

STAFF REPORT

For Meeting of December 12, 2016

MAYOR AND MEMBERS OF THE CITY COUNCIL

Agenda Item #

NO. 2016-

SUBJECT:

Committee
ordinance changes

Subject

Adopt new committee and commission rules

Summary and Background

On November 14, 2016 in a council work session, the council reviewed some proposed changes to Chapter 32 of the Code of Hermiston and to council policies related to committees. The relatively newly formed committees (Hispanic Advisory and Faith Based Advisory) had not been added to the ordinance. As the ordinance was reviewed a number of other changes were recommended.

Most of the proposed changes are to bring the current practices of the new and existing committees into the ordinance and policy. It also introduces some more flexibility into the ordinance so that meeting dates can be adjusted more easily. It also establishes the membership of the Hispanic Advisory Committee and the Faith-Based Advisory Committee at five members. That is slightly smaller than the current practice at the Hispanic Advisory Committee.

Fiscal Information

The changes proposed do not introduce any cost changes.

Alternatives and Recommendation

There are really two alternatives:

1. Continue working as is and allow the committees to function without an official ordinance.
2. Approve the ordinance as presented to give more structure and endorsement to the committees.

Recommendation

I recommend approval of the proposed new committee ordinance.

Requested Action/Motion

Approve the ordinance and resolution as presented.



City Manager

City of Hermiston

ORDINANCE NO. 2242

AN ORDINANCE REPEALING CHAPTER 32 OF THE HERMISTON CODE OF ORDINANCES AND ADOPTING A NEW CHAPTER 32 ENTITLED BOARDS, COMMITTEES, COMMISSIONS IN ITS PLACE TO ADOPT NEW BOARDS, COMMITTEES AND COMMISSIONS AND RULES.

WHEREAS, the Hispanic Advisory Committee and the Faith Based Advisory Committee have not been recognized as a standing committee of the City in Chapter 32 of the Hermiston Code of Ordinances;

WHEREAS, in an effort to consolidate the different committees, boards, and commissions of the city into one chapter of the Hermiston Code of Ordinances and provide one place of reference for rules of procedure for the different committees, boards, and commissions of the city; now, therefore,

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 32 of the Hermiston Code of Ordinance, entitled “Boards, Committees Commissions, and Department” be, and the same is hereby, repealed.

SECTIOIN 2. A new Chapter 32, entitled “Boards, Committees, Commissions,” containing the desired amendment, is substituted in place of the repealed chapter as Chapter 32 of the Hermiston Code of Ordinances, to read as follows:

Chapter 32
Boards, Committees, Commissions

Section

Creation of Boards, Committees, Commissions

- 32.01 General Provisions
- 32.02 Types of Advisory Boards, Committees and Commissions
- 32.03 Appointment, Term, Removal of Members
- 32.04 Compliance with State Law Required
- 32.05 Officers
- 32.06 Quorum, Meetings, Rules and Voting
- 32.07 Relationship to City Council

Library Board

- 32.08 Library Board established
- 32.09 Membership and Term

- 32.10 Powers and Duties
- 32.11 Meetings

Airport Advisory Committee

- 32.12 Airport Advisory Committee established
- 32.13 Membership and Term
- 32.14 Powers and Duties
- 32.15 Meetings and Voting

Planning Commission

- 32.16 Planning Commission established
- 32.17 Membership and Term
- 32.18 Powers and Duties
- 32.19 Meetings

Hispanic Advisory Committee

- 32.20 Hispanic Advisory Committee established
- 32.21 Membership and Term
- 32.22 Powers and Duties
- 32.23 Meetings and Voting

Faith Based Advisory Committee

- 32.24 Faith Based Advisory Committee established
- 32.25 Membership and Term
- 32.26 Powers and Duties
- 32.27 Meetings and Voting

Budget Committee

- 32.28 Budget Committee established
- 32.29 Membership, Qualification and Term
- 32.30 Powers and Duties

Parks and Recreation Committee

- 32.31 Parks and Recreation Committee established
- 32.32 Membership and Term
- 32.33 Powers and Duties
- 32.34 Meetings and Voting

Recreation Projects Fund Advisory Committee

- 32.35 Recreation Projects Fund Advisory Committee established
- 32.36 Membership and Term
- 32.37 Powers and Duties
- 32.38 Meetings and Voting

Creation of Boards, Committees, Commissions

32.01 General Provisions.

The City Council may create standing citizen advisory boards, committees or commissions to aid the Council in the conduct of public affairs. The City Council may also create ad hoc citizen committees to accomplish a specific task or project. All standing citizen advisory boards, committees and commissions shall be governed by Chapter 32 of this code, except that if application of a provision of Chapter 32 conflicts with an applicable state statute, the state statute shall prevail. The specific enabling provisions for each standing advisory board, committee and commission are contained in Chapter 32 of this code.

