

**MAPLE VALLEY, WASHINGTON
ORDINANCE NO. O-15-583**

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY, AMENDING
CHAPTER 2.35 OF THE MAPLE VALLEY MUNICIPAL CODE
ENTITLED “PLANNING COMMISSION” PROVIDING FOR
SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND
PROVIDING FOR CORRECTIONS.**

WHEREAS, the City Council has the authority to amend its ordinances consistent with the powers granted to it by Title 35A Revised Code of Washington, and Chapter 42.30 Revised Code of Washington; and

WHEREAS, Chapter 2.35 of the Maple Valley Municipal Code currently establishes the Planning Commission membership and meeting rules; and

WHEREAS, the City Council desires to amend Section 2.35.020 of the Maple Valley Municipal Code entitled “Membership” to allow Planning Commission Alternates voting privileges in the event a quorum of the regular membership is not met; and

WHEREAS, the City Council desires to amend Section 2.35.030 of the Maple Valley Municipal Code entitled “Meetings - Rules”, to establish how and when the regular membership determines the Alternates are needed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Maple Valley Municipal Code Section 2.35.020 entitled “Membership” is hereby amended to read as follows (new text in underline and deleted text in ~~strikethrough~~):

2.35.020 Membership.

A. Qualifications. Members of the Planning Commission shall be selected from individuals who have an interest in environmental affairs, planning, land use, and residential and commercial development as evidenced by training, experience or actions. An intent of the selection process shall be to evenly represent the areas of interest as stated herein. Membership in the Planning Commission shall be limited to residents, business owners, or owners of property within the City.

B. Number of Members/Terms. The Planning Commission shall consist of seven members, each of whom shall be appointed for a term of four years, and ~~one or more~~ no more than two Planning Commissioner Alternate(s) who shall be appointed for a term of

two years, ~~and shall be non-voting members.~~ No more than one member of the seven-member Commission shall be represented by a business owner whose principal place of business is within the City limits, who is licensed by the State of Washington, who holds business licenses, if applicable, issued by the City, and who does not own real estate nor reside in the City. To allow the staggering of terms for the initial Planning Commission and appointment or reappointment as appropriate, the initial terms shall be as follows: three members for terms of two and one-half years; four members for terms of four and one-half years. Subsequent terms shall be for four years. Terms shall expire on March 1st of the year of expiration of the initial and subsequent terms. Except as set forth in subsection (F) of this section, the Planning Commissioner Alternate(s), unless appointed to fill a vacancy occurring other than through expiration of term, shall serve a two-year term expiring on March 1st of the year of expiration.

C. Appointment. Members of the Planning Commission shall be appointed or reappointed by the Mayor, subsequent to an open recruitment process approved by the City Council. Appointments shall be confirmed by a majority vote of the City Council.

1. Commissioners shall be selected without respect to political affiliations and shall serve without compensation.
2. Consideration will be given toward maintaining an equitable balance of community representation.
3. Multiple members from the same family or household shall not be appointed to the Planning Commission in order to avoid the reality or appearance of improper influence or favoritism.
4. Members of Council Members' families or households shall not be appointed to the Planning Commission in order to avoid the appearance of favoritism and to increase community representation.

D. Planning Commission Alternate(s).

1. The Planning Commissioner Alternate(s) shall be designated Alternate One (1) and Alternate (2). Planning Commissioner Alternate One shall be the senior alternate and shall be designated as the voting alternate in all instances, except when ~~two regular members are absent~~ both are necessary and both alternates shall be entitled to vote, or in the absence of Alternate One, in which event Alternate Two shall be the voting alternate.

2. An Alternate member shall be entitled to vote when a quorum of regular membership is not met.

~~D~~E. Removal. A Planning Commissioner or Planning Commissioner Alternate 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. Failure of a Planning Commissioner

or Planning Commissioner Alternate to either reside in, own property in, or be a business owner in the City shall constitute a forfeiture of office. The decision of the City Council regarding membership on the Planning Commission shall be final and there shall be no appeal therefrom. A Planning Commissioner or Planning Commissioner Alternate unable to attend regular meetings is expected to tender his/her resignation. A Planning Commissioner who has not attended three consecutive Planning Commission meetings and whose absences have been excused may seek a temporary absence from his/her duties due to unique circumstances as set forth in subsection (~~GF~~) of this section.

