

Agenda

Planning Commission - Rules and Procedures City and Borough of Juneau

February 10, 2021
Virtual Meeting Only
12:00 PM

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- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **AGENDA TOPICS**
 - A. Agenda for February 10, 2021 Governance Committee Meeting
 - B. Rules of Order, adopted December 10, 2019
 - C. Amended Planning Commission Rules per COVID-19
- IV. **COMMITTEE MEMBER COMMENTS AND QUESTIONS**
- V. **ADJOURNMENT**

AGENDA

GOVERNANCE COMMITTEE

FEBRUARY 10, 2021

1. Review and Approve Meeting Agenda
2. Discuss role of Governance Committee, and mechanics of updating *Rules of Order*: PC Chair Levine
3. Review 12-10-2019 **Rules of Order** for possible changes:
 - a. Rule 1: COMMISSION STRUCTURE:
 - Consider the addition of language to offer brief statement of officer roles. This would potentially clean up miscellaneous statements of the role of the Chair, like in 6-B.
 - Consider formal change and clarification that Vice-Chair shall preside at Committee-of-the-Whole meetings (matching Assembly protocol).
 - Consider clarifying Vice-Chair and Clerk roles in procedural motions, such as consent agenda items and approval of minutes.
 - b. Rule 5: ORDER OF BUSINESS: Discuss elimination of Item 15 – *Continuation of Public Participation on Non-Agenda Items*.
 - c. Rule 6,A: COMMITTEES: Appointment and Membership: consider the following language clarification:

The Chair is an ex officio **MEMBER** of all committees; the Chair can debate and vote, but is not (**considered**) a **REQUIRED** member for purposes of establishing the minimum quorum necessary for action if absent. **THE CHAIR CAN COUNT TOWARD ESTABLISHING A MINIMUM QUORUM IF PRESENT.**
 - d. Rule 6,C: COMMITTEES: Standing Committees: Discuss formally removing the **Subdivision Review Committee**.
4. Other general discussion on procedures and governance.
5. Adjournment

-some questions of zoom decorum—not having people in the room with you, being on camera as much as possible

-getting rid of the board of adjustment (this would be a recommendation to Title 49)



CITY AND BOROUGH OF JUNEAU PLANNING COMMISSION RULES OF ORDER

The following rules and guidelines are hereby adopted by the Planning Commission of the City and Borough of Juneau.

Rule 1. COMMISSION STRUCTURE

The officers of the Planning Commission (Commission) shall be Chair, Vice-Chair, Clerk, and Assistant Clerk. Officers shall be elected by a majority vote of the members of the Commission.

Rule 2. MEETINGS

- A. Date and Time of Regular Meetings. The regular meetings of the Planning Commission shall be at 7:00 p.m. on the second and fourth Tuesdays of each month.
- B. Place of Meetings. Planning Commission meetings shall be held in the Assembly Chambers at the Municipal Building at 155 South Seward Street, Juneau, Alaska, unless public notice is provided for a different location.
- C. All Meetings Public. All meetings of the Planning Commission and any of its committees shall be open to the public except for executive sessions.
- D. Special Meetings and Committee of the Whole Meetings. Special and Committee of the Whole meetings may be called at any time by the Chair and must be called if requested by at least three members of the Commission.
- E. Time of Adjournment. Meetings will adjourn no later than 11:00 p.m. unless extensions are allowed by a majority of the members of the Commission present who are not recused from hearing the business under consideration at the time. Meetings may be extended past 11:30 p.m. only in accordance with Rule 13 and with consent of the Chair. No new business will be considered after 10:30 p.m. unless agreed to by a majority of the members present who are not recused from hearing the new business.

Rule 3. PUBLIC NOTICE OF MEETINGS

Notice of all meetings of the Commission and its committees shall be supplied to a newspaper of general circulation as well as posted on the City and Borough website and on the Municipal Bulletin Board.

Rule 4. STAFF ATTENDANCE

At least one Community Development Department staff member will attend all meetings of the Commission and its committees.

