



**To:** Planning Commission  
**From:** Katie Mangle, Planning Director  
**Date:** November 6, 2009, for November 10, 2009, Worksession  
**Subject:** Planning Commission Bylaws

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### **ACTION REQUESTED**

Review of suggested revisions to the Planning Commission bylaws. This is a briefing for discussion only.

### **BACKGROUND**

#### **A. History of Prior Actions and Discussions**

- **1989:** The Milwaukie City Council adopted the current set of Planning Commission bylaws.
- **April 14, 2009:** The Commission reviewed the bylaws with City Attorney Bill Monahan, who suggested several modifications. The Commission provided feedback and guidance on several points, and directed staff to prepare a revised draft set of bylaws for the Commission's review.

#### **B. Draft Bylaws for Review**

The City Attorney's office has prepared a revised set of Planning Commission bylaws for review. Mr. Monahan has summarized key changes in a memorandum to the Commission (see Attachment 1). The current draft of the revised bylaws are attached in two forms – redline/strikeout (see Attachment 2) and clean (see Attachment 3). Also included for your reference are the sections of the Milwaukie Municipal Code that pertain to these bylaws (see Attachments 4 and 5).

With the feedback provided at the meeting on November 10, staff will prepare final draft for the Commission to review and recommend for Council adoption.

## **ATTACHMENTS**

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Memo regarding revising the Planning Commission bylaws from Bill Monahan
2. Draft revised bylaws (strikeout version)
3. Draft revised bylaws (clean version)
4. MMC Chapter 2.10 Boards, Commissions, and Committees Generally
5. MMC Chapter 2.16 Planning Commission

**M E M O R A N D U M**

TO: Members of the City of Milwaukie Planning Commission, Planning Director  
Katie Mangle

FROM: William Monahan

DATE: November 4, 2009

RE: **Planning Commission Bylaws**  
File No. 49979-36738

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In April we prepared a memorandum that detailed a number of suggestions for changes to the Planning Commission bylaws. The bylaws were adopted in June 1998. In compliance with its obligation under the Municipal Code, the Commission conducted a thorough review of the bylaws. On April 14 the Commission directed that we prepare amendments. Attached to this memorandum is a redline version and clean copy of the bylaws reflecting the proposed changes. We suggest that the Commission schedule an annual review for future years.

The following is a list of the substantive changes made to the bylaws. In addition to these changes, we have made a number of editorial changes. Some changes were made to provide for consistency. Other changes were made to correct errors that existed in earlier drafts. Only the substantive changes are mentioned below.

**Article II. Purpose, Authority, and Objective**

- D. Open Meetings. This section was added to note that all meetings are open to the public and the Commission has the right to go into executive session if needed.

**Article III. Membership**

- A. Appointment. There is some inconsistency between sections of the municipal code whether appointments to boards, commissions and committees are made by the Mayor with the consent of the Council, or by the City Council. MMC 2.10.030 G. states that the Mayor with consent of Council appoints Commission members so we have stated that here.
- B. Term of Office. The language has been revised to be consistent with code language that applies to all city boards, commissions and committees.

**Article IV. Officers and Staffing**

- B. Chair. Language has been added to show that the Chair is responsible for signing Commission documents.

## Article V. Organizational Procedures

- A. Meetings. The Commission advised in April that it desired to specify a target time for the meetings to conclude and the process to use to extend a meeting beyond that time. The new language provides for a process including a limit of 10:30 p.m.
- B. Quorum. The new language addresses a process to follow when the Director knows ahead of time that a quorum cannot be made. In addition, there is language added to state options for when a tie vote occurs.
- C. Order of Business. New language was added to identify the order of agenda items.
- D. Voting. Language was added to clarify that the presiding officer cannot make a motion. The new language would require that a member who abstains from voting cite the reason. The voting order will vary through a rotation system with the Chair always voting last.
- E. Reconsideration of Actions Taken. Language was added to provide for how a vote can be reconsidered.
- F. Minutes. The typical method used to record minutes has been stated. This is an addition to make the bylaws more complete.
- G. Repeal or Amendments. Language was added to conform to the Municipal Code that requires an annual review of bylaws.
- H. Parliamentary Authority. The bylaws replace “Roberts Rules of Order Revised” as the parliamentary authority applicable to the commission “unless superceded by these bylaws or local, state, or federal law.” As mentioned in April, the old language had the potential to create a problem since it is not clear where the conflicts between local bylaws and Roberts Rules exist. We recommend that the Commission adopt and periodically review the bylaws as the Commission’s “Rules of Procedure” to assure that they are as complete as possible. The use of Roberts Rules is more appropriate in large legislative bodies rather than smaller settings such as the Commission.
- I. Statement of Economic Interest. Originally we suggested that this section needed to be brought up to date to refer to the Oregon Ethics Commission requirement for filing quarterly reports. However, SB 30 eliminated that requirement. We suggest leaving the language as it is referring to the “annual statements.”
- J. Duties of Members. This section has been deleted with some of the language added into section Article V. A. Meetings.

