



CITY OF MILWAUKIE

"Dogwood City of the West"

Resolution No. 1-2017

A resolution of the Milwaukie Redevelopment Commission adopting bylaws.

WHEREAS, Ordinance 1623, adopted in 1987, activated and established the Milwaukie Redevelopment Commission as the Urban Renewal Agency for the City of Milwaukie, Oregon;

WHEREAS, on August 25, 2016, the Milwaukie City Council adopted Ordinance 2130 creating an Urban Renewal District for the downtown and Central Milwaukie areas of the City;

WHEREAS, the purpose of the City of Milwaukie's urban renewal program is to encourage redevelopment and economic improvements in specific areas of the City where conditions have resulted in poor quality development, underdevelopment, or underperformance;

WHEREAS, the Milwaukie Redevelopment Commission is charged with carrying out the implementation of the Milwaukie Urban Renewal Plan;

WHEREAS, the Milwaukie Redevelopment Commission does not have a set of bylaws to set out procedures and policies related to the conduct of meetings and implementation of the plan;

NOW, THEREFORE, BE IT RESOLVED that:

1. Milwaukie Redevelopment Commission hereby adopts the bylaws attached as Exhibit A.


Introduced and adopted by the City Council on **February 21, 2017**.

This resolution is effective on **February 21, 2017**.



Mark Gamba, Chair

ATTEST:



Scott Stauffer, City Recorder

APPROVED AS TO FORM:
Jordan Ramis PC



City Attorney

MILWAUKIE REDEVELOPMENT COMMISSION BYLAWS

ARTICLE I. NAME

The name of the Urban Renewal Agency (Agency) of the City of Milwaukie is the Milwaukie Redevelopment Commission (Commission).

ARTICLE II. PURPOSE AND AUTHORITY

- A. **Purpose.** The purpose of the City of Milwaukie's urban renewal program is to encourage redevelopment and economic improvements in specific areas of the City where conditions have resulted in poor quality development, underdevelopment, or underperformance. The intent of the program is to utilize tax increment financing to fund urban renewal projects that incentivize redevelopment that is consistent with the City's Comprehensive Plan. The projects to be funded are those listed in the urban renewal plan and include such items as development assistance, tenant improvements, Main Street Program enhancements, streetscape improvements, parking solutions, bike/pedestrian connections, intersection upgrades/improvements, transit stop improvements, park and open space improvements, gateway/entryway improvements, and wayfinding.
- B. **Purpose of the Milwaukie Redevelopment Commission.** The purpose of the Commission shall be to serve as the governing body of the Urban Renewal Agency for the City and to carry out the goals and objectives of urban renewal plans adopted by the Commission.
- C. **Authority.** The Commission is authorized by Oregon Revised Statute (ORS) 457, Milwaukie Municipal Code (MMC) Chapter 2.40, and Milwaukie Ordinance 2130 (the ordinance adopting the Milwaukie Urban Renewal Plan).

ARTICLE III. MEMBERSHIP

- A. **Membership.** The Milwaukie City Council shall serve as the members of the Commission.
- B. **Term of Office and Vacancies.** Terms of office shall be concurrent with the terms of office for individual City Council members. A Commission vacancy shall be automatically filled by a City Councilor filling a vacant City Council seat.

ARTICLE IV. OFFICERS AND STAFFING

- A. **Officers.** The officers shall consist of a Chair and a Vice Chair.
- B. **Chair.** The Chair shall be the Mayor of the City of Milwaukie. The chair shall preside at all deliberations and meetings of the Commission. The Chair shall have a vote on any matter or question before the Commission. Except as otherwise delegated to the Executive Director, the Chair shall sign all contracts, deeds, and other instruments as required to carry out the purpose of the Commission.

- C. **Vice Chair.** The Vice Chair shall be the President of the City Council. 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. **Executive Director.** The City Manager of the City of Milwaukie or the Manager's designee shall be the Executive Director (Director) for the Milwaukie Redevelopment Commission. The Executive Director shall administer the affairs of the urban renewal agency in accordance with Federal, State, and local laws. Consistent with labor laws, the Director shall have the authority to assign staff to carry out the programs necessary to implement an urban renewal plan adopted by the Commission. The Executive Director or the designee of the Director shall keep the records of the urban renewal agency, record all votes, keep a record of the proceedings of the Commission, and perform all duties incident to the office.
- E. **Statement of Economic Interest.** As City Councilors, Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission.

ARTICLE V. MEETINGS

- A. **Annual Meeting.** The Commission shall meet at least once annually in the first quarter of the calendar year.
- B. **Regular Meetings.** The Commission may conduct regular meetings at such time and place as the Commission may decide. The Director shall work with the Chair to determine whether sufficient business exists for a meeting and shall notify each member as well as arrange for official public notice of the meeting.
- C. **Special Meetings.** The Chair may, or upon written request of two or more members shall, call a special meeting of the Commission.
- D. **Quorum.** A quorum is three of the voting membership of the Commission. The concurrence of a majority of the whole Commission is required to determine any matter.
- E. **Open Meetings.** All meetings of the Commission are open to the public. The Commission has the authority to conduct an executive session under ORS 192.660.
- F. **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
 - 2. Approval of Minutes
 - 3. Audience Participation
 - 4. Business Items
 - 5. Report of the Executive Director
 - 6. Information
 - 7. Adjournment

- G. **Meeting Procedures and Decorum.** All rules and rules of order not herein provided for shall follow the same rules as set forth in MMC 2.04.150 through MMC 2.04.2.80 and MMC 2.04.300 for the Milwaukie City Council. Commission members shall adhere to rules set forth for Councilors.
- H. **Government Ethics.** Commission members shall follow the ethics rules set out for City Councilors in MMC 2.04.290.