Rule 5. ORDER OF BUSINESS

The order of business for Planning Commission meetings shall be:

- I. Roll Call
- II. Request for Agenda Changes and Approval of Agenda
- III. Approval of Minutes
- IV. Brief Review of the Rules for Public Participation
- V. Public Participation on Non-Agenda Items
- VI. Items for Reconsideration
- VII. Consent Agenda
- VIII. Unfinished Business
- XI. Regular Agenda
- X. Board of Adjustment
- XI. Other Business
- XII. Staff Reports
- XIII. Committee Reports
- XIV. Liaison Reports
- XV. Continuation of Public Participation on Non-Agenda Items
- XVI. Planning Commission Comments and Questions
- XVII. Executive Session
- XVIII. Adjournment

Rule 6. COMMITTEES

- A. Appointment and Membership. The Chair, with the approval of the Commission, shall (i) appoint members to the standing committees and appoint the chairs of those committees; and (ii) create committees as deemed necessary, and appoint members and chairs of those committees. Standing committees shall consist of at least four members of the Commission. The Chair is an ex officio of all committees; the Chair can debate and vote, but is not considered a member for purposes of establishing the minimum quorum necessary for action if absent.
- B. Committee Chair. A committee chair or designated alternate shall have full responsibility for conducting the affairs of a committee and reporting the same to the Commission. Committee chairs shall act as spokespersons for their committees at public meetings and hearings. Public testimony shall be allowed at committee meetings only with permission from the Chair.
- C. Standing Committees.
 - 1. **Subdivision Review Committee**. The purpose of this committee is to study and conduct preliminary review of proposed subdivisions.
 - 2. **Title 49 Committee**. The purpose of this committee is to review the land use code and recommend changes to the land use code, as needed, to the Commission.

3. **Governance Committee.** The purpose of this committee is to review and recommend updates to these rules and procedures as necessary and to consider other action as may be beneficial to facilitate Commission and committee meetings and debate.

Rule 7. OTHER BOARDS, COMMISSIONS AND COMMITTEES

A. Appointment of Liaisons. Commission liaisons serve as connections to establish and maintain communication between the Commission and other boards, commissions or committees on issues, projects and other matters of mutual concern and interest. A liaison is not a member of the other body or counted to determine a quorum, has no voting power on the body, and is encouraged, but not required, to attend all meetings of the body. The Chair, with the approval of the Commission, shall appoint one liaison to each of the following:

1. **Assembly Lands Committee.**
2. **Assembly Public Works and Facilities Committee.**
3. **Juneau Commission on Sustainability.**

B. Appointments to seats on other Boards, Commissions or Committees. The Chair, with the approval of the Commission, shall appoint members to serve on other boards, commissions and committees, in seats designated for the Commission, as follows:

1. **Wetlands Review Board.** Two members of the Commission shall be appointed to serve as full, voting members of the Wetlands Review Board.

Rule 8. PROTOCOLS FOR COMMISSIONER DEBATE AND DISCUSSIONS

A. Speaking on the Question. In all questions and comments, members of the Commission shall endeavor to provide the Commission with relevant facts and arguments and shall strive to avoid redundancy. Members of the Commission, the Director of Community Development, and staff may speak more than once to the same question at the same stage of proceedings. In determining the order of speakers, the Chair shall give priority to members who have not spoken on the question.

B. Asking Questions. After obtaining recognition from the Chair, a member may ask direct questions of another member of the Commission, City and Borough of Juneau (CBJ) staff, or of a person appearing before the Commission. All questions shall be respectful and may not be argumentative.

C. Decorum. Members of the Commission shall not question the motives, competency, or integrity of any person except as necessary to decide a matter in which such issues are relevant. The Chair shall admonish any member violating this rule, and may, without a vote, declare a recess not to exceed ten minutes.

Rule 9. PROTOCOL FOR MEETINGS

A. Order and Procedure for Public Hearings on Action Items:

1. The Chair will open the hearing on an individual item for action and read the title of the matter at hand.
 2. Community Development staff will present a report and recommendation and will respond to initial Commission questions. Staff is encouraged to limit its presentation to no more than 10 minutes. Members of the Commission are encouraged to hold questions until the completion of the initial presentation.
 3. The applicant or the applicant's representative will have an opportunity to present information regarding the request and respond to initial Commission questions. This presentation is limited to no more than 10 minutes. The limit shall be extended as long as necessary to answer any questions addressed to the speaker by the members of the Commission. If the applicant wishes to use electronic slides (PowerPoint or the equivalent) during a presentation, the applicant must supply an electronic version of those slides to Community Development staff no later than 12 p.m. on the Friday before the hearing. This deadline may be altered for meetings held other than at the regular meeting time.
 4. Public participation will be opened, and the public will be invited to comment. Public participation shall be carried out in accordance with Rule 10. Members of the Commission may pose questions through the Chair in accordance with Rule 8.
 5. Public participation will be closed.
 6. The applicant or the applicant's representative will have an opportunity to present additional information regarding the request and respond to questions from the Commission. This presentation shall be limited to no more than 5 minutes; this time limit shall be extended as long as necessary to answer any questions addressed to the speaker by members of the Commission. The applicant will be excused to return to his or her seat.
 7. The Commission will deliberate and make its decision.
- B. The Chair will set forth the item or subject to be discussed and will rule non-germane comments out of order.
- C. All speakers, members of the public, and members of the Commission will be recognized by the Chair by surname.
- D. When recognized by the Chair, staff may participate in the same manner as the members of the Commission except that staff cannot vote.
- E. Once public participation is closed, it cannot be reopened except in accordance with Rule 13.