## Article VI. Duties of Officers

- A. Duties of the Chair. The duties have been revised to reflect present practice.

Between B. and C. The statement “the Chair may mentor the Vice-Chair” is not needed in the bylaws. It was deleted

B, C., D., and E. These sections now have headings for consistency with the remainder of the Bylaws.

#### **Article VII. Duties of the Commission**

A., B., C., E., and F. These sections now have headings for consistency with the remainder of the bylaws.

C. Site Visits. This section has been revised to add language to require that a Commissioner who visits a site report any observations gained from the visit that he or she plans to take into consideration that are in addition to or inconsistent with the packet materials. This is required in order that all Commission members and parties to the proceeding are aware of what a Commissioner observed during a site visit and can question or refute the observations.

D. Method of Handling Conflicts by Members. Language has been added to reflect the obligation that a Commissioner has under ORS 244.135 regarding conflicts of interest.

E. Meeting Preparation. The new language provides direction how a Commissioner must prepare in order to participate in a continuance hearing when he or she did not attend the initial or subsequent hearing where evidence was presented.

I will be in attendance at the November 10, 2009 Commission meeting to discuss the proposed revisions to the Bylaws. As always, I look forward to your ideas and input.

## PLANNING COMMISSION BYLAWS

### Article I. Name

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

### 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.
- B. **Authority.** The Commission is authorized by ORS 227 and Milwaukie Municipal Code ([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 sessions under ORS 192.660.](#)

### Article III. Membership

- A. **Appointment.** Each Commission 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 four years. Commission members ~~shall~~[may](#) serve no more than two consecutive full terms. ~~The, unless there is an interval of at least one term prior to reappointment, provided that 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 shall 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~~[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 ~~Planning~~ 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 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~~Chair and a ~~vice-chair~~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~~Commission's first meeting of the 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 Commission and call special meetings in accordance with these Bylaws and review Commission agendas with the staff liaison. The Chair shall sign all documents memorializing Commission actions in a timely manner after action by the Commission.
- C.** ~~C.~~ **Vice Chair.** During the absence, disability, or disqualification of the ~~Chairperson~~Chair, the ~~Vice-Chairperson~~ Chair shall exercise or perform all duties and be subject to all the responsibilities of the ~~Chairperson~~Chair. In the absence of the ~~Chairperson~~Chair and ~~Vice-Chairperson~~ Chair, the remaining members present shall elect an acting ~~Chairperson~~Chair.
- D.** ~~D.~~ **Staff.** The City of Milwaukie Community Development 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.** ~~A.~~ **Meetings.** The Commission shall 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 shall 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. One extension to no later than 10:30 p.m. is allowed. If a meeting has not concluded at 10:30 p.m., the Commission shall either vote on the Agenda item or vote to continue the item to the next available meeting.

**B.** ~~**B.**~~ **Quorum.** A quorum is four (4) of the voting membership of the Commission. The concurrence of a majority of the Commission members present shall be required to decide any matter. In the case of a tie vote, the matter is not complete. A new motion may be made. 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 Director prior to a meeting that a quorum will not be present at any meeting, the Director shall notify the Commission members. All items scheduled for the meeting shall be automatically continued to the next regularly scheduled meeting. 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 Commission. 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:

- A. Call to order – Procedural Matters
- B. Minutes
- C. Information Items
- D. Audience Participation
- E. Public Hearings
- F. Worksession Items
- G. Planning Department Other Business/Updates
- H. Planning Commission Discussion Items
- I. Forecast for Future Meetings.

