

## BEND PLANNING COMMISSION RULES OF PROCEDURE

### Findings

- A. The Planning Commission Bylaws authorize the Planning Commission to adopt Rules of Procedure.
- B. The Planning Commission has worked with the City Attorney's office and the Planning Department to develop these rules, which are similar to the City Council Rules of Procedure, to better clarify and describe how it operates within the structure of the City of Bend.
- C. The Planning Commission finds that consistent procedures particularly at its meetings will increase its efficiency and effectiveness as the Planning Commission and as the City's Citizen Involvement Committee.

Based on these findings,

THE BEND PLANNING COMMISSION Adopts the Following Rules of Procedure:

1. Attendance. Commissioners will inform the Chair and/or the Planning Staff if they will be unable to attend any meeting. If the Chair will be absent, the Chair will inform the Vice-Chair.

Commissioners are strongly encouraged to attend meetings in person. However, if unable to attend, participation in voting decisions by electronic means is allowed if it is necessary to meet a quorum and the meeting cannot reasonably be delayed (ie., time is particularly important). Attendance by electronic means is also allowed for work sessions/training items if a Commissioner is unable to attend a meeting for a valid reason. For electronic participation, Staff will ensure that any members of the public in attendance can hear the Commissioner(s) speak.

2. Communication with Staff.

- A. Commissioners are encouraged to ask relevant questions of staff outside of the public hearing arena to help clarify items on upcoming agendas. In addition, Commissioners may have other questions related to their role as Planning Commissioners or to Council land use goals. Commissioners should limit individual inquiries and requests for information from Staff to questions that may be readily answered as part of Staff's day to day duties. Questions of a more complex nature should be directed to the Planning Manager, City Attorneys or City Manager, or their designees. Questions requiring significant Staff time or resources (two hours or more) should normally require approval of a majority of the Commission, based on the direction of the City Council either directly or as relayed by the City Manager or designee.
- B. Commissioners should make every effort to raise questions to Staff on draft material before Planning Commission meetings to avoid surprise and to allow Staff time to respond.
- C. Commissioners should respect Staff and their roles and responsibilities, even if expressing criticism of an action.
- D. This section is not intended to apply to questions regarding conflicts of interest, ex parte contacts or similar issues which may be directed to the City Attorney's office.
- E. Nothing in this section precludes Commissioners from obtaining information and asking questions during Commission meetings.

3. Confidentiality. Commissioners will keep confidential matters, such as confidential legal memoranda provided by the City Attorney's office, in complete confidence to ensure that the City's position is not compromised.

4. Ethical Conduct and Fair Treatment. In addition to matters of financial interest, Commission members should maintain high standards of ethical conduct and ensure fair and equal treatment of all persons coming before the Commission. This includes (1) disclosing confidential information or making use of special knowledge before it is available to the general public (2) refraining from expressing an opinion contrary to the general opinion of the Commission without so stating, and (3) actions benefitting special interest groups at the expense of the City as a whole.

5. Manner of Addressing the Commission. The Chair may limit the time for speaking by visitors and those testifying at public hearings. As a general rule, the time limit will be three minutes, but this can be modified by the Chair with the consent of the Commission.

Any person may address the Commission during the public comment section, except that the Commission cannot hear or consider further testimony on a matter that was the subject of a public hearing after the public hearing is closed, until all appeals have concluded.

6. Training Expenses. Subject to budgetary availability, the City will pay for limited training related to Commission activities. Such training must receive prior approval by the Planning Manager or Growth Management Director.

7. Chair—Duties.

A. The chair shall decide all procedural questions. A procedural decision may be overruled only by a majority vote of the Commission following a motion and second at the time of the decision.

B. Any Commissioner desiring to be heard during a Commission meeting should normally be recognized by the Chair and confine his or her remarks to the subject under consideration or to be considered. Commissioners should speak one at a time and allow others to finish. The Chair may allow flexibility in the application of this rule.

8. Motions. When a motion is made, it must be clearly and concisely stated by the mover.

A. Commissioners are encouraged to each briefly speak once regarding the issue before a motion is made and deliberations begin in order to focus discussion on an issue and speed the Commission's proceedings.

B. A motion may be withdrawn by the mover prior to being seconded, or at any time with the consent of the Commission.

C. If a motion does not receive a second, it fails.

D. A motion that receives a tie vote fails.

E. A call for the question is intended to close the debate on the main motion and does not require a second and is not debatable. A call for the question fails without a majority vote and debate on the main subject resumes.

