

**POLICY COMMITTEE MEETING**

November 19, 2009

7:00 p.m.

County Complex, Building A

**A. Roll Call**

**Present**

Mr. Chris Henderson, Chair  
Mr. Jack Fraley  
Mr. Rich Krapf  
Ms. Deborah Kratter  
Mr. Reese Peck

**Others Present**

Ms. Leanne Reidenbach, Senior Planner  
Mr. Adam Kinsman, Deputy County Attorney  
Mr. Brian Elmore, Development Management Assistant

Mr. Chris Henderson called the meeting to order at 7:00 p.m.

**B. Minutes – June 10, 2009**

Mr. Rich Krapf moved for approval of the June 10<sup>th</sup> minutes, with a second from Ms. Deborah Kratter.

In a unanimous voice vote, the minutes were approved as presented (5-0).

**C. Old Business - Amendments to Planning Commission Bylaws**

Mr. Adam Kinsman stated that the Planning Commission's bylaws had not been updated for several years and that currently the bylaws do not reflect the Commission's current operation and certain small adjustments are needed. He noted that Bylaws serve as a basic framework for the Commission's operations and suggested that specifics should be placed in adopted documents and policies.

He noted that for example, the bylaws recognize a Nominating Committee, but in practice the Commission has decided officers in conversations over the course of the year and appointed them during the annual work session. He proposed striking the Nominating Committee. He also noted that there are Commission subcommittees mentioned that are not typically convened.

Ms. Leanne Reidenbach stated that Ms. Kratter's suggested changes were included in the document provided to the Committee.

Mr. Henderson stated that the bylaw amendments could not be adopted until the Commission public hearing. He indicated the bylaw changes would be reviewed on an objection basis.

Mr. Kinsman agreed the Commission can only legally go into closed meetings for nominations and personnel matters. Nominations must be made public after closed meetings.

Mr. Jack Fraley noted that some officer nominations include preconditions. He said there have been nomination meetings where no one going in knew who would emerge as chair. Chair

selection works best when all seven members are involved, rather than only a nominating committee.

Ms. Kratter suggested that the language on how to bring an agenda item before the Commission should be clarified.

Mr. Kinsman stated that Staff would draft a list of procedures for Commission agenda additions and include them in the bylaws. He suggested adding language stating that staff presentations may exceed their time limits at the chair's discretion.

Ms. Kratter suggested language in the document should reflect desired bylaws, and not more lenient procedures only because they may be the current practice.

Mr. Fraley noted that public comment prior to public hearing cases and committee meetings is not required, but was started during his first term as chair.

Ms. Kratter suggested the bylaws should reference the State standard for conflicts of interest.

Mr. Kinsman stated that members currently cannot abstain from voting because they believe they have a conflict of interest. Statutory conflicts of interest are different from personal biases. Members cannot vote when there is a conflict according to the State and Local Government Conflict of Interest Act, but the Committee can decide additional conflict of interest standards. The bylaw is designed so that Commission members cannot abstain from contentious votes.

Ms. Kratter suggested that the language should allow members to abstain from voting when they identify their own conflict of interest.

Mr. Kinsman stated that language was legally acceptable, but questioned whether it could be abused by future Commissioners.

Mr. Henderson stated he did not want the language to enable Commissioners to abstain from difficult votes.

The Committee decided to leave some latitude to Commissioners to determine conflicts.

Mr. Fraley stated that ad-hoc subcommittee language should be retained since Ms. Kratter and himself were appointed to one for the Comprehensive Plan's executive summary. He stated that the Planning Commission chair appoints the subcommittee's chair and members.

Mr. Fraley noted that some past Commission representatives to the Board have not attended Board meetings without land use cases. He said that at some of those meetings, the Commission was still discussed by the Board, with no Commissioner present. The assigned Commissioner should always be at Board meetings.

Mr. Kinsman stated he would add language stating that Commissioners need to attend their respective assigned Board meetings and would add a citation to reference other codes that detail Commissioner duties.

Mr. Fraley stated he would like to clarify whether the Board of Supervisors appointed representatives to the Regional Issues Committee.

Mr. Peck noted that the Planning Department was supposed to be present at all Committee meetings. He stated that the identity of the Planning Director's designee should be submitted to the Commission in writing and it should be clarified that the Director is a non-voting member.

Mr. Fraley stated he would like one or two staff members to become the Director's regular designees at Committee meetings for familiarity and continuity. He stated that there were previous issues at Development Review Committee (DRC) meetings that had been overlooked due to lack of staff continuity.

Ms. Reidenbach stated that whichever staff member has current business with the Committee becomes the Planning Director's designee. She said she would discuss the suggestion with the Planning Director, but noted it would be potentially burdensome on the 1 member designated. Any staff designee did not need to be designated in the bylaws.