32.02 Types of Advisory Boards, Committees and Commissions.

- A. "Ad Hoc Committee" means a temporary committee appointed for a specific term to accomplish a specific task or project. Ad hoc citizen committees shall be established by resolution of the Council. The resolution shall set forth the term of the committee, the task or project to be accomplished, the time line for completion of the task or the project, and such other direction as the Council deems appropriate.
- B. "Advisory Board" means a standing committee that is not required by state law, appointed by the Council to advise and make recommendations to the Council regarding topics as specified in the Committee's enabling provision. Advisory Boards shall be created by general ordinance amending Chapter 32 of this code.
- C. "Commission" means a standing committee that is required by state law or to which the Council has delegated final decision making authority. Commissions shall be created by a general ordinance amending Chapter 32 of this code, except where a commission is appointed pursuant to an independent state mandate.
- D. State statutory committees: Where state law requires a committee to have a specific name, such as in the case of the Budget Committee, that name shall supersede the distinctions created by this section.

32.03 Appointment, Term, Removal of Members.

- A. The City Council shall appoint persons to positions or vacancies on advisory boards, committees or commissions upon the Mayor's recommendation by motion. The Council may interview or otherwise screen applicants for such positions as it deems appropriate.

- B. Qualifications for appointment and term of office for a position on a City advisory board, committee or commission shall be as provided in the enabling provision for such board, committee or commission in Chapter 32 of this code. If a position becomes vacant before the expiration of the term, the Council shall appoint a person to fill the vacancy for the remainder of the term. Initial terms for a newly created advisory board, committee or commission shall be staggered in the resolution of appointment so that a majority of the positions do not become vacant in the same year and so that an equal or approximately equal number of positions become vacant each year. The term of office for positions on an ad hoc committee shall be established in the resolution creating the committee. If a member of an advisory board, committee or commission is qualified pursuant to the enabling provision at the time of appointment but later ceases to be qualified, he or she may nonetheless complete the appointed term. If the Council fails to appoint a successor prior to the expiration of a term of office, the predecessor shall continue in office until a successor is duly appointed.
- C. No person shall be appointed to serve simultaneously on more than two of the standing boards, committees or commissions established under Chapter 32 of this code, without a specific waiver granted by the Council.
- D. When making appointments, the Mayor and Council shall consider the diversity of the membership of boards, committees and commissions including but not exclusively geographic and ethnic diversity.
- E. Members of boards, committees and commissions shall not receive compensation for their services but may receive actual and necessary travel or other expenses incurred in the performance of their official duties as members of the board committee or commission, but only with the prior approval of the City Manager.
- F. Except as otherwise provided in Chapter 32 of this code, members of all city advisory boards, committees and commissions shall serve at the pleasure of the Council. An advisory board, committee or commission may recommend removal of one of its members to the City Council for misconduct or nonperformance of duty. "Misconduct" includes failure to declare a conflict of interest and failure to comply with any applicable requirement of the Hermiston Code. "Non-performance of duty" includes unexcused absence from three or more consecutive meetings, or unexcused absence from four or more meetings within a single calendar year.

32.04 Compliance with State Law Required.

All advisory boards, committees and commissions, and any subcommittees thereof, shall comply with the State of Oregon Public Records Law, Public Meetings Law, Code of Ethics, laws regarding conflicts of interest, and any other applicable state laws. Each committee, advisory board, committee or commission shall be responsible for ensuring that its subcommittees comply with these laws.

