

ORDINANCE 1769

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO PLANNING COMMISSION APPOINTMENTS; AMENDING NORTH BEND MUNICIPAL CODE SECTION 2.28.010; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City has a seven-member Planning Commission with each Commissioner appointed to a four-year term; and

WHEREAS, currently the appointments for Planning Commissioner Position Nos. 1, 4, 5, 6, and 7 expire in 2022 and Planning Commission Position Nos. 2 and 3 expire in 2023; and

WHEREAS, the City Council desires to have a more balanced rotation of Planning Commissioner appointments with four Commissioners being appointed one year and three Commissioners being appointed two years later; and

WHEREAS, to accomplish this objective there will need to be an appointment in 2022 for a term of two year expiring in 2024; and

WHEREAS, in 2024 that appointment would then resume the regular four-year term rotation; and

WHEREAS, for appointments made in the year 2023 only, two positions will be for a term of one year, and in 2024, these two positions will resume for four-year terms; and

WHEREAS, to achieve this objective a minor amendment to North Bend Municipal Code Section 2.28.010 is required as set forth below;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. NBMC Section 2.28.010 (Membership – Term of Office), Amended: North Bend Municipal Code Section 2.28.010 (Membership – Term of Office) is hereby amended to read as follows:

A. Pursuant to RCW 35A.63.020, there is created an advisory planning agency to be known as “the city of North Bend planning commission,” which will consist of seven members appointed by the mayor and confirmed by the city council. Four of the commissioners shall reside inside the

city limits while three may reside inside the 98045 zip code area. The positions of the members shall be assigned position numbers. Members will be appointed to serve for a period of four years from the time of their appointment. ~~Existing members of the planning commission will serve until either their resignation, or the expiration of their existing term of office, whichever shall occur first.~~ The city clerk shall maintain a record of expiration dates by position.

For appointments made in the year 2022 only, Planning Commissioner Position No. 1 will be for a term of two year. In the year 2024, Planning Commissioner Position No. 1 will resume a four-year term.

For appointments made in the Year 2023 only, Planning Commission Positions No. 2 and No. 3 will be for a term of one year. In the year 2024, Planning Commissioner Positions No. 2 and No. 3 will resume a four-year term.

B. If any person on the planning commission concludes that he or she has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the agency so that he or she cannot discharge his or her planning commission duties, he or she shall disqualify himself or herself from participating in the deliberations and decision-making process with respect to that matter. If this occurs, the mayor may appoint, without confirmation, a person to serve as an alternate on the agency to serve in his or her stead in regard to such a matter.

C. Members may be removed by the mayor, with council approval. Members shall be selected without respect to political affiliation and shall serve without compensation.

Section 2. Severability: Should 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 1ST DAY OF
FEBRUARY, 2022.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: February 11, 2022
Effective: February 16, 2022

Susie Oppedal, City Clerk