



Memorandum

DATE: April 6, 2020

TO: Members of the Planning Commission – Current and Recently Appointed

FROM: Julie Ainsworth-Taylor, Assistant City Attorney

RE: April 16, 2020 Planning Commission Meeting

CC: Rachael Markle, Director of Planning and Community Development
Nora Gierloff, Planning Manager

Washington’s Open Public Meeting Act (OPMA), chapter 42.30 RCW, requires all meetings of the Planning Commission to be open and public, with anyone permitted to attend without any conditions to attendance. Given the COVID-19 public health emergency, providing for such meetings has become problematic.

As you are aware, in the month of March 2020, the Washington State Governor issued Proclamations limiting the number of people at a gathering and, ultimately, on March 23, 2020, issued the “Stay Home-Stay Healthy” Proclamation restricting people to their homes and prohibiting gatherings of any size even if social distancing and sanitation measures were followed. Recognizing the need for continuity in governance while respecting transparency in government, on March 24, 2020, the Governor issued a Proclamation temporarily prohibiting a public agency from conducting any public meeting unless it was not conducted in-person and provided options for the public to attend the proceedings through, at a minimum, telephonic access, and may include other electronic, intent, or means of remote access. Regardless of the method, the members of the public attending the meeting remotely must be able to hear each other at the same time.

While the Planning Commission can hold public meetings, the Washington State Attorney General’s Office has issued guidance. This guidance states that only meetings where “necessary and routine” matters are addressed should be held; all other matters should wait until after the prohibition has been lifted. This temporary probation is currently in effect until April 23, 2020, but given the Governor’s extension of the Stay Home-Stay Healthy Proclamation, it will probably be extended.

SMC 2.20 requires a seven (7) member Planning Commission and, given that former Planning Commissioners' terms expired on March 31, 2020, the Planning Commission lacks a quorum. Without a quorum, the Planning Commission can take no action. Thus, the purpose of the Planning Commission's April 16, 2020 meeting is limited to the swearing in of the four (4) newly appointed Planning Commissioners (Janelle Callahan, Andy Galuska, Julius Rwamashongye and Pam Sager) and electing the Chair and Vice Chair of the Planning Commission. The meeting satisfies the Attorney General's guidance in that the swearing in of new Commissioners and the associated election of the Chair and Vice-Chair are necessary for having a fully functioning Planning Commission.

While the Shoreline City Council began to encourage remote attendance at its March 16 and March 23 regular meetings, pursuant to the Governor's Proclamation, the City Council started conducting its meetings exclusively on-line March 30, 2020. The Planning Commission must similarly adhere to the Governor's mandate and will be utilizing the *Zoom* on-line meeting platform that has successfully been used by the City Council.

Both current and recently appointed Planning Commissioners must be connected to the April 16, 2020 meeting by both video and audio connection. For recently appointed Planning Commissioners, if you are not connected by video you will not be sworn in at this time. The rules for the election of the Chair and Vice-Chair are found in Article IV of the Rules of Procedure. Please familiarize yourself with the rules prior to the April 16 meeting. The Rules can be found in your Planning Commissioner Handbook or on-line at: <http://www.shorelinewa.gov/home/showdocument?id=44594>