Mr. Krapf stated that the current 60 days allowed to appoint committee members should be reduced to 30 days.

Mr. Peck stated he wanted to retain the Leadership Committee for its role in reviewing conduct of the Commission. He said that there have been allegations of misconduct and that the Commission has appropriate measures in place to review those charges. The Leadership Committee's role should be limited to disciplinary or conduct issues, which should be allowed as a closed session.

Mr. Kinsman stated he would research whether personnel issues would allow for a closed meeting.

Mr. Fraley stated that no allegations had been formally filed against any Commission member.

Mr. Peck stated that the Commission Leadership Committee should resolve disciplinary matters, assuming allegations are not made against the officers.

Mr. Kinsman stated the Leadership Committee will consist of Commission Chair, Vice-Chair, Policy Chair, and DRC Chair. The Board has no written policy for Commission discipline.

Mr. Henderson stated that the Leadership Committee should have an odd number of Commissioners for deciding discipline. He said that the Policy Chair should serve with the Chair and Vice-Chair on that committee.

Mr. Peck noted that the Planning Department and City Attorney should be part of this Committee and should not have a provision to send a designee.

Ms. Reidenbach stated that the updated bylaws could be ready in time to advertise for the February Commission meeting.

Mr. Kinsman noted he would make revisions. He also noted that as a policy rather than as part of the bylaws.

**D. New Business**

Mr. Krapf stated he wanted to discuss pre-application meetings with applicants. He said he wanted the Commission to adopt a policy for these types of meetings that occur outside of regularly scheduled public meetings.

Mr. Kinsman stated he would inquire with other county attorneys if see if other localities have similar meeting communications.

Mr. Fraley stated the Commission has certain practices in meeting with applicants. He said he always makes sure another Commission member is present. Commissioners send notes from these meetings to Planning staff and other Commissioners. Commissioners meet with multiple third parties, including activist groups. There are many instances where Commissioners are asked development questions without an application submitted.

Ms. Kratter stated that meeting policies should separate applicants, their parties of interest, and third parties. She stated the term 'special interest group' was too broadly defined.

Mr. Fraley stated that there are myriad ways that Commissioners meet with applicants and the public which should be understood before setting policy.

Mr. Peck stated a trigger should determine what meeting information needs to be disclosed and in what forms, such as only discussions related to an already-submitted application need to be summarized.

Mr. Fraley stated e-mail notes of pre-application meetings should enter into the public record by way of a Planner's case file.

Mr. Krapf stated that in his Planning Commissioner job description research, he had found other localities forms for meetings with applicants.

Mr. Henderson stated that while the information discussed at the meetings was helpful, there is a risk of confidential information being compromised.

Mr. Kinsman stated that meetings should be limited to applicants and their agents. He stated it is relatively easy for friendly development conversations to get back to potential applicants.

Ms. Kratter stated that meetings with an actual applicants should be allowed in limited circumstances.

Ms. Reidenbach noted it would often be helpful to have a staff member present at meetings or for the Planning Commission member to have staff comments on the proposal available.

Mr. Fraley stated that staff did not need to attend the meetings, but needed to be aware of those meetings. He stated that sometimes he would like a staff member present for major proposals, but sometimes staff does not need to attend. Only large proposals should require work sessions, as has been done in the past.

Mr. Henderson stated that to streamline the application process, a designated time for Commission work sessions with applicants could be created.

Ms. Reidenbach suggested meetings could be held following regular DRC meetings.

Mr. Peck stated that meetings should not be discouraged, but there should be strict standards for informing other Commissioners of the discussions.

Mr. Krapf stated that inviting applicants to a work session after the DRC meeting could encourage conceptual plan applicants to meet with Commissioners.

Ms. Kratter stated the Commission could have a designated member to attend each work session, with applicants requesting a meeting slot.

Mr. Fraley stated that certain applicants would only want to meet with certain Commissioners. He stated many applicants understand each Commissioner's preferences. He stated he would favor a pre-scheduled meeting time, but not tagging it on to DRC meetings. These work sessions will increase Staff workload with packets and new deadlines.

Mr. Kinsman stated that holding the work sessions on a set schedule will reduce advertising costs.

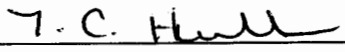
Ms. Reidenbach stated she would meet with the Director of Planning to determine the work effort involved with the Committee's proposal and other options.

Mr. Peck stated that he would like summaries of Commissioner-attended community meetings. He stated that the reports are for the benefit of those not in attendance.

#### **E. Adjournment**

Mr. Henderson moved to adjourn.

The meeting was adjourned at 8:45 p.m.

  
Chris Henderson, Chair of the Policy Committee