

**FERRY COUNTY
RESOLUTION NO. 2007-19**

**AMENDING RESOLUTION NO. 2007-03
BYLAWS OF THE FERRY COUNTY PLANNING COMMISSION**

WHEREAS, Resolution No. 94-45, Bylaws of the Ferry County Planning Commission, was adopted by the Ferry County Board of Commissioners on October 3, 1994. Resolution No. 94-45 was amended by Resolution 2001-03, Bylaws of the Ferry County Planning Commission, by the Ferry County Board of Commissioners on January 16, 2001. Resolution No. 2001-03 was amended by Resolution No. 2003-15, ByLaws of the Ferry County Planning Commission, by the Board of County Commissioners on June 23, 2003. Resolution No. 2003-15 was amended by Resolution No. 2007-03, ByLaws of the Ferry County Planning Commission, by the Board of County Commissioners on February 20, 2007; and

WHEREAS, the Planning Commission completed a review of the ByLaws of the Ferry County Planning Commission; and.

WHEREAS, this resolution amends the ByLaws of the Ferry County Planning Commission.

NOW, THEREFORE BE IT HEREBY RESOLVED that the Ferry County Board of Commissioners hereby provides for update to the ByLaws of the Ferry County Planning Commission.

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RESOLUTION NO. 2007-19

BYLAWS
OF
THE FERRY COUNTY PLANNING COMMISSION
AS OF SEPTEMBER 1994

ARTICLE I
AUTHORITY

The Ferry County Planning Commission was established by the Ferry County Board of Commissioners, here in after referred to as the Board, on June 5, 1961, in accordance with laws prescribed under Chapter 201, Laws of Washington 1959 as codified as Planning Enabling Act RCW Chapter 36.70. These Bylaws are adopted as directed by RCW 36.70.140.

ARTICLE II
PURPOSE

The Ferry County Planning Commission is an advisory body appointed by the Ferry County Board of Commissioners to provide a balanced representation of the citizen interests of the county, and to advise and make recommendations on land use issues at the local level.

ARTICLE III
JURISDICTION

The Planning Commission has jurisdiction as delegated by the Board of County Commissioners in Ferry County to prepare and execute a comprehensive plan, and review and make recommendations regarding the adoption of official controls and amendments to the comprehensive plan and implementing ordinances. The Planning Commission is also delegated jurisdiction by the Board of County Commissioners in quasi-judicial areas. Any decision of the Planning Commission may be appealed to the Board of County Commissioners.

The Planning Commission is assigned jurisdiction in Ferry County to:

1. Prepare investigative studies for revisions to the Comprehensive Plan.
2. Prepare data for and coordinate preparation of planning maps of Ferry County.
3. Prepare drafts of regulatory ordinances in support of the Comprehensive Plan.
4. Review citizen petitions for revisions to the Comprehensive Plan.

5. Review citizen requests for variances or appeals of:
 - a. Short Subdivision Ordinance
 - b. Development Regulations Ordinance
 - c. Flood Damage Prevention Ordinance
 - d. Resource Lands and Critical Areas Ordinance
 - e. County planning map revisions
 - f. Binding Site Plan Ordinance
6. Appoint and guide informal study groups of members and citizens to investigate issues that may arise and/or draft initial plans and ordinances for subsequent review and action by the Planning Commission.
7. Review and recommend action on citizen proposed amendments to County plans and ordinances for Board of County Commissioner approval of recommended action.
8. Review and monitor proposed and approved land use plans, management rules and their amendments for abutting or intermingled State and Federal lands to assure their coordination and consistency with the County Comprehensive Plan and supporting ordinances. Also monitor proposed and actual changes to State Growth Management Act laws (RCW) and administrative codes (WAC) for changes effecting Ferry County land use planning and private property/water rights. Provide a report of findings with recommendations to the Board of County Commissioners.

ARTICLE IV
APPOINTMENT AND TERMS OF MEMBERS

Section 1: Appointment

The Members of the Commission shall be appointed by the Ferry County Board of Commissioners.

Section 2: Number

The Commission shall consist of nine members, three from each Commissioner District.

Section 3: Term of Office

Members of the Commission shall be appointed to four year terms expiring December 31.

Section 4: Vacancies

Vacancies occurring for any reason other than the expiration of the term shall be filled by appointment for the unexpired portion of the term. Vacancies shall be filled from the same Commissioner District as that of the vacating member.

Section 5: Interim Members

If after advertising for vacancies on the Planning Commission, the Board of County Commissioners is unable to appoint the allotted three members from each district due to the lack of nominees, the Board of County Commissioners may appoint at large interim members for a period of up to 1 year, until such time as a volunteer in the designated district comes forward. The term for Interim Members of the Commission for the first year will be appointed until December 31, 2007. Thereafter, the interim term would be from January 1st to December 31st.