**D.** ~~**C.**~~ **Voting.** All members who are present at a Commission Meeting, including the Chair and Vice Chair, are allotted one vote each on all motions. A motion may be made by any Commissioner with the exception of the presiding officer. All Commissioners, when a vote is taken, shall vote unless he or she abstains from voting and cites the reason for the record. The meeting recorder 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 Commission.

**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:

- 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.

Written minutes of a meeting will be made available to the public within a reasonable time after the meeting.

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

**G.** ~~**D.**~~ **Repeal or Amendments.** ~~These bylaws shall be reviewed and updated annually by the Commission and forwarded to the Council for approval. The Planning Commission may review these bylaws periodically and forward suggested revisions to the City Council for approval~~ These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the ~~Milwaukie City~~ Council on its own initiative, or upon a recommendation from the Commission.

**H.** ~~**E.**~~ **Parliamentary Authority.** The parliamentary authority for this Commission is ~~Robert's Rules of Order Revised; these bylaws~~ except where ~~superseded by these bylaws~~ superseded by or local, state, or federal law.

**I.** ~~**F.**~~ **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.

~~**G.**~~ ~~**Duties of Members.**~~ Individuals being considered must be willing to dedicate to, at a minimum, two meetings per month for Planning Commission membership. ~~The Planning Commission shall meet at least once a month, on the second and/or fourth Tuesdays at 6:30 p.m. at a place designated by staff. These meetings may be set aside upon agreement of a majority of the Commissioners and upon compliance with applicable land use laws and procedures.~~

## Article VI. Duties of Officers

**A.** ~~**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 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 ~~at~~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.** ~~**B. Requesting Response and Opinion.**~~ The Chair will ask for response and opinion from the members of the Commission.

~~**C.** **The Chair may mentor the Vice Chair.**~~

**C.** ~~**D. Appointments to Specific Projects on Committees.**~~ The Chair may appoint Commissioners to specific projects or committees, and may select a Commissioner to be ~~spokesman~~spokesperson for the Commission when the Chair or Vice Chair is unavailable.

**D.** ~~**E. Confer with Director.**~~ The Chair or Vice- Chair shall confer with the ~~Community Development~~Planning Director (Director) on a regular basis outside scheduled meetings concerning the direction each expects of the Commission.

**E.** ~~**F. Orientation of New Members.**~~ The Chair, in conjunction with the ~~Community Development~~ Director, shall orient new members.

## Article VII. Duties of the Commission

- A.** ~~**Planning**~~**Duty of Commissioner.** Commission members shall address all those who come before the Commission in a formal and courteous manner.
- B.** **Absence From a Meeting.** If a member is unable to attend a meeting, it is that member's responsibility to inform the Community Development staff and/or the ~~Planning~~ Commission Chair of that fact prior to the meeting to be missed.
- C.** **Site Visits.** Prior to ~~planning~~ Commission meetings, Commissioners are encouraged to visit sites that are subjects for land use actions. If a Commissioner 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 Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest:
  - (a)** The Commission or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the Commissioner;

- (b) Any business in which the Commissioner is then serving or has served within the previous two years; or
- (c) Any business with which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- (2) Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.

**E. Meeting Preparation.** Commission members shall 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 shall 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 he or she is prepared to participate.

**F. ~~D. The commission~~Duties Assigned by Council.** The Commission shall carry out the duties assigned to it by the ~~City~~ Council relating to development, updating, and general maintenance of the Milwaukie Zoning Ordinance, and the Milwaukie Comprehensive plan.

### **Article VIII. Goals and Objectives**

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

Adopted by the Planning Commission of the City of Milwaukie, Oregon with a ~~Quorum~~ quorum in attendance at its regular meeting of ~~June 23, 1998, \_\_,~~ and signed by the ~~Chairperson~~ Chair in authentication of its adoption this ~~23rd~~ \_\_\_\_\_ day of ~~June~~ \_\_\_\_\_, ~~1998, 2009.~~

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~~Mike Smith,~~

Jeff Klein,

Planning Commission ~~Chairman~~Chair

Adopted by the City Council of the City of Milwaukie, Oregon this ~~1st~~ day of ~~September,~~  
1998.

