that is to be heard by the commission and on which they will vote. In any discussion

with the applicant or other interested party of a land use request to be heard by the commission, an individual member should avoid committing themselves to any specific course of action regarding the outcome of the hearing. However, answering questions relating to time, place, and commission procedures and policies would always be permissible.

- j. Voting. Decisions requiring a vote of the planning commission shall be made by an affirmative vote of a majority of the members present. Commissioners who have a conflict of interest with a motion should abstain from voting on that motion.
- k. Meeting minutes. A staff member shall be appointed to take meeting minutes. Meeting minutes shall consist primarily of a record of action taken and shall be framed generally in accordance with Robert's Rules of Order (Newly Revised). Minutes of each meeting shall be subject to approval by the planning commission.
- l. Video recording. The city's practice is to record meetings. A staff person shall be assigned the responsibility of recording the meeting and providing the video to the appropriate staff to be published on the city communication channels. If a meeting is booked in the council chambers, it is the responsibility of the staff liaison to book the videographer to manage the recording and post it to appropriate communication channels.
- l. Notice. Notice of meetings where action is to be taken on applications for zoning changes shall be sent to the applicant and others according to the requirements of the zoning ordinance.
- m. Action postponed. Action shall be postponed at the first hearing on any zoning issue where the principal person or persons involved are not present or there is no one present to represent them except that a written explanation for absence coupled with a request that action not be delayed may be honored if the planning commission has sufficient information to proceed.
- n. Procedures. Procedures on addressing agenda items shall generally be as follows:
 - i. The chairperson of the planning commission, city staff members, and representatives of the public agencies shall make their presentation.
 - ii. The proponents of the request to the planning commission shall present the case.
 - iii. Opponents to the request of an application to the planning commission shall present their case.
 - iv. Planning commission discussion and action.
- o. Rules of Conduct for Public Hearings.
 - i. Authority of Chairperson. The chairperson has the authority to take whatever action to ensure an equitable, orderly, and expeditious hearing.

They will decide any question of the acceptability of evidence, except when a planning commission member objects to a decision. In such case, the majority vote of the commission will govern, with minority views recorded. Generally speaking, the planning commission will accept any evidence which is reasonable and relevant to the proposal.

However:

- The record shall show whether testimony presented is hearsay or based on personal knowledge.
- If an event to date is the subject of presentation, the parties shall state the date, time, and persons present as precisely as possible.
- A witness stating his/her opinion regarding professional or technical matters shall state his/her qualifications.
- Documentary evidence received will be marked as exhibits and made a part of the hearing record.
- Recognition from the chairperson shall be obtained prior to speaking. Abusive or profane language shall not be tolerated and may result in terminating the hearing.

ii. Conducting the hearing.

- Open the hearing.
- Call the hearing to order.
- Introduce the persons in attendance and state the purpose of the hearing.
- Explain the procedure. (Copies of “Rules of Conduct for Public Hearings, City of Oak Harbor Planning Commission” are available for participants.)
- Read proposal.
- Staff presents proposal.
- Public comments, questions, and testimony from the audience.
 - From proponents
 - From opponents
- Chairperson asks the planning commission if they have any questions to ask either party.
- Declare the hearing closed.
- Chairperson requests action by the planning commission.

10. Attending city council meetings. A planning commission member who attends a meeting of the city council as a representative of the commission should follow the following guidelines:

- a. The official representative need not speak on every issue referred to the city council but should participate in council discussion only if it appears necessary.
- b. The representative should answer questions about commission policies if these are addressed to them by the council.

- c. The representative should support the commission's majority report and should not present his/her own point of view nor that of the minority without specifying it as such.
11. Annual report to council. The planning commission shall provide a work plan or update to the mayor and council annually that describes the activities of the planning commission during the current calendar year.
 12. Budget, expenditures, and funding.
 - a. The planning commission shall not incur any indebtedness on behalf of the city without express approval of the mayor or city council, as dictated by the City's Purchasing Policies.
 - b. Funding shall consist of monies as provided by the city, donations, grants, fundraisers, special events and fees.
 - c. Coordinate with the Finance Department for procedures regarding monetary gifts or donations.
 13. Co-sponsorship of programs. All requests from community organizations for planning commission assistance or sponsorship shall be in written form to the staff liaison.
 14. Communication subject to the Public Records Act (PRA). All communications by planning commission members on behalf of the city of Oak Harbor planning commission are subject to the PRA. This includes, but is not limited to, text messages, emails, paper documents, social media posts, and voicemails. Members shall not use social media channels for conducting city business.
 15. Annual training required. The planning commission should add required training to their January agenda to complete required training as a group. Otherwise, within ninety (90) days of initial appointment and every four (4) years thereafter, planning commission members shall be required to complete required training assigned by the mayor, or designee, including, but not limited to, the following training and provide their Certificate of Training to the planning commission secretary:
 - a. Public Records Act (PRA) training (RCW 42.56). Online training: WA State Attorney General's Office PRA training video.
 - b. Open Public Meetings Act (OPMA) training (RCW 42.30). Online training: WA State Attorney General's Office OPMA training video.
 16. Removal. Members may be removed by the mayor, with the concurrence of the city council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absences from more than three consecutive regular meetings. The decision of the city council shall be final and there shall be no appeal therefrom. Members finding themselves unable to regularly attend meetings are expected to resign and notify the chair and staff liaison.

17. No Surprises Rule. Commissioners should use best efforts to contact the Staff Liaison to advise of emerging issues. Generally, Commissioners agree not to propose substantial amendments and/or revisions to any agenda item unless they provide each other and City staff at least 48-hours advance notice to review any written proposal. To provide staff the necessary preparation time, Commissioners will use best efforts to provide staff advance notice of any questions or concerns they may have regarding an agenda item prior to a public meeting.

18. Bylaws and amendment of bylaws. The foregoing bylaws are intended to govern the conduct of the affairs of the planning commission and to prescribe the conduct of its officers.
 - a. All bylaw amendments shall be submitted for consideration at a regular planning commission meeting, but shall not be voted upon until the following month's meeting.
 - b. Amendments to these bylaws are subject to review and approval by the city attorney.
 - c. These bylaws may be amended by a resolution passed by an affirmative vote of the city council.