Section 6: Removal

Any appointee member of the Commission may be removed by the Chairman of the Board, after public hearing, with the approval of the Board, for inefficiency, neglect of duty, or malfeasance in office.

ARTICLE V
PLANNING COMMISSION OFFICERS AND THEIR DUTIES

Section 1: Designations

Each Commission shall elect its chairperson and vice chairperson from among the appointed members for a term of one year. The Planning Director shall appoint a secretary who need not be a member of the Commission.

Section 2: Chairperson

The chairperson shall preside at all meetings of the Commission, assure proper order of the Commission, and represent the Commission before legislative and administrative bodies.

Section 3: Vice Chairperson

Vice chairperson shall perform all of the chairperson's duties in the absence of the chairperson.

Section 4: Chairperson Pro Tem:

When both the chairperson and vice chairperson are absent from a hearing or meeting, the remainder of the citizen members of the Planning Commission shall elect a chairperson pro tem from among their own number by majority vote.

Section 5: Secretary

Secretary shall be the Planning Director or designee. It shall be the duty of the secretary to prepare all official instruments of the Planning Commission as well as the notices and minutes of the Commission meetings, assure the proper indexing of all Planning Commission documents as public record, and record the proceedings of all meetings, resolutions, transactions, findings, notices, and determinations of the Planning Commission.

ARTICLE VI
MEETINGS OF THE PLANNING COMMISSION

Section 1: Regular Meetings

Regular meetings of the Ferry County Planning Commission shall be held monthly at the Ferry County Planning Department, Republic, Washington, on the second Wednesday of each month at 6:00 p.m.

Section 2: Special Meetings

Special meetings of the Planning Commission may be held upon the call of the Commission Chairperson, the Planning Director, or a majority of the members. Notification of such meetings are to be given in writing, at least 24 hours prior, to all Commission members and the media. The notice shall contain the place, time and nature of the business to be transacted at the special meeting. Action at special meetings is limited to matters identified on the agenda published in the notice.

Section 3: Executive Session

The commission may hold an executive session per strict accordance with state law including RCW 42.30.110. This shall be a noticed official meeting whose topics of deliberation are truly confidential in nature. This meeting shall be closed to the public, there shall be neither deliberation nor vote on adgendized items before the Commission.

Section 4: Public Review

All meetings of the Commission shall be open to the public. All meetings shall be recorded and the minutes written from the recordings. These documents are of public record and subject to public inspection. Before recommending an official control or amendment to the Board for adoption, the Commission shall hold at least one public meeting to address the matter and to give the public a chance to comment.

ARTICLE VII
ORDER OF REGULAR MEETING

The procedural order of all regular meetings shall be as follows:

- Chairperson shall call the meeting to order and determine a quorum.
- Approve the minutes of the previous meeting.
- Review items carried over from a previous agenda.
- Address items on the present agenda.
- Discuss other business.
- Schedule the Planning Commission calendar and announce future meetings.
- Chairperson may adjourn the meeting.

ARTICLE VIII
FORM AND CHARACTER OF MOTIONS

Section 1: Robert's Rules of Order

The form and character of motions shall conform to those offered within Robert's Rules of Order, Revised, except as specified below.

Section 2: Proposal of Motion

Upon review of the full public record and due deliberation among the members of the Planning Commission, any of its members, except the chairperson, may make a substantive motion. The motion shall include not only direction (Approval, Approval with specified conditions, or Disapproval) but also a recitation of findings which support the motion.

Section 3: Second of Motion

A second, citing compatible findings shall be required.

Section 4: Findings in support of Motion

Other Commission Members may support the motion with other compatible findings.

Section 5: Death of Motion

A motion shall die for lack of second.

Section 6: Defeat of Motion

Where a motion to disapprove an item has been defeated, a member of the planning commission initially in opposition may make a motion to approve or approve with conditions.

ARTICLE IX
QUORUM AND VOTING REQUIREMENTS

Section 1: Quorum

The Chairperson and four (4) of the appointed citizen members of the Planning Commission shall constitute a quorum. A quorum shall be present for the transaction of any business that may come before any monthly or special meeting of the planning Commission.

Section 2: In Lieu of Quorum

In the event a decision must be made in a timely manner, the Planning Director can, after consulting with a majority of the members, decide on an issue, not including resolutions or ordinance changes.

Section 3: Majority Vote Required

A. A majority of a quorum of the Planning Commission shall be required to pass a motion on any action other than as stated in (B.) below.

B. When voting to forward a draft legislative proposal to the Board of County Commissioners, including amendment to the Comprehensive Plan or to its implementing development regulations, the action will require an affirmative vote equal to a majority of the total number of current members of the Commission.

Section 4: Record of Voting

All votes taken shall be recorded as the number of yes votes and the number of no votes. Any person voting that wants to have his or her name noted may so request.

