



**CITY OF MILWAUKIE**

*"Dogwood City of the West"*

**Resolution No. 77-2014**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE BYLAWS OF THE DESIGN AND LANDMARKS COMMITTEE.**

**WHEREAS**, Municipal Code Chapter 2.10.050.A requires Committees to review and update their bylaws annually; and

**WHEREAS**, the duties of the Committee are set out in MMC 2.18.010; and

**WHEREAS**, the current bylaws do not adequately address current accepted practice and do not provide guidance for how to address lack of quorum, how to conduct a design review meeting, and other key responsibilities of the Committee; and

**WHEREAS**, the Design and Landmarks Committee drafted a revised set of bylaws to establish the rules and expectations of its membership in conducting the City's business; and

**WHEREAS**, the Design and Landmarks Committee of the City of Milwaukie, Oregon with a quorum in attendance at its regular meeting of January 19, 2014, voted to forward the revised bylaws to the City Council for adoption;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Milwaukie adopts the Design and Landmarks Committee Bylaws in attachment A.

Introduced and adopted by the City Council on August 19, 2014.

This resolution is effective on August 20, 2014.

  
\_\_\_\_\_  
Jeremy Ferguson, Mayor

APPROVED AS TO FORM:  
Jordan Ramis PC

ATTEST:

  
\_\_\_\_\_  
Pat DuVal, City Recorder

  
\_\_\_\_\_  
City Attorney

# ATTACHMENT A

## MILWAUKIE DESIGN AND LANDMARKS COMMITTEE PROPOSED BYLAWS

Approved by the Design and Landmarks Committee on January 29, 2014  
**Adopted by City Council on August 19, 2014**

### ARTICLE I NAME

The name of this committee is the Design and Landmarks Committee (Committee).

### ARTICLE II PURPOSE, AUTHORITY, AND OBJECTIVE

- A. **Purpose.** The purpose of the Committee is to serve as an advisory body to, and a resource for, City staff and the Planning Commission on historic resource and urban design matters.
- B. **Authority.** The Committee is authorized by ORS 227 and Milwaukie Municipal Code (MMC) Chapter 2.18.
- C. **Objective.** The Committee's objectives include protecting the community's values and commitment to order, harmony and quality within the built environment of Milwaukie, and protection of Milwaukie's historic resources as reflected in the Comprehensive Plan.
- D. **Open Meetings.** All meetings of the Committee are open to the public.

### ARTICLE III MEMBERSHIP

- A. **Appointment.** Each Committee member shall be appointed by the Mayor with the consent of Council, consistent with MMC 2.10.030.G. Members shall serve at the pleasure of the Council.
- B. **Term of Office.** Terms are for a period of two years. Committee members may serve no more than three consecutive full terms, unless there is an interval of at least one term prior to reappointment. The Council may waive this limitation if it is in the public interest to do so.
- C. **Membership.** The Committee consists of five members. No member may be a City of Milwaukie officer, agent, or employee. To the degree possible, one Committee member shall have demonstrated special interest, experience, training, or knowledge in the field of historic preservation or history. To the degree possible, one Committee member shall have demonstrated special interest, experience, training, or knowledge in the field of architecture, planning, landscape design, or similar field.
- D. **Vacancies and Removal.** Vacancies are filled in the same manner as the original appointments. A member of the Committee may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.
- E. **Attendance.** Upon failure of any member to attend 75% of the scheduled meetings during a calendar year, the Committee may recommend termination of that appointment

to the Council, and the Council may remove the incumbent from the Committee and declare the position vacant to be filled in the manner of a regular appointment.

- F. **Compensation.** Committee members shall receive no compensation for their service, but shall be fully reimbursed for all duly authorized expenses.

#### ARTICLE IV OFFICERS AND STAFFING

- A. **Officers.** The officers consist of a Chair and a Vice Chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the Committee's first meeting of the calendar year. Officers may be re-elected. In the event that an officer is unable to complete the specified term, a special election shall be held for the completion of the term.
- B. **Chair.** The Chair shall preside at all deliberations and meetings of the Committee and review Committee agendas with the staff liaison. The Chair shall sign all documents memorializing Committee actions in a timely manner after action by the Committee.
- C. **Vice Chair.** During the absence, disability, or disqualification of the Chair, the Vice Chair shall exercise or perform all duties and be subject to all the responsibilities of the Chair. In the absence of the Chair and Vice Chair, the remaining members present shall elect an acting Chair.
- D. **Staff.** The City of Milwaukie Planning Department will provide staff support to the Committee for: design review issues, meeting notifications, postponements, final disposition of matters, and other steps taken or acts performed by the Committee, which include administrative housekeeping functions such as word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

#### ARTICLE V ORGANIZATIONAL PROCEDURES

- A. **Meetings.** The Committee shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law. Typically, the Committee meets once a month on the first Monday at 6:30 p.m. at City Hall. Committee meetings shall end no later than 10:00 p.m., unless extended by majority vote of the Committee members present and participating in the Agenda item that is under consideration at that time.
- B. **Quorum.** A quorum is three of the voting membership of the Committee. The concurrence of a majority of the Committee members present shall be required to decide any matter. In the case of a tie vote, the matter is not complete. One new motion may be made. If a majority vote is not obtained on that motion the agenda item fails. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be cancelled. In the event it is known by the Planning Director (Director) prior to a meeting that a quorum will not be present at any meeting, the Director shall notify the Committee members. All items scheduled for the meeting shall be automatically continued to a regularly scheduled meeting unless the Director determines that a special meeting is needed. The Director shall post notice of the continuance on the exterior doors of City Hall notifying the public of the continuance and specifying the date and

time when the continued items will be before the Committee. The Notice shall remain through the evening on which the meeting is originally scheduled.