F. A motion to amend can be made to a motion that is on the floor and has been seconded by inserting, adding, striking out or any combination of language changes. The amendment is voted on first, then the main motion if voted on as amended. A minor or friendly amendment need not be voted on.

G. The motion maker, Chair, City Attorney or minute-taker should repeat the motion prior to the vote.

9. Voting method. Voting is generally by voice vote, but the Chair may call for a roll call vote when the record needs to be clear.

10. Motion to Reconsider. A motion to reconsider cannot be amended, is debatable, and requires a majority vote. It must be made by a person who voted on the prevailing side of the motion to be reconsidered, but can be seconded by any member. It must be made on the same day as the meeting in which the motion to be reconsidered was decided, or on the next day that business is conducted if the session is continued.

11. Motion to Rescind and Amend. At times (in a decision *not* involving a quasi-judicial action or legislative recommendation), if a decision has not yet been forwarded or scheduled before the City Council or otherwise executed, the proper process to take a second look at an issue is to make a motion to rescind and amend a decision previously adopted. It also cannot be made if the action has been carried out and it is impossible to undo. With previous notice, this motion takes a majority vote. Without previous notice, it takes a unanimous vote to consider.

12. Absence for a Portion of the Hearing. For quasi-judicial hearings or legislative recommendations, a Commission member who was absent during the presentation of evidence or public testimony cannot participate in any deliberation or recommendation regarding the matter unless the Commissioner has reviewed all the evidence and/or testimony received, and so states on the record.

13. General Conduct. In general, Planning Commissioners shall conduct themselves so as to bring credit to the City by respecting the rule of law, ensuring non-discriminatory application of City development codes, keeping informed of the matters that come before the Commission, and abiding by the recommendations and decisions of the Commission, whether or not the member voted on the prevailing side. The Planning Commission must also accept the direction of the City Council, although abiding by the decisions of the City Council does not preclude a Commissioner from advocating for a particular direction or community interest before Council.

14. Agenda. City Staff will keep an agenda of upcoming Planning Commission meetings. Staff will consult with the Chair and Vice Chair prior to finalizing the agenda. Staff will place items subject to public hearings on the agenda appropriately to meet mandated processing timelines and schedule deadlines. A Commissioner may propose an agenda item during a Commission public meeting and it will be placed on a future agenda with the consent of the Commission.

15. Cell Phone and Pagers. Cell phones, pagers, iPads and other communications must be silenced during Commission meetings. Communication (email/text/tweeting/facebook, etc.) with the public, friends, other Commissioners, etc. on issues before the Commission during public hearings/testimony is prohibited.

16. Ex Parte Contacts. For quasi-judicial hearings, Commission members will endeavor to refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts are any contacts with persons other than Staff or other Commission members outside the formal hearing process relating to the subject matter of the quasi-judicial hearing. Ex parte contacts include both oral and written communication. If a Commission member has an ex parte contact prior to any hearing, the Commission member will reveal the contact at the beginning of the hearing. The Commission member shall describe the substance of the contact. After all declarations of ex parte contacts, the chair shall announce the right of interested persons to rebut the substance of the communication or otherwise challenge the participation of the Commission member who had the ex parte contact.

17. Conflicts of Interest. A Commissioner shall not participate in any matter where he or she has a financial conflict of interest. Under state law, an actual conflict of interest is defined as one that *would* result in a private financial benefit or detriment to the Commissioners, a relative or a business with which the Commissioner is associated. A potential conflict of interest is one that *could* result in a financial benefit or detriment. A Commissioner must publicly announce potential and actual conflicts of interest and, for actual conflicts of interest, must refrain from participating in debate or voting on the issue unless allowed by state law, and must leave the dais after declaring the conflict.

18. Amendment. These rules are not intended to replace or supersede any applicable state or federal laws or regulations, or provisions of City codes or regulations. The

Commission may amend these rules by motion.

Adopted by the City of Bend Planning Commission on the 13th day of July, 2015.

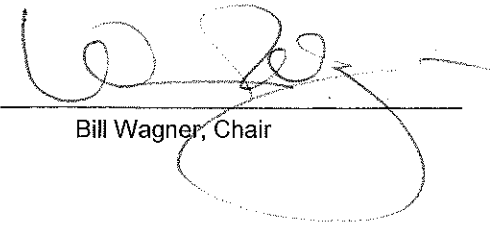
YES: 7

NO: 0

Approved as to Form



Mary A. Winters, City Attorney



Bill Wagner, Chair