ARTICLE VI. IMPLEMENTATION POLICIES

- A. **Policies and Procedures.** The Commission has the authority to adopt policies and procedures consistent with its purpose of carrying out the goals and objectives of the urban renewal plans of the City. Commission policies and procedures shall be adopted by resolution.
- B. **Real Property Transfer.** The Commission may accept property transferred from the City of Milwaukie to the Agency through procedures set forth in MMC 3.15.050.
- C. **Real Property Acquisition.** The Director may approve the acquisition by the Agency of an interest in real property if that interest is valued at less than twenty-five thousand dollars (\$25,000.00) or if the property is valued at more than twenty-five thousand dollars (\$25,000.00) but is donated to the Agency. All other acquisitions of an interest in real property shall be approved by the Commission. An appraisal shall be required for property acquired by the Agency from a willing seller for more than twenty-five thousand dollars (\$25,000.00). As required by state law, appraisals are required for acquisitions over twenty thousand dollars (\$20,000.00) when condemnation is an option. Dedications of property for rights-of-way with no or nominal monetary compensation shall not be considered acquisitions of property by the Agency for purposes of this section.
- D. **Real Property Disposition.** The Commission may dispose of property through the process set forth below.
 - 1. Whenever real property is proposed for redevelopment by the Director, the proposed sale or transfer pursuant to a development agreement shall be set for a hearing before the Commission.
 - 2. Notice of the hearing shall be published once in a newspaper of general circulation in the City at least five (5) days prior to the hearing and shall describe the property proposed for sale. Notice shall also be given to property owners within three hundred (300) feet of the subject property.
 - 3. Public testimony shall be solicited at the hearing to determine if sale or transfer of the real property is in the public interest.
 - 4. After the hearing, the Commission shall decide whether it will offer the property for sale or transfer through a development solicitation process (e.g., a Request for Qualifications) and/or Request for Proposal)) to solicit interest from potential developers. The Commission may direct the sale or transfer of the property for redevelopment only if it determines that redevelopment is consistent with the goals and objectives of an applicable City urban renewal plan.

5. Prior to redevelopment of real property under this section, an appraisal of the property shall be conducted. The appraisal may be ordered prior to or after the hearing. The appraisal may be made available to the public at the hearing if it has been prepared by that time.
6. If the Commission decides to offer the property for redevelopment, it shall direct the Director or designee to proceed with the development solicitation. The Commission shall select a preferred developer after considering the recommendation of the Director. The Director shall negotiate an agreement for the sale or transfer and development of the property.
7. The agreement negotiated by the Director shall be submitted to the Commission for approval, modification or rejection at a properly noticed Commission meeting.
8. The Commission reserves the right to terminate negotiations and select another developer from those responding to the initial solicitation, or re-solicit, if negotiations with the developer first selected do not result in an agreement satisfactory to the Commission.
9. The Commission may transfer property to another public entity for a public improvement on such terms and conditions as it deems appropriate without a solicitation process provided the improvement is consistent with the Plan.
10. Substandard undevelopable property that the Commission determines is surplus to the Agency's needs shall first be offered to the City of Milwaukie and, if not transferred, may be transferred to another public entity or sold in the manner established by the Commission.

ARTICLE VII. FINANCIAL

- A. **Separate Fund.** A separate fund or funds of the City of Milwaukie shall be established for the Commission. All disbursements from these funds shall follow the regular disbursements procedures of the City of Milwaukie.
- B. **Budget.** Budget procedures shall be in compliance with state budget laws and shall follow the budget procedures established for other funds of the City of Milwaukie.
- C. **Audit.** An annual audit of the fund or funds of the Milwaukie Redevelopment Commission shall be performed by the auditor of the City of Milwaukie using the same procedures as are used for all other funds of the City and in accordance with state audit laws.

ARTICLE VIII. ADVISORY COMMITTEES

- A. **Ad Hoc Advisory Groups.** As set forth in the Milwaukie Urban Renewal Plan, the Director may form Ad Hoc Advisory Groups to review major changes to projects, programs, or goals and objectives of the Urban Renewal Plan. All meetings of Advisory Groups shall be open public meetings.

B. Citizens' Advisory Committee. As set forth in the Milwaukie Urban Renewal Plan, the Commission has the authority to appoint a Citizens' Advisory Committee to assist and advise the Commission in decisions regarding plan implementation. Should the Citizens' Advisory Committee be developed, it shall adopt its own bylaws which shall be approved by the Commission. The Citizens' Advisory Committee shall consist of no more than nine voting members and two non-voting ex-officio members. Terms shall not exceed three years and no member shall serve more than two consecutive terms except that the initial members of the Committee may serve three consecutive terms to allow for the establishment of staggered terms. The Commission shall strive to appoint voting members who represents each of following categories:

- Property owners or business owners from within the urban renewal district.
- Residents from within the urban renewal district.
- Persons with extensive knowledge of finance, accounting, or economics.
- Persons with extensive knowledge of real estate, development, or land planning.
- Persons with extensive knowledge of affordable housing development or programs.
- Persons with extensive knowledge of public services, utilities, or infrastructure.
- A member of the Milwaukie Redevelopment Commission.

In addition, the Citizen Advisory Committee shall include two non-voting ex-officio members representing special service districts (e.g. Fire District #1 or the North Clackamas Parks and Recreation District). The Citizens' Advisory Committee shall be chaired by the member appointed from the Commission.

ARTICLE IX. AMENDMENTS

A. Amendments to Bylaws. The bylaws of the Milwaukie Redevelopment Commission shall be amended only with the approval of a majority of all members of the Commission at a regular meeting.