

COUNCIL RESOLUTION No. 36-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE PLANNING COMMISSION BYLAWS.

WHEREAS, the city updated its Comprehensive Plan in August 2020, which requires the City Council to appoint and maintain a Community Involvement Advisory Committee (CIAC) that meets or exceeds the requirements of Statewide Planning Goal 1; and

WHEREAS, the City Council appointed the Planning Commission to serve as the CIAC; and

WHEREAS, each Planning Commissioner will be considered as appointed to the CIAC at the same time as they are appointed to the Commission and will serve on the CIAC for the duration of their respective term on the Planning Commission; and

WHEREAS, the CIAC will implement the city's community involvement program pursuant to the requirements and relevant guidelines set forth in Statewide Planning Goal 1 and the Comprehensive Plan, which address the following in the land use context:

1. Opportunities for widespread public involvement,
2. Effective two-way communication with the public,
3. The ability for the public to be involved in all phases of the planning process,
4. Making technical information easy to understand,
5. Feedback mechanisms for policymakers to respond to public input, and
6. Adequate financial support for public involvement efforts; and

WHEREAS, the Planning Commission will reserve time on its regular meeting agendas to meet as the CIAC as needed, and will convene for an annual meeting; and

WHEREAS, on December 10, 2019, both the Commission and Milwaukie's neighborhood district association (NDA) leaders agreed that a yearly joint meeting should be included in the Commission bylaws; and

WHEREAS, at least once per year, the Commission will hold a meeting to which NDA leaders will be invited to discuss land use issues and community outreach with the Commission; and

WHEREAS, the Commission requested that Commission minutes be signed by a staff representative once they have been approved by the Commission.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the Planning Commission Bylaws are amended as outlined in Exhibit A.

Introduced and adopted by the City Council on **June 15, 2021**.

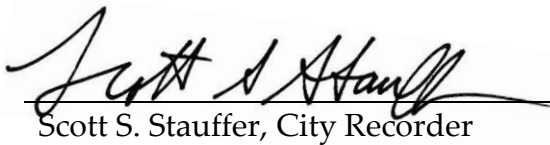
This resolution is effective on **immediately**.

A handwritten signature in black ink, appearing to read 'Mark Gamba', written over a horizontal line.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Scott S. Stauffer', written over a horizontal line.

Scott S. Stauffer, City Recorder

A handwritten signature in black ink, appearing to read 'Justin D. Gericke', written over a horizontal line.

Justin D. Gericke, City Attorney

MILWAUKIE PLANNING COMMISSION BYLAWS

ARTICLE I NAME

The name of this commission is the Planning Commission (Commission).

ARTICLE II PURPOSE, AUTHORITY, AND OBJECTIVE

- A. **Purpose.** The purpose of the Commission is to serve as an advisory body to, and a resource for, the City Council in land use matters. In addition, the Commission will carry out the roles and responsibilities as assigned under Milwaukie Municipal Code (MMC) Section 2.16.010.
- B. **Authority.** The Commission is authorized by ORS 227 and MMC Chapter 2.16.
- C. **Objective.** The Commission's objectives include articulating the community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.
- D. **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.

ARTICLE III MEMBERSHIP

- A. **Appointment.** Each Commission member will be appointed by the Mayor with the consent of Council, consistent with MMC 2.10.030 G. Members will serve at the pleasure of the Council.
- B. **Term of Office.** Terms are for a period of four years. Commission members may serve no more than two 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 Commission consists of seven members. No more than two members may be non-residents, and no more than two members can be engaged in the same kind of occupation, business, trade, or profession. No member may be a City of Milwaukie officer, agent, or employee; and no more than two voting members of the Commission may engage principally in the buying, selling, or developing of real estate for profit as individuals; or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, or developing of real estate for profit.
- D. **Vacancies and Removal.** Vacancies are filled in the same manner as the original appointments. A member of the Commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.
- E. **Attendance.** Upon failure of any member to attend three consecutive meetings, the Commission may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Commission and declare the position vacant to be filled in the manner of a regular appointment.

- F. **Compensation.** Commission members will receive no compensation for their service, but will 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 will be selected by the membership and who will serve at the pleasure of the membership for one year. Nominations and election of new officers will be taken from the floor at the Commission'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 will be held for the completion of the term.
- B. **Chair.** The Chair will preside at all deliberations and meetings of the Commission and call special meetings in accordance with these Bylaws and review Commission agendas with the staff liaison.
- C. **Vice Chair.** During the absence, disability, or disqualification of the Chair, the Vice Chair will 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 will elect an acting Chair.
- D. **Staff.** The City of Milwaukie Planning Department will provide staff support to the Commission for: land use issues, meeting notifications, postponements, final disposition of matters, and other steps taken or acts performed by the Commission, 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 Commission will hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law. Typically, the Commission meets at least once a month on the second and/or fourth Tuesday at 6:30 p.m. at City Hall. Commission meetings will end no later than 10:00 p.m., unless extended by majority vote of the Commissioners present and participating in the Agenda item that is under consideration at that time. An extension to 10:30 p.m. is allowed by Commission action. If a meeting has not concluded at 10:30 p.m., the Commission may vote on the Agenda item, consider another extension of up to 30 minutes, or vote to continue the item to the next available meeting.
- B. **Quorum.** A quorum is four of the voting membership of the Commission. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting will be cancelled. In the event it is known by the Director prior to a meeting that a quorum will not be present at any meeting, the Director will notify the Commission members. All items scheduled for the meeting will be automatically continued to a regularly scheduled meeting unless the Director determines that a special meeting is needed. The Director will 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 Commission. The Notice will remain through the evening on which the meeting is originally scheduled.