32.05 Officers.

- A. Each advisory board, committee and commission shall elect a Chair and a Vice-Chair from its membership at its first regular meeting of each fiscal year. Nothing in this sub-section shall prevent appointment of Co-Chairs, as the advisory board, committee or commission deems appropriate. Co-Chairs shall divide or share the powers and duties of the Chair as the advisory board, committee or commission deems appropriate.
- B. The Chair shall:
 - 1. Set the agenda. Any member of the committee, advisory board, committee or commission may request that an item of business appear on the agenda. The advisory board, committee or commission may by majority vote compel that item be placed on the agenda.
 - 2. Preside at all meetings.
 - 3. Be responsible for maintaining communication with the Council liaison and City staff assigned to the Committee.
 - 4. Call special meetings. A majority of the members of the advisory board, committee or commission may also call a special meeting.
 - 5. Be responsible for attendance of members and report to the Council if and when repeated absences impair a member's ability to serve on the advisory board, committee or commission.
- C. The Vice-Chair shall exercise the duties of the Chair in the Chair's absence.
- D. City staff shall serve as secretary to the committee. The City Manager shall determine which Department or staff person shall staff an advisory board, committee or commission.

32.06 Quorum, Meetings, Rules and Voting.

- A. Quorum: A majority of the members of an advisory board, committee or commission shall constitute a quorum for the conduct of business.
- B. Vote: Except as otherwise expressly provided by the City Code or other applicable law or regulation, the concurrence of a majority of all members eligible to vote shall be necessary to decide any question. [*Oregon Attorney General's Public Records and Meeting Manual*, Appendix L-3, page 438 (2014)] An abstention does not count as either an affirmative or a negative vote. Nevertheless, a member who is present but abstains may be counted toward making up a quorum.
- C. Meetings: An advisory board, committee or commission, in consultation with staff, shall establish a regular meeting at such time, interval, and place as the advisory

board, committee or commission deems necessary. Special meetings may be called as provided in subsection 32.05.

- D. Rules of Procedure: An advisory board, committee or commission may from time to time adopt and amend rules of procedure consistent with the laws of the state, the City Charter, and any other applicable provisions of the City Code.
- E. Recommendations: All recommendations to the Council shall be made in writing.
- F. Subcommittees: No advisory board, committee or commission shall appoint a standing subcommittee, an outside advisory committee or an ad hoc subcommittee without first obtaining approval of the City Council. The City Council may approve, deny or modify the request to create a subcommittee. Prior to voting to request the Council to approve creation of a subcommittee, the advisory board, committee or commission shall first request and consider a report from staff regarding the costs and time involved in staffing such a subcommittee. Any request to form such subcommittees shall be submitted to the City Council in writing and shall contain:
 - 1. An explanation of the function of and need for the subcommittee;
 - 2. The number and any qualifications of its members;
 - 3. The staff analysis of the cost and time involved in staffing the subcommittee; and
 - 4. If the subcommittee is an ad hoc subcommittee, a deadline for completion of the ad hoc subcommittee's responsibilities.

32.07 Relationship to City Council.

- A. Council Authority. The City Council is the elected legislative and policy making body of the City. Unless governed by a specific state mandate, advisory boards, committees and commissions are appointed pursuant to the Council's authority and shall have only those powers and functions as expressly delegated by the Council. Generally, advisory boards, committees and commissions are expected to provide advice and recommendations to the Council and help the Council implement the Council goals. Council members may attend meetings of the affected advisory board, committee or commission. A councilor may not speak on behalf of the City Council at a board, committee or commission meeting unless authorized to do so by the Council.
- B. Annual Meeting. The City Council may hold an annual meeting with each standing advisory board, committee and commission except the Budget Committee. The purpose of such meeting will be to note accomplishments, to address concerns and to discuss issues related to the duties and activities of the advisory board, committee or commission. Annual meetings of related advisory boards, committees or commissions may be held jointly, as the Council deems appropriate.

- C. Council Liaison. Each year the Mayor appoints a liaison or liaisons from the City Council to each advisory board, committee and commission. The purpose of a Council liaison is to provide a direct line of communication between the advisory board, committee or commission and the City Council. Council liaisons and the chair of the affected advisory board, committee or commission shall have joint obligation to keep the Council and the advisory board, committee or commission informed of relevant City or advisory board, committee or commission information. Council liaisons to each advisory board, committee and commission may be rotated annually.
- D. Expenditure of Funds. No advisory board, committee or commission shall have the authority to expend City funds, or to obligate the City for payment of any sum of money, except as expressly delegated or authorized by prior approval by the City Council.
- E. Additional Duties and Projects. In addition to the duties established for each advisory board, committee or commission in its enabling provision contained in COH Chapter 32, the City Council may from time to time assign an advisory board, committee or commission such other duties or projects as the Council deems appropriate.