Section 5: Tie-breaking Vote

The Chairperson shall vote only in the event of a tie.

Section 6: Abstention

Abstention from voting shall not be counted in the determination of a motion but shall be recorded. Any person abstaining may request to have his or her name noted.

Section 7: Disqualification

Any member who disqualifies his or her self on the basis of the appearance of fairness shall not be counted in the computing of a quorum.

ARTICLE X

INSTRUMENTS AND DOCUMENTS OF THE PLANNING COMMISSION

Section 1: Official Instruments

The official instruments of the Planning Commission are the record of notice, the agenda, and the minutes of hearings and meetings. Where in special cases the Planning Commission wishes to provide advice to the Board of County Commissioners or Planning Director, it may do so by resolution.

Section 2: Materials of Record

Any and all materials submitted to the Planning Commission regarding an item shall be entered into the public record by motion to "Accept for the record."

Section 3: Documents

All notices, agendas, requests, agency or consultant letters or reports, citizen petitions, staff reports, minutes of meetings, and resolutions shall constitute the documents of the Planning Commission and shall be indexed as a matter of record.

ARTICLE XI
CONDUCT OF THE MEMBERS OF THE PLANNING COMMISSION

Section 1: Preparation

Members of the Planning Commission shall take such time as to prepare themselves for meetings and hearings.

Section 2: Absences

Any citizen member of the Planning Commission absent from three consecutive regular meetings or any four regular meetings within a calendar year without being excused by the chairperson or Planning Director, may be removed for cause by the Board after a public hearing.

Section 3: Conflict of Interest

A Planning Commission member with a conflict of interest in an item before the Commission must state that a conflict of interest exists and withdraw from participation in the public hearing, working session, special meeting, or regular meeting on that item. The interests of that Planning Commission member may be represented before the Planning Commission by a specifically designated representative or legal agent at the public hearing or working session, and testimony entered into the public record.

Section 4: Removal

Participation of a Planning Commission member under cloud of a conflict of interest is cause for removal.

ARTICLE XII
CONDUCT OF PERSONS BEFORE THE PLANNING COMMISSION

Section 1: Relevant Comment - at Hearings

During all public hearings and working sessions, members of the public shall be given equitable opportunity to speak. Comments should be addressed to the item before the Planning Commission. Where a comment is irrelevant, inflammatory, or prejudicial, the chairperson may instruct the Planning Commission to "disregard" the comment, which nevertheless remains in the public record.

Section 2: Invitation to Comment - at Meetings

During all regular and special meetings of the Planning Commission, the public may be present but shall be recognized by the chairperson before providing comment.

Section 3: Orderly Conduct - at all Proceedings

During all Planning Commission proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with the equitable rights of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the chairperson as "out-of-order" and the offending person directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the chairperson may entertain a motion to "eject" from the Planning Commission hearing or meeting. Where the person fails to comply with successful motion to eject, the chairperson may then call upon civil authority to physically remove the individual from the chamber for the duration of the meeting or deliberation on that item.

ARTICLE XIII

SEVERABILITY

Should any article of the planning commission bylaws be found to be illegal, the remaining articles shall remain in effect.

ARTICLE XIV

ADOPTION AND AMENDMENT OF BYLAWS

Section 1: Action by Planning Commission

A recommendation to the Board of County Commissioners to adopt or amend the bylaws shall be made by a vote of the majority of the citizen members of the Planning Commission.

Section 2: Legal Review and Hearing

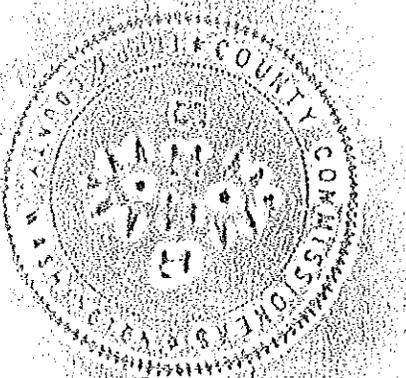
Bylaw adoption or amendment shall be made following review by the legal counsel and public hearing held by the Board of County Commissioners.

Section 3: Effect

Adoption or amendment of bylaws shall take effect immediately following approval by the Board of County Commissioners.

APPROVED this 29th day of May, 2007.

FERRY COUNTY BOARD OF COMMISSIONERS
FERRY COUNTY, WASHINGTON



Brad L. Miller

Brad L. Miller, Chairman

Mike L. Blankenship

Mike L. Blankenship, Member

Ronald J. Bond

Ronald J. Bond, Member

ATTEST:

APPROVED AS TO FORM:

Joy Osterberg

Joy Osterberg,
Clerk of the Board

Michael G. Sandona

Michael G. Sandona
Prosecuting Attorney