C. **Order of Business.** The Chair will 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 Hearings
6. Worksession Items
7. Planning Department Other Business/Updates
8. Planning Commission Discussion Items
9. Forecast for Future Meetings.

D. **Voting.** All members who are present at a Commission Meeting, including the Chair and Vice Chair, are allotted one vote each on all motions. The concurrence of a majority of the Commission members present will 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. A motion may be made by any Commissioner with the exception of the presiding officer. All Commissioners, when a vote is taken, will vote unless he or she abstains from voting and cites the reason for the record. Staff will call the roll, altering the order of members called. The Chair will 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 will be made without unanimous consent of the Commission.

F. **Minutes.** A staff representative or designee will be present at each meeting and will 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, will include at least the following information:

- Names of the Commission members present;
- All motions and proposals, and their disposition;
- The results of all votes and the vote of each Commission member by name;
- The substance of any discussion on any matters; and,
- A reference to any document discussed at the meeting;

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.

Minutes shall be reviewed and voted upon by the Commission at a regular meeting.

Upon approval of the minutes by the Commission, a staff representative will sign and make the minutes available to the public within a reasonable time after the meeting.

- G. **Repeal or Amendments.** The Commission 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 Commission.
- H. **Meeting Conduct.** The meeting conduct for this Commission is these bylaws except where superseded by or local, state, or federal law.
- I. **Statement of Economic Interest.** 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 VI DUTIES OF OFFICERS

- A. **Duties of the Chair.** The Chair or Vice Chair, in addition to the duties in Article IV, will 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 Commission, 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 Commission during its deliberations, following the conclusion of public hearing testimony.
 - 3. The Chair will summarize the hearing results and state the appeal process at the conclusion of the public hearing.
- B. **Requesting Response and Opinion.** The Chair will ask for response and opinion from the members of the Commission.
- C. **Appointments to Specific Projects on Committees.** The Chair may appoint Commissioners to specific projects or committees, and may select a Commissioner to be spokesperson for the Commission when the Chair or Vice Chair is unavailable.
- D. **Confer with Director.** The Chair or Vice Chair shall confer with the Planning Director (Director) on a regular basis outside scheduled meetings concerning the direction each expects of the Commission.
- E. **Orientation of New Members.** The Chair, in conjunction with the Director, will orient new members.

ARTICLE VII DUTIES OF THE COMMISSION

- A. **Duty of Commissioner.** Commissioners will address all those who come before the Commission in a formal and courteous manner.
- B. **Absence From a Meeting.** If a Commissioner is unable to attend a meeting, it is that Commissioner's responsibility to inform the Community Development staff and/or the Commission Chair of that fact prior to the meeting to be missed.

C. **Site Visits.** Prior to Commission meetings, Commissioners are encouraged to visit sites that are subjects for land use actions. If a Commissioner visits a site, he or she will 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 Commission will not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest:

1. The Commission or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the Commissioner; or
2. Any business in which the Commissioner is then serving or has served within the previous two years; or
3. Any business with which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

Any actual or potential interest must be disclosed at the meeting of the Commission where the action is being taken.

E. **Meeting Preparation.** Commissioners will prepare for participation at a meeting by fully reviewing the staff report and materials provided by the Director. If a Commissioner is unable to attend a hearing on a quasi-judicial application that is continued to another hearing, the Commissioner will not take part in the continuance hearing unless the Commissioner:

1. Reviews the staff report and materials provided by the Director as well as:
 - a. all materials submitted at the hearing, and
 - b. any additional materials prepared by the planning staff applicable to the application, and
 - c. either the audio recording of the hearing or the draft minutes of the hearing.
2. Declares that they are prepared to participate.

F. **Duties Assigned by Council.** The Commission will carry out the duties assigned to it by Council relating to development, updating, and general maintenance of the Milwaukie Zoning Ordinance and the Milwaukie Comprehensive Plan.

- a. The Commission will serve as the Community Involvement Advisory Committee (CIAC). Each Commissioner will be considered appointed to the CIAC at the same time as he or she is appointed to the Commission and will serve on the CIAC for the duration of their term. The CIAC will implement the City's community involvement program pursuant to the requirements and relevant guidelines set forth in Statewide Planning Goal 1 and the Comprehensive Plan specific to land use that addresses:

- Opportunities for widespread public involvement
 - Effective two-way communication with the public
 - The ability for the public to be involved in all phases of the planning process
 - Making technical information easy to understand
 - Feedback mechanisms for policy-makers to respond to public input, and
 - Adequate financial support for public involvement efforts.
- b. The Planning Commission will reserve time on every agenda to meet as needed as the CIAC, and will convene for an annual meeting.
2. **Other Duties.** At least once per year, the Commission will hold a meeting to which Neighborhood District Association (NDA) leaders (e.g., the NDA chair and the chair of the land use committee) are invited to discuss land use issues and community outreach with the Commission.

ARTICLE VIII GOALS AND OBJECTIVES

- A. **Annual Goal Review.** The Commission will review the Council goals annually for establishment of Commission goals which enhance and augment those of the Council.
- B. **Establishment of Commission Goals.** The Commission will establish goals, at a minimum, annually.