LIBRARY BOARD

32.08 Library Board Established

A public library called the Hermiston Public Library was established in 1915 with a Library Board having been appointed under the provisions of state law, ORS 357.456.

32.09 Membership and Term.

- A. The Hermiston Public Library Board is composed of five members.
- B. Public Library Board members shall serve four year staggered terms running from July 1st through June 30th. One member shall initially hold office for one year, one for two years, one for three years, and two for four years from July 1 in the year of their appointment. Board members may serve two consecutive full terms. Appointment to fill an unexpired term does not apply to this limitation. Any person may be appointed again to the board after an interval of one year.

32.10 Powers and Duties.

The Board will oversee and advise the Librarian, Mayor and Council on the following topics:

- rules and policies for the governance of the library;
- preparation and submission of an annual budget request;

expenditures from the library fund;

the acceptance, use or expenditure of any real or personal property or funds donated to the library;

working with the Umatilla County Library District; and

such other activities as the Librarian, Mayor and Council may request.

32.11 Meetings.

The Library Board's regular meetings will be held at least quarterly at a time and date decided by the Board.

AIRPORT ADVISORY COMMITTEE

32.12 Airport Advisory Committee established.

There is hereby created the Hermiston Airport Advisory Committee to advise the Mayor, Council and City Manager on all airport matters.

32.13 Membership and Term.

- A. The Hermiston Airport Advisory Committee is composed of five members.
- B. Airport Advisory Committee members shall serve three year staggered terms from November 1st to October 31st.

32.14 Powers and Duties

- G. The Committee shall promulgate rules governing the commercial and noncommercial aeronautical activities on the Hermiston Airport, which rules shall not abridge, enlarge, or modify the rules and standards of the Federal Aviation Administration. The rules thus adopted and any amendments which may be adopted from time to time shall be submitted to the Council and shall go into effect the first day of the month following the close of the City Council meeting at which the rules were considered, unless the Council shall provide an earlier effective date. The Council may, by resolution, amend, repeal or supplement any of the rules.
- H. In addition to the requirements imposed by state law, with respect to any meeting at which final action will be taken on the promulgation, modification or repeal of a rule under division (A), the Committee shall cause to be posted at the Hermiston Airport a notice which shall include the time and place and a description of the substance of the agenda of the hearing or meeting at least two weeks before such hearing or meeting.
- I. The Committee or City Recorder shall make available upon request by anyone a copy of any rule which the Committee proposes to promulgate, modify or repeal.

- J. The Recorder shall cause the rules which have become effective under (A), as they may be amended, repealed or supplemented by the Council, to be arranged, indexed, printed, published and annotated.

32.15 Meetings and Voting.

The Airport Advisory Committee's regular meetings will be held at least quarterly at a time and date decided by the Committee. The concurrence of a majority of members present and eligible to vote shall be necessary to decide any question.

PLANNING COMMISSION

32.16. Planning Commission established.

Pursuant to the authority contained in the Charter and ORS 227.020, there is hereby created a city Planning Commission.

32.17 Membership and Term.

- A. The Hermiston Planning Commission is composed of nine members.
- B. Planning Commission members shall serve three year staggered terms running from April 1st to March 31st.

32.18 Powers and Duties.

The Commission shall have all the powers which are now or hereafter granted to it by this code, other ordinances and resolutions of the city, and by general laws of the state.

32.19 Meetings.

The Planning Commission's regular meetings will be held at least quarterly at a time and date decided by the Commission.

HISPANIC ADVISORY COMMITTEE

32.20 Hispanic Advisory Committee

The City of Hermiston Hispanic Advisory Committee is established to advise the Mayor, City Council and City Manager on Hispanic affairs as they relate to the City of Hermiston.

32.21 Membership and Term.

- A. The Hermiston Hispanic Advisory Committee is composed of five members with ties to Hermiston's Hispanic community.
- B. Hispanic Advisory Committee members shall serve three year staggered terms running from July 1st to June 30th.

32.22 Powers and Duties

The Hispanic Advisory Committee provides a means of communication between the City's Hispanic community and the City's elected and appointed officials. The Committee also provides representatives that the City's Hispanic community can contact with issues, concerns, and problems which relate to the City of Hermiston. This enhanced communication will assist in the development of a stronger community that is respectful of all nationalities, races, ethnic groups and cultures.