- F. Telephonic participation by an applicant or member of the public is not permitted. An applicant or member of the public that wishes to participate at a meeting, but cannot attend the meeting, may submit comments in writing pursuant to these Rules or send a representative to present on his or her behalf.

Rule 10. PUBLIC PARTICIPATION AT MEETINGS

- A. Public Testimony. Public participation in the form of oral testimony during hearings on permit applications, ordinances, resolutions, matters other than appeals, and on non-agenda items, will be conducted according to the following rules:

1. Subject Matter. Members of the public present during a hearing shall be given one opportunity to be heard during the hearing. In addition, there shall be a time during all regular Commission meetings for members of the public to address the Commission concerning any matter relevant to the Commission's jurisdiction and not on the agenda for specific public hearing at that meeting.
2. Time Limits for Public Testimony. Unless otherwise specified by the Chair, public testimony is limited to five minutes per speaker. The five-minute limit shall be extended as long as necessary to answer any questions addressed to the speaker by the Commission or CBJ staff. The Chair may set a different time limit if it appears necessary to gain maximum participation and conserve time and may, for the same reason, disallow questions from the Commission to members of the public. The time limit may also be changed by a majority of the Commission, which the Chair cannot overrule. Except as otherwise provided in these Rules, the time limit for individual speakers shall be uniform for all speakers and shall be strictly enforced.
3. Representatives. Members of the public shall not have the right to transfer their unused time to another. However, an individual may speak on behalf of a group of other individuals provided that all individuals are present during the meeting, have signed in on the sign-in sheet provided, and have indicated on the sign-in sheet that the representative individual will present on their behalf. Under these circumstances, the time limit for the oral testimony presented by the representative individual shall be extended by one minute for each individual represented up to a maximum of five additional minutes. Individuals that are represented in this manner shall not also have the right to present oral testimony for themselves.
4. Identification. Members of the public will precede their remarks by stating their names and, unless otherwise allowed by the Chair, their place of residence. The public will write this information on the sign-in sheet provided.

- B. Submission of Written and/or Illustrative Material. Members of the public are encouraged to submit written comments, reports, and exhibits. Such material, especially maps, graphics, photographs, and responses to specific code sections, generally aids the Commission in making its decision. However, material submitted close to the hearing date, especially voluminous written material offered at a public hearing, can result in inequities. The Commission adopts this written and/or illustrative material policy to give staff and the applicant a reasonable opportunity

to analyze public comments, to give the public a reasonable opportunity to submit material before and after publication of the staff report, to give the members of the Commission a reasonable opportunity to review the meeting packets, and to give the Commission the ability to balance the relevance and prejudice of any late material. Members of the public should assume that the members of the Commission have read all materials submitted in advance of the hearing.

1. **Publication of Staff Report.** The original staff report should be published by close of business eight days before the hearing (Monday). If justice so requires, the Director may extend the publishing deadline to close of business six days before the hearing (Wednesday).
2. **Timely Material for Packet.**
 - a) Material—including public comments, applicant comments, and supplemental staff reports—submitted to the Community Development Department before noon four days before the hearing (Friday at noon) is considered timely submitted and will be included in a packet for that meeting. Material submitted less than four days before a meeting is subject to the late submittal policy below. If justice so requires and with consultation with the Chair, the Director may extend the timely material deadline to noon the day before the hearing (Monday).
 - b) If a member of the public wishes to use electronic slides (PowerPoint or the equivalent) during public testimony, an electronic version of those slides must be provided to the Community Development staff by the same deadline for timely written material.
3. **Late Material.** Maps, graphics, photographs, and no more than the equivalent of two single-sided printed pages of written information are allowed to be submitted at the hearing when a person presents. Specifically, if the applicant, staff, or member of the public wishes to submit material after the timely material deadline (Friday at noon), that person or a representative for that person must (1) attend the meeting and present the material to the Commission during the opportunity for public comment, and (2) provide fifteen copies of the written and/or illustrative material.
4. **Written Comments.** Written comments, with the exception of e-mail transmissions, must be signed, and the source of illustrative materials must be identified. E-mail transmissions must show the author's name. Anonymous submissions will not be accepted.