~~Carolyn Tomei~~Jeremy Ferguson, Mayor

## **PLANNING COMMISSION BYLAWS**

### **Article I. Name**

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

### **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.
- B. **Authority.** The Commission is authorized by ORS 227 and Milwaukie Municipal Code (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 sessions under ORS 192.660.

### **Article III. Membership**

- A. **Appointment.** Each Commission 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 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, provided that 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 shall 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 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 Commission's first meeting of the 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 Commission and call special meetings in accordance with these Bylaws and review Commission agendas with the staff liaison. The Chair shall sign all documents memorializing Commission actions in a timely manner after action by the Commission.
- 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 Community Development 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.

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- B. Quorum.** A quorum is four (4) of the voting membership of the Commission. The concurrence of a majority of the Commission members present shall be required to decide any matter. In the case of a tie vote, the matter is not complete. A new motion

may be made. 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 Director prior to a meeting that a quorum will not be present at any meeting, the Director shall notify the Commission members. All items scheduled for the meeting shall be automatically continued to the next regularly scheduled meeting. 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 Commission. The Notice shall remain through the evening on which the meeting is originally scheduled.

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  - I. 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. A motion may be made by any Commissioner with the exception of the presiding officer. All Commissioners, when a vote is taken, shall vote unless he or she abstains from voting and cites the reason for the record. The meeting recorder 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 Commission.
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- 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.

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

- G. Repeal or Amendments.** The Planning 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. Parliamentary Authority.** The parliamentary authority for this Commission is these bylaws except where superceded 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.

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- 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.
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  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.
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- 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.
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- D. **Method of Handling Conflicts by Members.** In accordance with ORS 244.135: (1) A member of the Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest:
  - (a) The Commission or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the Commissioner;
  - (b) Any business in which the Commissioner is then serving or has served within the previous two years; or
  - (c) Any business with which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 (2) Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.
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- b) any additional materials prepared by the planning staff applicable to the application, and
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(2) Declares that he or she is prepared to participate.

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**Article VIII. Goals and Objectives**

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

Adopted by the Planning Commission of the City of Milwaukie, Oregon with a quorum in attendance at its regular meeting of \_\_\_\_\_, and signed by the Chair in authentication of its adoption this \_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Jeff Klein,  
Planning Commission Chair

Adopted by the City Council of the City of Milwaukie, Oregon this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_.

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

## Chapter 2.10 BOARDS, COMMISSIONS, AND COMMITTEES GENERALLY

### 2.10.010 Applicability.

This chapter applies to all city boards, commissions, and committees unless mandated otherwise by state statute or city ordinance, including but not limited to the following boards, commissions and committees:

- A. Budget committee (ORS 294.336 and MMC 2.14, exclusive from monthly meetings);
- B. Center/community advisory board (MMC 2.20 and IGA);
- C. Citizens utility advisory board (MMC 2.11);
- D. Design and landmarks committee (MMC 2.18);
- E. Library board (ORS 357.400 to 357.621 and MMC 2.28);
- F. Park and recreation board (MMC 2.12);
- G. Planning commission (ORS 227-.010—227.030 and MMC 2.16);
- H. Public safety advisory committee (MMC 2.24);
- I. Riverfront board (MMC 2.26); and
- J. Milwaukie arts committee (MMC 2.17). (Ord. 1995 § 2, 2009; Ord. 1979 § 1, 2008; Ord. 1936 § 1 (Exh. 1) (part), 2004; Ord. 1923 § 3, 2003; Ord. 1917 § 2 (Exh. A) (part), 2003; Ord. 1908 § 1, 2002; Ord. 1869 § 2, 2000; Ord. 1793 § 3 (part), 1996)

### 2.10.020 Definitions.

“Board” means a public body created by ordinance or resolution which acts in an advisory capacity to the council in all matters set forth by the enactment establishing the board.

“Commission” means a public body created by ordinance or resolution which acts as a decision-making body on behalf of the city council in all matters set forth by the enactment establishing the commission.

“Committee” means a public body other than a board or commission. Each committee has the authority and responsibility established for it by this code and by state law as applicable. (Ord. 1936 § 1 (Exh. 1) (part), 2004; Ord. 1793 § 3 (part), 1996)

### 2.10.030 Board, commission and committee appointments.

- A. Any individual or group is encouraged to submit names for consideration to the city.

