ORDINANCE NO. 1995

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 2.10, BOARDS AND COMMISSIONS GENERALLY

WHEREAS, the Mayor with the consent of the Council makes appointments to advisory boards, commissions, and committees as mandated by the state statute or as adopted by City ordinance; and

WHEREAS, Chapter 2.10 identifies and generally defines these advisory bodies, describes how appointments are made, and outlines their organization and operation; and

WHEREAS, certain sections have become obsolete or require clarification or updating;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.10, Boards and Commission Generally is amended to read as follows:

2.10 Boards, Commissions, and Committees Generally

Section 2. 2.10.010, Applicability is amended to read as follows:

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 - .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).

Section 3. 2.10.030, Board, Commission, and Committee Appointments is amended to read as follows:

2.10.030 Board, Commission, and Committee Appointments

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.

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/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.

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 (2) 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 (4) 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.

Section 4. 2.10.050, Organization and operation is amended to read as follows:

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.

Read the first time on 3/3/09, and moved to second reading by 5-0 vote of the City Council.

Read the second time and adopted by the City Council on 3/3/09

Signed by the Mayor on 3/3/09

Jeremy Ferguson, Mayor

ATTEST:

Pat DuVal

Pat DuVal, City Recorder

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

City Attorney