~~EF~~. Vacancies. Except as set forth in subsection (~~GF~~) of this section, any Commissioner vacancy occurring other than through the expiration of term shall be filled for the unexpired term by a Planning Commissioner Alternate. When the Planning Commissioner Alternate One position is vacated, the Planning Commissioner Alternate Two will move to the Planning Commissioner Alternate One position and will fill the next vacancy that occurs on the Commission other than through term expiration. If no Planning Commissioner Alternate is available to fill a vacant position, the position(s) shall be filled for the unexpired term(s) in the same manner as for appointment as provided in subsections (B) and (C) of this section, as relevant. If a Planning Commissioner Alternate is appointed to fill a position vacancy, a new Planning Commissioner Alternate(s) shall be selected as provided through subsection (C) of this section.

~~FG~~. Temporary Absence. If a Planning Commissioner has more than three excused absences, or knows that he/she will be absent from regularly scheduled Planning Commission meetings for three or more consecutive meetings due to unique circumstance such as a medical necessity, the member may offer his/her resignation or may request a temporary absence. If a temporary absence is requested, the term of absence shall be four months. The absent Commissioner's position will be filled by the Planning Commission Alternate One member. At the next regularly scheduled City Council meeting, notification will be provided regarding the temporary absence. If, at the end of the temporary absence, the Planning Commissioner is unable to return to the Planning Commission, the Commissioner's position will be forfeit and the Planning Commission Alternate One member will be appointed to fill the remainder of the Commissioner's term.

~~GH~~. Conflicts of Interest. Members of the Planning Commission shall fully comply with Chapter 42.23 RCW, Code of Ethics for Municipal Officers, Chapter 42.36 RCW, Appearance of Fairness, and such other rules and regulations as may be adopted from time to time by the City Council regulating the conduct of any person holding appointive office within the City. (Ord. O-09-385 § 1; Ord. O-08-358 §§ 1, 2; Ord. O-06-329 §§ 1, 2; Ord. O-06-322 §§ 1, 2; Ord. O-99-105 § 1; Ord. O-99-80 § 1; Ord. O-97-15 § 2).

Section 2. Maple Valley Municipal Code Section 2.35.030 entitled "Meetings - Rules" is hereby amended to read as follows (new text in underline and deleted text in ~~strike through~~):

2.35.030 Meetings – Rules.

A. The Planning Commission shall organize and elect from its members a Chair, who shall preside at all meetings of the Commission, and a Vice-Chair. The positions of Chair and Vice-Chair shall only be filled by ~~voting~~ regular members. A majority of the voting Commission members shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to carry any proposition.

B. The Commission shall determine if the Planning Commissioner Alternate(s) are needed to fill a vacancy to establish a quorum prior to the meeting being called to order, except for quasi-judicial hearings when Alternates can be chosen to fill a vacancy during the scheduled meeting. In all other instances, Alternates shall not fill vacancies that occur after the meeting has been called to order.

~~BD.~~ The Commission shall determine a regular meeting schedule (time, place and frequency), as necessary, but no less frequent than once every two months. All meetings shall be open to the public.

~~CE.~~ The Commission shall adopt such rules and regulations as are necessary for the conduct of its business and shall keep a taped record of its proceedings and such written notes as the Commission may from time to time direct. The taped record and any written notes shall be a public record. (Ord. O-08-358 § 3; Ord. O-97-15 § 3).

Section 3. Severability. If any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. A Summary of this ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days after adoption and publication.

Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make necessary corrections to this Ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or section/subsection numbering.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON
ON THIS 14TH DAY OF DECEMBER 2015.

William T. Allison, Mayor

ATTEST:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

Patricia Taraday, City Attorney

Date of Publication: December 22, 2015

Effective Date: December 27, 2015