- B. Appointments must comply with any ordinances, bylaws, Charter provisions, or state or federal laws concerning the board, commission, or committee. In the event of any inconsistency between this chapter and any chapter relating to a specific board, commission or committee, the specific chapter shall control.
- C. In order to become more familiar with the applicants' qualifications, the council may interview all applicants for a vacancy.
- D. Reappointment to a board, commission, or committee shall be considered in accordance with the guidelines listed in this section, together with the type of service the individual has already given to the board, commission, or committee and his or her stated willingness to continue. No person may serve more than two (2) successive terms on any board, commission, or committee unless there is an interval of at least one term prior to the reappointment; provided that the council may waive this limitation if it is in the public interest to do so.
- E. Consideration should be given to residents outside the city when the board, committee, or commission or function serves residents outside city boundaries.
- F. No individual should be considered for appointment to a position on any board, commission, or committee where a conflict of interest may result. Board, commission and committee members are public officials and shall not participate in any proceeding or action to gain a financial benefit or to avoid a financial cost for themselves or a relative; any business in which the member is serving or has served within the previous two years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. A relative includes the public official's spouse or domestic partner and children, siblings, spouses of siblings, or parents of the public official and spouses. If the public official has a legal support obligation for an individual or provides or receives benefits from another individual, they also may be defined as a relative of the public official. Any actual or potential conflict of interest shall be disclosed at the meeting of the board, commission, or committee.
- G. Board, commission, and committee vacancies are filled by appointment of the mayor with the consent of council. Appointments are made for terms not to exceed four years and will expire the last day of March unless mandated by state statute or by the city ordinance that established the board, commission, or committee. All board, commission and committee members shall serve without compensation.
- H. Individuals appointed to one board, commission, or committee shall not serve on any other city board, commission, or committee during the term of their appointment. (Ord. 1995 § 3, 2009; Ord. 1936 § 1 (Exh. 1) (part), 2004; Ord. 1810 § 1, 1996; Ord. 1793 § 3 (part), 1996)

#### [2.10.040 Removal.](#)

Members of a board, committee, or commission serve at the pleasure of the governing body. (Ord. 1936 § 1 (Exh. 1) (part), 2004; Ord. 1793 § 3 (part), 1996)

### 2.10.050 Organization and operation.

- A. Bylaws. The council shall adopt bylaws for each board, commission and committee's meetings and the performance of its duties. These bylaws shall be reviewed and updated annually by each board, commission or committee. Bylaws and bylaw revisions shall be reviewed and accepted by council and approved by council resolution.
- B. Annual Work Plan. Each board, commission, and committee shall prepare an annual work plan which will have elements of the city vision and city council goals. These work plans shall be discussed with and approved by the city council in a joint work session.
- C. Staff Support. The city will provide for necessary staff support for the board, commission or committee including postage, meeting place, administrative support service, and new member orientation and training.
- D. Meetings. Each board, commission or committee should meet at least once each month or as needed to conduct its business and shall meet on the call of the chairperson or on call by a majority of its members. All meetings shall be subject to the requirements of Oregon Revised Statutes (ORS) 192.610 to 192.690 (Open Meetings Law). A majority of the voting members shall constitute a quorum for the conduct of business and concurrence of a majority of those members present shall be required to decide any matter. These meetings shall be an opportunity for public involvement in the discussion of issues relating to that particular board, commission or committee.
- E. Authority to Bind. Neither a board, commission, nor committee, as a whole, or any member or members individually or collectively, shall exercise authority to bind the city, its officers or agents to financial commitment or obligations. Any funding for projects must be budgeted by the council, and authorized expenditures presented to the staff for payment. The city may enter into agreements with other public agencies, associations, and individuals for services which will assist the board, commission or committee in carrying out elements of its work plan.
- F. Annual Reports and Minutes. Each board, commission or committee shall report on its activities in a work session with the city council at least annually. The written minutes for each board, commission, or committee shall be made available to council for information.
- G. Ethics Law. Board, commission and committee members appointed by the mayor with the consent of council are considered "public officials." As such, they are expected to abide by the Oregon Government Ethics Law of the State of Oregon (ORS 244.010 to 244.400).
- H. Boards, commissions and committees may be asked to provide comments to other advisory bodies and staff when matters under consideration relate to their functional area of expertise. (Ord. 1995 § 4, 2009; Ord. 1936 § 1 (Exh. 1) (part), 2004: Ord. 1793 § 3 (part), 1996)

