

ORDINANCE NS-2299

AN ORDINANCE AMENDING BEND CODE CHAPTER 1.20, GOVERNMENT AND PROCEDURES

Findings:

- A. The City Council created a subcommittee to review the existing Council Rules.
- B. The City Council is disbanding the Transportation Safety Advisory Committee.

Based on these findings, the City of Bend ordains as follows:

Section 1. Chapter 1.20.005 to 1.20.015 of the Bend Code is amended as stated in the attached Exhibit A.

Section 2. Chapter 1.20.070 of the Bend Code is deleted.

Section 3. All other provisions of the Bend Code remain unchanged and in full effect.

First Reading Date: November 1, 2017

Second Reading Date: November 15, 2017

Adopted by roll call vote on: November 15, 2017

YES: Casey Roats, Mayor
Sally Russell
Bill Moseley
Bruce Abernethy
Nathan Boddie
Justin Livingston

NO: none

ABSTAIN: Barb Campbell



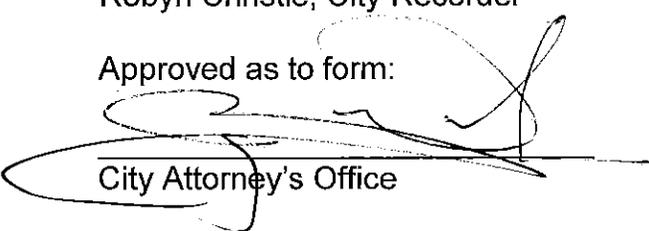
Casey Roats, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



City Attorney's Office

ORDINANCE NS-2299

Chapter 1.20

ADVISORY BOARDS, COMMITTEES AND COMMISSIONS

Sections:

- 1.20.005 Applicability and Authority.
- 1.20.010 Board, Committee, and Commission Appointments and Service.
- 1.20.015 Organization and Operation.
- 1.20.020 Budget Committees.
- 1.20.025 Civil Service Commission – Civil Service System for Fire Personnel.
- 1.20.030 Planning Commission.
- 1.20.035 Urban Renewal Agency.
- 1.20.040 *Repealed* 1.20.050 Bend Economic Development Advisory Board.
- 1.20.060 Arts, Beautification and Culture Commission.
- 1.20.080 Affordable Housing Committee.
- 1.20.090 Landmarks Commission.

1.20.005 Applicability and Authority.

A. Applicability. BC 1.20.005 through 1.20.015 apply to all City boards, commissions and committees, including temporary or ad hoc committees unless mandated otherwise by State statute or City ordinance. Provisions applicable to specific boards, commissions, or committees shall prevail over inconsistent provisions in these general provisions.

B. Unless explicitly authorized by statute, ordinance, or other formal action of the City Council, the authority of boards, committees, and commissions is limited to making recommendations to the Council on matters germane to the committee, board or commission, including planning and execution of Council goals related to the subject area of the committee, board, or commission, or matters referred by the Council within the scope of the committee, board or commission's purpose. No board, committee, or commission, as a whole, or any member or members individually or collectively, may bind the City, its officers, or agents to financial commitments or obligations. The decision-making authority of boards, committees, and commissions is limited to the authority expressly granted by State statute or City ordinance. [Ord. NS-2159, 2011]

1.20.010 Board, Committee, and Commission Appointments and Service.

A. Application. Persons interested in serving on a board, committee or commission shall complete an application and file it with the City.

B. Selection Process. The Mayor and Council members selected by the Mayor may interview applicants for a vacancy. The decision whether to interview applicants or select based on application materials at the Mayor's discretion.

C. Criteria for Appointment. All appointments, including reappointments, to a board, committee, or commission shall be considered in accordance with this section, together with the ability of the applicant to further Council goals and, for reappointments, the individual's overall record of service. Consideration should be given, whenever possible, to representation of backgrounds consistent with the skill set needed for the board, commission or committee, a balance of viewpoints, and diversity, including representation for all of the community. All board, commission, and committee members shall serve without compensation.

D. Resident Requirement. Board, committee and commission members should be residents of the City, except in rare circumstances where the person brings a unique skill that may be needed by a particular committee.

E. Method of Appointment. Board, committee, or commission positions and vacancies are filled by appointment of the Mayor with confirmation by the Council. Council confirmation shall be by approval of a motion.

F. Terms. Unless a different term number or length is provided for a committee under this chapter or state statute, appointments are made for terms not to exceed four years and will expire either January 1 or July 1 depending on the date appointed, if a replacement appointment has been made. Permanent committee or commission members may serve two consecutive terms, or six years, whichever is greater. Unless otherwise

recommended to the Council by the Mayor, an incumbent seeking reappointment will be considered along with other applications. If no replacement is appointed to replace a member whose term is expiring, the member shall remain in office until a replacement is appointed. When the provisions governing membership or terms are amended, the term of existing members shall not be affected unless expressly stated in this Chapter.