C. **Decorum.** The Chair is responsible for ensuring that members of the public have a reasonable opportunity to address the Commission during public participation periods and for maintaining proper order and decorum throughout each meeting. Audible communication from or in the audience, including communication directed to the Commission, CBJ staff, or applicant during meetings is not allowed. The Chair shall also ensure that during oral testimony, members of the public direct their comments and questions to the Chair and not to the applicant, staff or other members of the public. Questions shall be respectful and may not be argumentative. The Chair

shall admonish any member of the public violating this rule, and may, without a vote, declare a recess not to exceed ten minutes.

Rule 11. MOTIONS

- A. Seconds. Seconds to motions are not required.
- B. Renewal of Defeated Motions. Defeated motions may be renewed only under suspension of the Rules.
- C. Priority of Privileged Motions. Privileged motions shall have the following priority:
 - 1. Fix time to adjourn
 - 2. Give notice of reconsideration
 - 3. Adjourn
 - 4. Recess
 - 5. Question of privilege of the Commission
 - 6. Question of personal privilege

Rule 12. CLERICAL ERRORS

Clerical errors that do not affect the substance of an ordinance or resolution, such as errors in numbering or spelling, may be corrected by the City Attorney without Commission approval upon discovery of the error.

Rule 13. VOTE REQUIRED

The affirmative vote of five members of the Commission shall be sufficient to take any action except as otherwise provided by Charter or ordinance and except in the following instances, which require the affirmative vote of at least six members:

- A. Limiting, extending, or closing debates.
- B. Suspension of the rules.
- C. Setting of or postponement of special orders.
- D. Objection to consideration of question.
- E. Motion for immediate vote (previous question).
- F. Rescind.
- G. To take up a motion for reconsideration at the meeting at which the action to be reconsidered was taken.
- H. Reopen public participation.
- I. Extend a meeting past 11:30 p.m.

Charter 3.16 (e) allows the prevailing vote to be reduced by one vote for every two members of the Commission who are present, but who do not vote because they have a conflict of interest or have been excused from voting by a vote of all the remaining members of the Commissioners who may vote on the question. However, the prevailing vote may not be reduced to less than one-third of the membership of the Commission. A quorum of the Commission shall consist of a majority of the full membership.

Rule 14. PUBLIC PARTICIPATION CONFINED TO THAT AGENDA ITEM

No person except a member of the Commission, the Director of Community Development, the City Attorney, planner assigned to the agenda item, and other CBJ staff, may participate in Commission proceedings other than through opportunities provided for applicant presentations and public participation. Public participation shall be permitted on a motion to recess into executive session prior to the vote on such a motion. Public participation shall be permitted on all items on the agenda other than items before the Commission for information purposes.

Unless specifically authorized at the meeting by a majority of the Commission or by the Chair, public participation shall not be permitted at the Committee of the Whole meetings, committee meetings, and meetings advertised as work sessions only.

Rule 15. RECONSIDERATION

- A. What May Be Reconsidered. Main motions, amendments to main motions, privileged motions involving substantive questions, and appeals are subject to reconsideration. Procedural motions may not be reconsidered.
- B. Who May Reconsider. Any member of the Commission, whether or not that member voted on the prevailing side, may give notice of or move for reconsideration.
- C. Effect of Notice. The effect of giving notice of reconsideration is to suspend all action on the subject of the notice until a motion for reconsideration is made and acted upon or until the time within which the motion for reconsideration may be made and acted upon has expired.
- D. Time in Which Notice Must Be Taken Up. A notice of reconsideration expires unless a motion for reconsideration is made and acted upon prior to adjournment of the next regular meeting succeeding the meeting at which the action to be reconsidered occurred.
- E. Successive Reconsideration. There may be only one reconsideration even if the action of the Commission after reconsideration is opposite from the action of the Commission before reconsideration.
- F. Precedence. A motion for reconsideration has precedence over every main motion and may be taken up at any time during the meeting when there is no other motion on the floor.
- G. Effect. A successful motion for reconsideration completely cancels the previous vote on the question to be reconsidered as though the previous vote had never been taken. The motion for reconsideration is debatable to the same extent as the underlying motion.