## Chapter 2.16 PLANNING COMMISSION

2.16.010 Established—Purpose.

- A. The planning commission is lawfully established for the purpose of reviewing and advising on matters of planning and zoning according to the provisions of the comprehensive plan, zoning ordinance, and other planning implementation documents. The commission shall be responsible for, but is not limited to, the following activities:
1. Keeping current the comprehensive plan and implementing ordinances for the city and urban growth boundary as applicable.
  2. Preparing as necessary legislation that will implement the purposes of the comprehensive plan.
  3. Recommending to the city council plans for regulating future growth, development and beautification of the city, and to review and recommend on regional issues and concerns.
  4. Recommending and making suggestions to the council concerning;
    - a. The laying out, widening, extending, and locating of public thoroughfares, parking of vehicles and relief of traffic congestion.
    - b. Betterment of housing and sanitation conditions.
    - c. Establishment of districts for limiting the use, height, area, bulk, and other characteristics of buildings and structures related to land development.
    - d. Protection and assurance of access to incident solar radiation. And
    - e. Protection and assurance of access to wind for potential future electrical generation or mechanical application.
  5. Recommending to the city council plans for regulating the future growth, development and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants' sanitation, proper service of public utilities and telecommunications utilities, including appropriate public incentives for overall energy conservation and harbor, shipping and transportation facilities.
  6. Recommending to the city council plans for promotion, development and regulation of industrial and economic needs of the community with respect to business and industrial pursuits.

7. Considering and conducting public hearings on the comprehensive plans and zoning ordinances and similar matters which may include, but are not limited to, zone changes, condition uses, subdivisions and partitions.
8. Performing all other acts and things necessary to properly carry out the provisions of ORS Chapter 227 that are not specifically addressed by local ordinances and procedures.
9. The commission shall be responsible for the following historic preservation activities:
  - a. Carry out the duties described for it in this section and otherwise assist the city council on historic preservation matters.
  - b. Review and make recommendations on all partitions and subdivisions of historic properties designated in comprehensive plan Appendix 1—Historic Resources Property List.
  - c. Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places.
  - d. Act as a coordinator for local preservation groups such as the Milwaukie historical society, educational workshops, signing and monumentation projects, and other similar programs.
  - e. Assist the Milwaukie historical society in advising interest groups, agencies, boards, commissions and citizens on matters relating to historic preservation within the city.
  - f. Review and make recommendation on all applications requesting designation or deletion of a landmark and placement or removal on the cultural resources inventory, as provided under zoning ordinance subsection 19.323.5.
  - g. Review and make recommendation on all applications requesting designation or deletion of an historic district as provided under zoning ordinance subsection 19.323.5.
  - h. Review all development, which proposes to alter a landmark, subject to the procedures and criteria set forth in this section.
  - i. Review all demolition permits affecting landmarks, as provided under zoning ordinance subsection 19.323.8.
  - j. Review and make recommendation on all conditional use applications related to landmarks.

- k. Maintain an historic and cultural resources inventory and map of landmarks.
  - l. Develop regulations for the protection of landmarks, such as design guidelines for adoption by the city council.
10. Reviewing the historic resources element of the comprehensive plan.
  11. Providing decisions and/or recommendations to the city council regarding compliance with applicable design guidelines for development projects subject to design review under the zoning ordinance.
  12. Reviewing and recommending appropriate design guidelines and design review processes and procedures to the city council. And
  13. Such other activities as the council may assign.
- B. Coordination with the Design and Landmarks Committee. The planning commission shall meet at least twice annually with the design and landmarks committee for reviewing prospective work program tasks related to urban design, architecture and design guidelines, historic preservation and other areas of responsibility assigned to the committee in Section 2.18.010(A). (Ord. 1936 § 2 (Exh. 1) (part), 2004: Ord. 1802 § 1 (part), 1996)

#### 2.16.020 Membership—Qualifications.

- A. The commission shall consist of seven members appointed by the council, no more than two of whom may be nonresidents. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.
- B. No more than two voting members of the commission may engage principally in the buying, selling or developing of real estate for profit as individual, or be 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. (Ord. 1802 § 1 (part), 1996)

#### 2.16.030 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. (Ord. 1802 § 1 (part), 1996)