G. **Multiple Committees.** Citizens with adequate time available may serve on more than one permanent, ad hoc or temporary commission, board, or committee however, in the selection process, consideration may be given to including as many citizens as possible to foster citizen engagement in Council recommendations.

H. **Removal.** All members of temporary committees serve at the pleasure of the Mayor and may be removed at any time, in the discretion of the Mayor. Members of a board, committee, or commission serve at the pleasure of the Council and may be replaced at any time.

I. **Vacancies.** Vacancies shall be filled in the same manner as an initial appointment, but the appointment shall be for the unexpired term. [Ord. NS-2159, 2011]

1.20.015 Organization and Operation.

A. **Election of Chair and Vice-Chair.** Each permanent board, commission and committee shall elect a chair and vice-chair by motion annually at the first meeting in each calendar year. The chair and vice-chair of temporary committees authorized by (H) below may be selected by the Mayor prior to the first meeting of the committee to best ensure they understand the Council direction for the committee.

B. **Staff Support.** The City will provide necessary staff support for boards, commissions and committees, including postage, meeting place, clerical service, and new member orientation and training.

C. **Meetings.** All meetings shall be subject to the requirements of Oregon Public Meeting Law. A majority of the voting members shall constitute a quorum for the conduct of business and the concurrence of a majority of those members present and voting 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, committee, or commission.

D. **Annual Reports and Minutes.** Except for the Budget Committee, the chair or vice-chair of each committee, board or commission shall report on its activities at the request of Council. The written minutes for each committee, board or commission shall be submitted to the City Recorder or Council for information as requested. Recommendations to the Council shall be submitted with the published agenda prior to the Council meeting at which the matter will be considered and in a form prescribed by the City Record.

E. **State Law and Conflicts of Interest.** Boards, commissions, and committees of the City are subject to State public records statutes. Board, committee, and commission members appointed by the City are considered "public officials." As such, they are expected to abide by State statutes governing conflicts of interest and other applicable provisions of State Ethics Law. Board, committee and commission members with clients who would be affected by action of the board, committee or commission shall declare actual and potential conflicts of interest of their clients and treat the conflicts as if they were their own. Board, committee and commission members are subject to State restrictions on election advocacy.

F. **Comments.** Boards, committees, and commissions may be asked to provide comments to other advisory bodies and staff when matters under consideration relate to their functional area of expertise.

G. **Establishment of Permanent Boards, Commissions, and Committees.** Permanent boards, commissions, and committees shall be established by ordinance, except that boards, commissions, and committees may be established by other means if required or expressly authorized by State statute.

H. **Temporary Committees.** The Council may establish temporary committees (including task forces, ad hoc or advisory committees) by resolution to address specific issues or to engage in specific tasks, within identified timeframes, to make recommendations to Council. The scope of the authority and responsibilities of the temporary committees shall be established in the resolution creating the temporary committees. The Council may follow the recommendations, change the recommendations, reject the recommendations, refer the action back to the committee or take any other action the Council deems appropriate.

I. City Manager Advisory Groups. Nothing in this code is to be construed to prohibit the City Manager or other administrative staff from creating informal groups for the purpose of obtaining information. This includes technical advisory groups, focus groups, and evaluation teams. These groups may or may not be subject to the Public Meetings Law, depending on the role and authority of the group. [Ord. NS-2172, 2011; Ord. NS-2159, 2011]

1.20.020 Budget Committees.

A. The City and the Urban Renewal Agency shall each have a budget committee formed in accordance with State law.

B. Budget committees shall have the rights, responsibilities, and authority provided by State law.

C. A City Budget Committee member may also serve on the Urban Renewal Budget Committee.

D. Citizen members serve a term of four consecutive years and a maximum two terms or six years whichever is greater. Elected members serve for the duration of their term on the Bend City Council. [Ord. NS-2159, 2011]

1.20.025 Civil Service Commission – Civil Service System for Fire Personnel.

A. Establishment.

1. The City of Bend Civil Service Commission is established and shall have the authority and responsibility provided by this code.

2. The Civil Service Rules and Regulations as supplemented by the Fire Association collective bargaining agreement. City personnel policies, City budget and payroll systems shall constitute a civil service system covering employees of the Fire Department as required by State law.

B. The Civil Service Commission shall have the following duties:

1. Adopt and implement rules for Fire Department recruitment, selection, promotions, retention, discipline and discharge.

2. Inspect facilities and operations to implement this section.

3. Investigate written complaints or statements of irregularities or violations of the Civil Service Rules and Regulations.