**C. Order of Business.** The Chair shall have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:

1. Call to order – Procedural Matters
2. Minutes
3. Information Items
4. Audience Participation
5. Public Meetings
6. Worksession Items
7. Planning Department Other Business/Updates
8. Design and Landmarks Committee Discussion Items
9. Forecast for Future Meetings.

**D. Voting.** All members who are present at a Committee meeting, including the Chair and Vice Chair, are allotted one vote each on all motions. A motion may be made by any Committee member with the exception of the presiding officer. All Committee members, when a vote is taken, shall vote unless he or she abstains from voting and cites the reason for the record. Staff shall call the roll, altering the order of members called. The Chair shall vote last.

**E. Reconsideration of Actions Taken.** A member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Committee.

**F. Minutes.** A staff representative or designee shall be present at each meeting and shall provide for a sound, video, or digital recording, or written minutes of each meeting. The record of the meeting, whether preserved in written minutes or sound, video, or digital recording, shall include at least the following information:

1. Names of the Committee members present;
2. All motions and proposals, and their disposition;
3. The results of all votes and the vote of each Committee member by name;
4. The substance of any discussion on any matters; and,
5. A reference to any document discussed at the meeting;
6. Written minutes need not be a verbatim transcript, but give a true reflection of the matters discussed at the meeting and the views of the participants.
7. Written minutes of a meeting will be made available to the public within a reasonable time after the meeting.
8. Minutes shall be reviewed and voted upon by the Committee at a regular meeting.

**G. Repeal or Amendments.** The Committee may review these bylaws periodically and forward suggested revisions to the Council for approval. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Council on its own initiative, or upon a recommendation from the Committee.

- H. **Meeting Conduct.** The meeting conduct for this Committee is these bylaws except where superseded by or local, state, or federal law.

## ARTICLE VI DUTIES OF OFFICERS

- A. **Duties of the Chair.** The Chair or Vice Chair, in addition to the duties in Article IV, shall preserve the order and decorum of the meeting.
1. The Chair may assess the audience at the beginning of the meeting, and, with the consent of the Committee, announce reasonable time limits.
  2. The Chair will direct the planning staff to summarize the issues to be addressed and the criteria to be applied by the Committee during its deliberations, following the conclusion of public meeting testimony.
  3. The Chair will summarize the meeting results at the conclusion of the public meeting.
- B. **Requesting Response and Opinion.** The Chair will ask for response and opinion from the members of the Committee.
- C. **Appointments to Specific Projects on Committees.** The Chair may appoint Committee members to specific projects or committees, and may select a Committee member to be spokesperson for the Committee when the Chair or Vice Chair is unavailable.
- D. **Confer with Director.** The Chair or Vice Chair shall confer with the Director on a regular basis outside scheduled meetings concerning the direction each expects of the Committee.
- E. **Orientation of New Members.** The Chair, in conjunction with the Director, shall orient new members.

## ARTICLE VII DUTIES OF THE COMMITTEE

- A. **Duty of Committee Member.** Committee members shall address all those who come before the Committee in a formal and courteous manner.
- B. **Absence From a Meeting.** If a Committee member is unable to attend a meeting, it is that Committee member's responsibility to inform the Community Development staff and/or the Committee Chair of that fact prior to the meeting to be missed.
- C. **Site Visits.** Prior to Committee meetings, Committee members are encouraged to visit sites that are subjects for design review actions. If a Committee member visits a site, he or she shall report on the record any information gained from the site visit that is not consistent with the information included in the application or staff report.
- D. **Method of Handling Conflicts by Members.** In accordance with ORS 244.135: (1) A member of the Committee shall not participate in any Committee proceeding in which any of the following has a direct or substantial financial interest:

1. The Committee member or the spouse, brother, sister, child, parent, father-in-law, or mother-in-law of the Committee member;
2. Any business in which the Committee member is then serving or has served within the previous two years; or
3. Any business with which the Committee member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
4. Any actual or potential interest shall be disclosed at the meeting of the Committee where the action is being taken.

**E. Meeting Preparation.** Committee members shall prepare for participation at a meeting by fully reviewing the staff report and materials provided by the planning staff. If a Committee member is unable to attend a public meeting on an application that is continued to another meeting, the Committee member shall not take part in the continuance meeting unless the Committee member:

1. Reviews the staff report and materials provided by the planning staff as well as:
  - a. All materials submitted at the public meeting, and
  - b. Any additional materials prepared by the Planning staff applicable to the application, and
  - c. Either the audio recording of the meeting or the draft minutes of the meeting.
2. Declares that they are prepared to participate.

**F. Duties Assigned by Council.** The Committee shall carry out the duties assigned to it by Council.

## **ARTICLE VIII GOALS AND OBJECTIVES**

**A. Annual Goal Review.** The Committee shall review the Council goals annually for establishment of Committee goals which enhance and augment those of the Council.

**B. Establishment of Committee Goals.** The Committee shall establish goals, at a minimum, annually.