Rule 16. TELEPHONIC PARTICIPATION

- A. A member of the Commission may participate by telephone in a regular Commission meeting or a Commission committee meeting if the member declares that circumstances prevent physical attendance at the meeting. If the presiding officer chooses to participate by telephone, the Vice Chair shall preside. Telephonic participation by Commission members is prohibited and in-person attendance required, to participate in appeal hearings.

- B. The member of the Commission shall notify the Director and the presiding officer, if reasonably practicable, at least four hours in advance of the meeting which the member proposes to attend by telephone.
- C. A member of the Commission participating by telephone shall be counted as present for purposes of quorum, discussion, voting, and attendance.
- D. The member of the Commission participating by telephone shall make every effort to participate in the entire meeting. From time to time during the meeting the presiding officer shall confirm the connection.
- E. The member of the Commission participating by telephone may ask to be recognized by the presiding officer to the same extent as any other member.
- F. To the extent reasonably practicable, the Director shall provide meeting materials to the member of the Commission participating by telephone.
- G. If the telephone connection cannot be made or is made and then lost, the meeting shall commence or continue as scheduled. The Secretary shall attempt to establish or restore the connection, provided that if the member of the Commission participating by telephone is necessary to achieve a quorum, the meeting shall be at ease, recess, or adjourn as necessary until the telephone connection is established or restored.
- H. Meeting times shall be expressed in Alaska Time regardless of the time at the location of any member of the Commission participating by telephone.
- I. Remarks by members of the Commission participating by telephone shall be transmitted so as to be audible by all members of the Commission, staff and the public in attendance at the meeting.

Rule 17. ADOPTION OF ROBERT’S RULES OF ORDER

Meetings shall be conducted according to Robert’s Rules of Order, 11th Edition.

REPEAL AND EFFECTIVE DATE

The existing Planning Commission Rules of Order are repealed, and these Rules of Order shall be effective upon filing with the City Clerk.



 Michael LeVine, Chair Planning Commission

1/24/20

 Date



 Filed with the City Clerk

1/27/2020

 Date

Suspension of Planning Committee Rules of Procedure in response to Federal, State, and Local Declarations of Emergency Due to COVID-19.

WHEREAS, COVID-19 or coronavirus is a contagious virus that is actively spreading across the world, including in the United States; and,

WHEREAS, Declarations of Emergency at the Federal, State, and Local level have been enacted; and

WHEREAS, the Governor and Assembly have issued multiple Health Mandates and Resolutions requiring social distancing and restricting group gatherings; and

WHEREAS, the Planning Commission is reviewing proposed agendas to ensure that meetings occur only regarding essential business; and

WHEREAS, consistent with State and Local guidance the Assembly, advisory boards, commissions, and committees have temporarily moved to telephonic participation to ensure the safety of our community; and

WHEREAS, upon balancing the health risks of COVID-19 and transparent government principles, the Planning Commission finds it necessary to temporarily change to how public meetings are conducted;

NOW, THEREFORE, THE PLANNING COMMISSION SUSPENDS AND MODIFIES ITS RULES OF PROCEDURE EFFECTIVE JANUARY 26, 2021 THROUGH JUNE 30, 2021; AS SET FORTH BELOW.

The following Rule are Suspended:

Rules 9(F), 10(A)(3), 10(B)(2)(a), 10(B)(3), 16(A), and 16(B).

The Suspended Rules are Replaced by the Following Process:

1. Telephonic or online platform participation is mandatory for any commissioners and members of the public attending the meeting;
2. The call-in number and online platform information will be provided to the commissioners and the public with the Agenda Packet, and will be published online;
3. Members of the public wishing to comment on non-agenda items are encouraged to call-in or join the online platform within five (5) minutes of the meeting start time to ensure their testimony is taken;
4. Materials must be submitted electronically to CDD no later than the Thursday before the meeting, if it is not possible to submit materials electronically, the applicant is directed to call CDD to arrange delivery of materials;
5. Written public comment must be received via email by 12pm the day prior to the scheduled Planning Commission meeting. Members of the public may call in or join the online platform to provide verbal comment during the public hearing.

Michael LeVine, Planning Commission Chair