C. Membership.

1. The City of Bend Civil Service Commission consists of three members who are not officials or employees of the City.

2. All members shall be residents of the City and registered voters of Deschutes County.

3. The term of office of each Commissioner shall be six years, except that the term of office of any Commissioner appointed to fill a vacancy in the office shall be for the unexpired term of the vacant office.

4. The Commission shall elect one of its members as chairperson.

5. Two members of the Commission constitute a quorum, and the votes of two members shall be sufficient for the decisions and the transaction of the business of the Commission.

6. The Commission will hold meetings as necessary for the proper discharge of its duties.

7. Commission members, the Executive Board for the Fire Association, and Fire Department executive staff shall be notified of meeting dates and times.

D. This section does not limit the City's authority to create or abolish positions or to determine compensation for Fire Department employees. [Ord. NS-2159, 2011]

1.20.030 Planning Commission.

A. Powers and Duties. The Bend Planning Commission is established, and shall have the authority and responsibility provided by this code and State law. The Planning Commission is the appointed citizen body that provides recommendations to the City Council on land use policies; makes land use decisions on planning applications; and provides a public forum for community values, visioning and strategic thinking in long range planning. The Commission shall have the following duties:

1. Review those land use applications within its jurisdiction pursuant to applicable laws.
2. Review and act on quasi-judicial decisions on land use applications and appeals of land use decisions pursuant to the City's land use procedures.
3. Periodically review the Comprehensive Plan, as prioritized in a work plan approved by the City Council through its goal setting process or as otherwise directed by the City Council.
4. Act as the Citizen Involvement Committee within the Bend Urban Growth Boundary and advise the City Council on citizen involvement programs. As directed by the City Council, this role may include working with stakeholder groups or citizen advisory committees, to help inform refinement and other land use plans, and/or facilitating community engagement on land use issues with groups such as neighborhood associations or coalitions.
5. Make recommendations to the City Council on Type IV legislative land use actions.

B. Membership.

1. The Bend Planning Commission consists of seven members who are not officials or employees of the City. All voting members shall be residents of the City.
2. No more than two voting members of the Commission may engage principally in buying, selling, or developing of real estate for profit as individuals, 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. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.
3. No Commission member shall serve more than two full terms or 10 years if appointed mid-term, whichever is greater.
4. Consideration shall be given to including representatives of the various geographical parts of the City of Bend.
5. The Commission shall elect a Chair and Vice-Chair to serve one-year terms. Election of the officers shall be held at the first meeting of the Commission in each calendar year, but failure to hold the election at the first meeting in a calendar year shall not invalidate any action by the Commission.
6. City planning staff shall perform administrative functions for the Planning Commission.
7. Four members of the Commission shall constitute a quorum. The Commission may act by a majority of those voting while a quorum is present. The Commission shall meet in accordance with its bylaws. The Commission may adopt and amend rules and regulations to govern the conduct of its business. [Ord. NS-2285, 2017; Ord. NS-2159, 2011]

1.20.035 Urban Renewal Agency.

A. Governance. The Bend Urban Renewal Agency is created and all authority of the Bend Urban Renewal Agency shall be exercised by the City Council. Any act of the Bend Urban Renewal Agency is an act of the Urban Renewal Agency only and not of the City or City Council.

B. Officers and Administration. The administrative responsibilities of the Bend Urban Renewal Agency shall be discharged by City of Bend personnel under the supervision of the City Manager, who shall function as the

executive director of the Bend Urban Renewal Agency. The Bend Urban Renewal Agency may select the following officers by a majority vote:

1. Chairperson. The Chairperson must be a member of the Agency and shall preside at all Agency meetings.
2. Vice-Chairperson. The Vice-Chairperson must be a member of the Agency and shall act as chairperson in the absence of the Chairperson. [Ord. NS-2159, 2011]

1.20.040 Infrastructure Advisory Committee.
Repealed by Ord. NS-2259. [Ord. NS-2172, 2011]

1.20.050 Bend Economic Development Advisory Board.

A. The purpose of the Bend Economic Development Advisory Board (BEDAB) is to:

1. Advocate – Provide input into City policy and procedures from a private sector perspective.
2. Facilitate – Broker entrepreneurial support among existing community resources.
3. Market – Brand and guide marketing efforts of Bend as “Open for Business.”
4. Coordinate – Organize and oversee city resources applied to economic development.

B. BEDAB consists of nine voting members that represent key industries in the City of Bend. In addition, BEDAB shall include the following nonvoting ex-officio members:

1. One member representing the Economic Development for Central Oregon (EDCO);
2. One member representing post-secondary education;
3. One member representing a Visit Bend;
4. One member representing the Bend Chamber of Commerce.

C. Voting BEDAB members shall be appointed by the Mayor with the advice and consent of City Council and shall serve staggered three-year terms. Members shall serve until s/he resigns or a replacement is appointed.