32.23 Meetings and Voting.

The Hispanic Advisory Committee's regular meetings will be held at least quarterly at a time and date decided by the Commission. The concurrence of a majority of members present and eligible to vote shall be necessary to decide any question.

FAITH-BASED ADVISORY COMMITTEE

32.24 Faith Based Advisory Committee established.

The City of Hermiston Faith-Based Advisory Committee is established to advise and assist the Mayor, City Council and City Manager on policy issues where faith-based leaders can be effective working in conjunction with the City of Hermiston.

32.25 Membership and Term.

- A. The Hermiston Faith-Based Advisory Committee is composed of five members with a connection to Hermiston's faith based community.
- B. Faith-Based Advisory Committee members shall serve three year staggered terms running from January 1st to December 31st.

32.26 Powers and Duties.

The Faith-Based Advisory Committee provides a means of communication between the City's Religious community and the City's elected and appointed officials. The Committee can help determine where the City can have a positive impact on the quality of life of the residents of the City of Hermiston.

32.27 Meetings and Voting.

The Faith-Based Advisory Committee's regular meetings will be held at least quarterly at a time and date decided by the Committee. The concurrence of a majority of members present and eligible to vote shall be necessary to decide any question.

BUDGET COMMITTEE

32.28 Budget Committee established.

Pursuant to ORS 294.414, the City of Hermiston Budget Committee is hereby created.

32.29 Membership, Qualifications and Term.

- A. The committee is made up of the city council and an equal number of appointed citizen members.
- B. Appointed members:
 - 1. Must reside inside the city limits;
 - 2. May not be officers or employees of the city; and
 - 3. Must be qualified voters of the city.
- C. Budget Committee members serve 3-year staggered terms running from January 1st to December 31st, such that approximately one-third of the terms of appointed members end each year. Members may apply for reappointment.

32.30 Powers and Duties.

The Budget committee shall be responsible for reviewing the budget message and the budget document. The committee may request and receive any information it requires for the revision and preparation of the budget document and may compel the attendance of any such officer or employee at its meetings. Once satisfied with the budget document, the committee will approve the document and forward it to the city council for public hearing and adoption.

PARKS AND RECREATION COMMITTEE

32.31 Parks and Recreation Committee established.

The City of Hermiston's Parks and Recreation Committee is hereby created and established to advise the Mayor, Council and City Manager on items related to the Parks system and the Recreation programs of the City of Hermiston.

32.32 Membership and Term.

- A. The Hermiston Parks and Recreation Committee is composed of seven members.

- B. Parks and Recreation Committee members shall serve three year staggered terms running from November 1st to October 31st.
- C. Applicants who reside within the Hermiston city limits shall be given preference for appointment to the Parks and Recreation Committee.

32.33 Powers and Duties.

The Parks and Recreation Committee shall act in an advisory capacity to the City Council on all park and recreation matters and act as the community tree board.

32.34 Meetings and Voting.

The Parks and Recreation Committee's regular meetings will be held at least quarterly at a time and date decided by the Committee. The concurrence of a majority of members present and eligible to vote shall be necessary to decide any question.

RECREATION PROJECTS FUND ADVISORY COMMITTEE

32.35 Recreation Projects Fund Advisory Committee established.

The City of Hermiston's Recreation Projects Fund Advisory Committee is hereby created and established to advise the Mayor, Council and City Manager on items related to allocation of transient lodging funds to recreation related projects.

32.36 Membership and Term.

- A. The Hermiston Recreation Projects Fund Advisory Committee is composed of five members as set out in Section 112.27 of this code.
- B. Recreation Projects Fund Advisory Committee members shall serve three year staggered terms running from January 1st to December 31st.
- C. Members of this committee shall live within the boundaries of the Hermiston School District.

32.37 Powers and Duties.

The City of Hermiston's Recreation Projects Fund Advisory Committee solicits applications for and then makes recommendations to the Mayor, Council and City Manager on items related to allocation of transient lodging funds to recreation related projects pursuant to Section 112.27 of this code.

32.38 Meetings and Voting.

The Recreation Projects Fund Advisory Committee's regular meetings will be held at least annually at a time and date decided by the Committee. The concurrence of a majority of members present and eligible to vote shall be necessary to decide any question.

SECTION 13. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

PASSED by the Common Council the 12th day of December 2016.

SIGNED by the Mayor this 12th day of December 2016.

DAVID DROTZMANN, MAYOR

ATTEST:

ASSISTANT CITY RECORDER