D. BEDAB may establish subcommittees and appoint subcommittee members.

E. Funding for the implementation of the BEDAB strategic plan and the economic development program will be recommended by the BEDAB and allocated and approved annually by the City Council.

F. BEDAB shall:

1. Create a three-year strategic plan for consideration by the City Council.
2. Identify activities and projects that will enhance economic growth in the City of Bend.
3. Work with the Bend Business Advocate on business promotion and support.
4. Report on plans, activities and results achieved by BEDAB to Council.
5. Propose annual revisions to the strategic plan as needed to improve the economic vitality of the City of Bend.
6. Work with the City Manager or his/her designee to direct the activities of the BBA and other staff assigned to BEDAB to ensure the strategic plan is implemented effectively.
7. Advise the City Council on ordinances, policies and activities that affect the economic vitality within the City of Bend.

8. Advise the City Council on the business license program and fees annually. [Ord. NS-2233, 2014; Ord. NS-2172, 2011]

1.20.060 Arts, Beautification and Culture Commission.

A. The purpose of the Arts, Beautification and Culture Commission (ABC Commission) is to provide advice and recommendations on the appropriate role for the City of Bend to take in supporting arts, beautification and culture and to encourage and promote arts, community beautification and culture with emphasis on community gathering, events, cultural tourism and the arts.

B. The ABC Commission may make recommendations to the Council regarding City participation and cooperation in arts, community beautification and culture programs and activities. The ABC Commission shall explore, encourage and monitor outside funding opportunities, and, to the extent funds are budgeted, participate or support arts, beautification, and cultural activities and programs.

C. The ABC Commission consists of four to seven community members who serve three-year terms, a City Councilor and a staff representative from the City. The community members will be selected from diverse backgrounds including but not limited to art, culture and tourism. [Ord. NS-2172, 2011]

1.20.080 Affordable Housing Committee.

A. The purpose of the Affordable Housing Advisory Committee (AHAC) is to advise the City Council and City staff on affordable housing issues.

B. AHAC consists of nine members who serve three-year terms. All members shall have an interest in meeting the needs of very low, low, and moderate income populations in Bend. Existing committee members shall serve the remainder of their existing terms.

C. The AHAC shall include at least one member with the following affiliations, interest or experience:

1. A member of the building and development community.
2. A real estate professional.
3. A member of the business community.
4. A member of the affordable housing development community.
5. A person with experience in lending/financing.
6. A member of a tenant organization.

D. In considering the appointments, the Council shall consider the recommendation of Central Oregon Builders Association as to the member representing the building and development community, the recommendation of the Central Oregon Association of Realtors as to the real estate professional, and the recommendation of the Bend Chamber of Commerce as to the business community representative.

E. AHAC may make recommendations to Council and staff on the allocation of Community Development Block Grant funds and on programs for the promotion of affordable housing. AHAC may make recommendations on the development of criteria for the prioritization and selection of housing projects for affordable housing and CDBG funding, evaluate applications for affordable housing and CDBG funding and make recommendations to the City Council regarding the allocation of funds, furnish citizens with information concerning funding available, eligible uses of funds, and programs and projects. AHAC may provide input on affordable housing plans and provide comments on City affordable housing programs. AHAC may conduct public meetings to obtain public input on the use of affordable housing funds. [Ord. NS-2237, 2015; Ord. NS-2172, 2011]

1.20.090 Landmarks Commission.

A. Membership.

1. The Landmarks Commission is composed of five members with interest in architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture or related disciplines to the extent such professionals are available.
2. Members shall reside within the Urban Growth Boundary.
3. The Mayor, with the advice and consent of the City Council, may appoint two Alternate Commissioners who may take part in any deliberation but may vote only as provided in subsection (D) of this section.

B. Terms of Office. Landmarks Commissioners and Alternate Commissioners serve four-year terms; provided, that at the time of the initial appointment of the Landmarks, two Commissioners and one Alternate Commissioner will be appointed to two-year terms and if reappointed by the Mayor under this Chapter, may serve an additional four-year term for a total of three consecutive terms. Commissioners shall serve without compensation. Any vacancy occurring in a position for any reason other than expiration of a term shall be filled by appointment for the remainder of the term.

C. Duties and Powers. The Commission shall serve as:

1. The hearings body on certain quasi-judicial applications as provided in the Development Code.
2. An advisory body to the City Council on decisions that could affect historic resources.

D. Quorum. Three members of the Commission shall constitute a quorum. The Commission may act by a majority of those voting while a quorum is present. An Alternate Commissioner is counted as part of the quorum and may vote if their participation is necessary to make a quorum. If only one Alternate Commissioner is needed to make a quorum, the Alternate Commissioner who has served the longest time as Alternate Commissioner will be part of the quorum and vote. [Ord. NS-2172, 2011]

